

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 1:34 p.m. on February 12, 2004 in Room 123-S of the Capitol.

All members were present:

Committee staff present:

Kathie Sparks, Legislative Research
Theresa Kiernan, Office of the Revisor of Statutes
Judy Steinlicht, Committee Secretary

Conferees appearing before the committee:

Dale Dennis, Deputy Commissioner, State Department of Education
Jesus (Jesse) Bernal, USD #457 Garden City - Milken Family Foundation Award Winner
Charles (Charlie) Jenney, USD #259, Wichita - Milken Family Foundation Award Winner
Pat Terry, USD #385, Andover & Chairman of United School Administrators (USA) School Finance Task Force
Kathy Cook, Kansas Families United for Public Education
Dr. Ray Daniels, Superintendent of USD 500, Kansas City, KS
Theresa Kiernan, Revisor of Statutes

Others attending:

See Attached List

Milken Family Foundation National Educators Awardees

Dale Dennis, Deputy Commissioner, State Department of Education introduced the two Milken Family award winners for 2004, Jesse Bernal from USD #457 Garden City and Charlie Jenney, USD#259, Wichita.

Jesse Bernal shared that he grew up as a migrant worker in South Texas in a family of twelve. He dropped out of school in eleventh grade and traveled around the country for a few years. He returned to school, graduated, then served in US Army. He used the GI bill to go back to school. He became an RN and worked for 10 years and loved it, but he saw a big need for Spanish role models in the Garden City schools as his children were growing up. He went back to school traveling 100 miles every day to get his teaching degree. He has now taught for 15 years in Garden City. He teaches 9th to 12th grade Spanish 1 to Spanish 5. He told the story of Jose and how he relates to the students.

Charles Jenney said his experience growing up was almost totally opposite of Jesse's and found it exciting that they ended up the same. He told the committee that he was the fourth generation of a family of physicians. He decided he wasn't going to be a physician and went into consulting for 5 years traveling all over the country. When he married, he decided he wanted to be closer to home. His job again was forcing him to travel so went to work for the Chamber of Commerce in Elsmore, Kansas. He knew he wanted to serve his community and decided to go back to school to get his teaching degree. He is certified in biology, chemistry, math, and middle school general science. When he started teaching 7th & 8th grade, he taught 90 students a day and with budget cuts he now sees 160 students a day which prevents him from being in touch with each student. He shared a story of two students, one who was contemplating suicide and one who could not come to school every day because she and her sister shared a pair of shoes. This should not be happening in Kansas and the only way to get children like her out of this cycle is to give them a good education.

Hearings on SB403—Schools; school finance; education first plan

Pat Terry, USD #385, Andover and Chairman of United School Administrators (USA) School Finance Task Force presented testimony supporting recommendations of the Legislature's study on the cost of a suitable education which proposes a base budget per pupil and supports an annual adjustment in the base which reflects the increased inflationary cost of providing basic services. USA believes increasing the state aid \$250 per pupil over 3 years is a step in the right direction. USA requests that the legislature fully

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:34 p.m. on February 12, 2004 in Room 123-S of the Capitol.

fund the excess cost of special education services through the current categorical funding plan and they recommend that a five-year average be used in determining the budgets of districts experiencing a decline in enrollment. USA will also support implementation of voluntary all-day kindergarten programs and adding a state aid component to Capital Outlay funding. USA believes **SB403** is a good first step in the right direction. (Attachment 1)

Kathy Cook, Kansas Families United for Public Education testified in support of the Governor's Education First plan. Kathy stated disappointment in the legislature's failure to offer an alternative plan and she said that failure gave them no choice but to support the Governor's plan and urged the committee to give this plan their approval. (Attachment 2)

Dr. Ray Daniels, Superintendent of USD 500, Kansas City, KS gave testimony in support of **SB403**. He believed the Governor's plan will be beneficial to all Kansas students. (Attachment 3)

Terry D. Holdren, Kansas Farm Bureau provided written comments regarding **SB403** and education in Kansas. They believe the increases in funding will ensure that children from the roughest of circumstance will have the opportunity to flourish. Providing health care for teachers by 2007 will encourage teachers and other professionals to continue their service to Kansas children. They are concerned about the impression that simply funding education at higher levels will naturally result in children who perform better on standardized testing. They also believe the decision to consolidate should be made at the local level. (Attachment 4)

HB2145—Postsecondary educational institutions, resident tuition and fees for certain noncitizen students

Theresa Kiernan, Revisor of Statutes, explained two amendments in **SB302** that are not in **Sub HB2145**. 1.) A requirement that the individual would file an affidavit that the individual has or is taking steps to legalize his immigration status or to become a citizen of the U.S. and 2.) The provisions would not apply to any person who qualifies for tuition as a resident of another state.

Chairman Umbarger advised the committee that it was his desire to pass **HB2145** out of the committee without amendments. The bill was studied in an interim committee and these issues have been dealt with for almost 2 years. Chairman Umbarger would like to then pass **SB302** with the amendments and amend **SB302** into **HB2008**.

A motion remains on the floor from February 11, 2004. The motion to recommend **HB2145** favorably for passage was delayed due to discussion and it was the intention of the Chairman to deal with the bill at a meeting at the rail upon adjournment. The Senate session did not end until late that evening and the meeting at the rail was canceled leaving the motion on the floor. The motion was made by Senator Oleen, it was seconded by Senator Downey. Motion carried with 9 yeas and 2 nays.

Senator Teichman made a motion to recommend **SB302** favorably for passage with the amendments described by Theresa Kiernan today and to put the contents of **SB302** into **HB2008**. Seconded by Senator Downey. Motion carried with 10 yeas and 1 nay.

A motion was made by Senator Downey to approve the minutes for February 4 and February 5. Second by Senator Vratil. Motion carried.

Meeting adjourned at 2:30 p.m. The next meeting is scheduled for February 16, 2004.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2-12-04

<u>NAME</u>	<u>REPRESENTING</u>
Ronda Hasaj	Natl. Board Certified Teacher
PETE ROMAN	KANSAS FAMILIES UNITED FOR PUBLIC EDUCATION
Royceann Mather	"
Kathy Cook	"
Pat Terry	United School Administrators
KENT HURN	
Alan Peterson	Lb Co. Farm Bureau
Kristen McKimzie	Labette County FFA Chapter
Trace Goodwin	Labette County FFA Chapter
Trent Page	Labette County FFA
Sherry Bukovatz	Ks Dept of Education
Karla Denny	KS Dept of Education
William Anschutz	OS Co FB
Mike Schyler	Labette County FFA Chapter
Beth Reust	USD 380 Vermillion
Carol Woolbright	Southeast Kansas Education Greenbush
Jim Menze	USA
John Koepke	KASB
Cindy D'Ercole	Kansas Action for Children
Don M. Reza	Myself
Dow Perkins	Elk County Farm Bureau
Adam Ashley	Gov. Office
Scott Henson	USA KAESP

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2-12-04

<u>NAME</u>	<u>REPRESENTING</u>
Raymond Thomas	Funding Public Schools . Com
Amanda Gittinger	FHSU
Anita Walker	FHSU
Barb Thompson	Kansas Families United for ^{Public} Education
Todd Tobin	KFB
Darrel Brant	KFB
ROYALD SCHIEWE	KFB
LeeAnn Fleming	LCHS FFA (Farm Bureau)
Eric Soeama	LCHS FFA
Jim Sullinger	KC Star
Mary Hillebrandt	Alan Cobb & Associates
Kent Guren	USA
Wade Anderson	KNEA
Ray L Jones	USD 500 KCH
Denise Ape	U.S.D. #500
Larrie Annlower	KATH
Bruce Lindsay	KNEA
Carolyn States	KFB
Nodie Weekshear Johnson	Patrice Hurley & Co.
Jerry McReynolds	KFB
Bob [unclear]	KFB
Danell [unclear]	KFB

Senate Education Committee
February 2, 2004
Testimony Submitted by United School Administrators (USA) of Kansas

Thank you for this opportunity to testify regarding the United School Administrators position on Senate Bill 403, the Governor's Education First Plan.

The USA School Finance Legislative platform has three key planks:

First, we support the recommendations of the Legislature's study on the cost of a suitable education which proposed a base budget per pupil of \$4,650 (in 2001 dollars). We also strongly support an annual adjustment in the base which reflects the increased inflationary costs of providing basic services. Senate Bill 403, which increases the base state aid by \$250 over 3 years per pupil, is a step in the right direction. Additionally, we applaud the longer range approach to funding which will enable all of us to better manage our educational systems.

Second, we continue to request that the legislature fully fund the excess cost of special education services through the current categorical funding plan. We appreciate the fact that Governor Sebelius has withdrawn the proposal for census-based funding of special education.

Finally, we recommend that a five-year average be used in determining the budgets of districts experiencing a decline in enrollment.

Since our platform was adopted, Judge Bullock has issued a preliminary order and memorandum decision in the school finance case which question the adequacy and equity of the current school finance system.

The Education First plan proposed by Governor Sebelius addresses several of the concerns raised by Judge Bullock including at-risk, bilingual, and correlation weighting. It calls for a gradual implementation of voluntary all-day kindergarten programs which research has shown provide particular help for at-risk students. The plan also proposes to add a state aid component to Capital Outlay funding.

USA can support all of these proposals.

The proposal to require all districts to provide a health insurance plan, while a laudable goal, will be more difficult for many districts. We believe that all Kansans should have access to affordable health insurance. We support all Kansas school districts having the ability to access the state health plan in order to provide insurance for their employees. We believe however, that the funding priorities available through increases in the Base State Aid provided, are best determined by local boards of education and their employees.

With the new federal mandate of No Child Left Behind (NCLB), we have abandoned a goal of universal access, and adopted instead the noble and worthy goal of universal proficiency. Unfortunately, as with the special education mandate, we have already begun to see the federal government back off the funding promises of NCLB.

In order to achieve these new, lofty goals, schools will require more resources,

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especially for our most needy children.

In 2001, the base state aid per pupil was \$3,870. Today, it stands at \$3,863. And yet in that period all of us have faced large increases in the costs of "doing business." As examples, the family health insurance premium in Andover rose 36% from \$590 per month to \$803. Even with that increase, benefits had to be reduced while co-pays were increased.

In 2002, the bill for property, casualty, liability and workman's compensation insurance was \$138,000. In 2003, the coverage, with larger deductibles, rose to \$219,000.

Textbook costs continue to skyrocket. This fall, the district paid \$170 for Advanced Placement Calculus textbooks. Most textbooks cost at least \$50 apiece.

In order to cope with increased fixed costs, discretionary spending has been slashed. Supply and equipment budgets have been cut 30%. The School Resource Officer position has been eliminated. Technology and Transportation purchases have been delayed. Textbook adoptions have been moved from a 5 year replacement cycle to one of 7 years. Maintenance items such as roof replacement and parking lot repairs have been deferred.

These examples are not unique to Andover but are typical for districts across the state.

It is the belief of the United School Administrators of Kansas that the obligation for providing a "suitable" education for every child in Kansas lies with the legislature. As part of that suitability, any plan must provide all children with access to equitable resources, opportunities and results.

Senate Bill 403 is a good first step in the right direction. And a step which reverses the dangerous and damaging trend of recent years.

Patrick A. Terry
Superintendent of Schools
Andover, U.S.D. #385
Chair, United School Administrators School Finance Task Force

Testimony by Kathy Cook, co-founder, Kansas Families United for Public Education, in support of Education First

Delivered Feb. 12, 2004, before the Senate Education Committee

Good afternoon. On behalf of Kansas Families United for Public Education, I offer my thanks to the committee for this opportunity.

To begin, let me make it very clear that our organization's support for this proposal is in no way based on partisan politics. Kansas Families is a bipartisan organization that has supported both Republican and Democratic candidates. Our only agenda is suitable funding for our public schools.

To be frank, our organization was looking forward to seeing, and evaluating, a proposal from the legislature that would also be designed to satisfy our two fundamental goals: sufficient funding for public education, and a funding plan that would keep these vital decisions in the hands of our elected representatives, rather than the courts. We were hoping for a vigorous but responsible debate, in which dedicated public servants from both parties would present their programs for public review. From that process, we hoped to see a compromise emerge that could win a majority vote in both houses of the legislature, the governor's signature, and approval from the Kansas Supreme Court.

Instead, all we have seen from the legislature is criticism, obstinacy and unseemly personal attacks on Shawnee County District Judge Terry Bullock, behavior that is beneath the dignity of an elected official of the great state of Kansas. As late as Tuesday of this week, our organization sent an e-mail to the Republican leaders of this committee, asking for details on a possible alternative proposal. We have yet to receive a response. Our disappointment in the legislature's failure to offer an alternative plan, at this late date, is deep and profound.

That failure leaves us no choice but to give our endorsement to the governor's Education First plan – a proposal that, while not perfect, offers the most comprehensive, visionary and courageous solution to our state's school funding crisis that has been seen for more than a decade.

Our organization urges this committee to give this proposal its approval.

When we say that this plan is not perfect, our chief complaint is that it does not go far enough. We would like to see larger tax increases and even greater increases in funding for our schools, enough to meet the standards set by the Augenblick & Myers study commissioned by this legislature to determine what constitutes a suitable education, as the Kansas Constitution demands.

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But Education First is a good first step, and it remains, as of today, not only the best plan for resolving this crisis, but the only serious plan on the table that addresses the legitimate needs of public schools and also strives to keep control of education in the democratic process instead of in the courts.

Let us be clear about the consequences of inaction. Judge Bullock, despite the strident and animated criticism he has endured from members of the legislature, has been acting at the direction of the state Supreme Court. It is their impatience and dissatisfaction that this committee, and the entire legislature, should be striving to avoid.

In recent days, the Arkansas Supreme Court simply got tired of waiting for that state's legislature to act responsibly. As a result, that state is now facing a \$400 million tax increase. Judge Bullock's preliminary decision suggested a \$1 billion figure. Is the legislature's strategy simply to hope that they will get a better deal from the Supreme Court? If so, they are betting the future of this state, and every taxpayer in it, on that hope.

We prefer Education First to the legislature's roll of the dice. This plan preserves the existing local option budget. It calls for a moderate, balanced and fair combination of increases in property, sales and income tax, so that every resident of the state will pay a fair share. It calls for no increases in business taxes, so that the benefits of better schools for economic growth and workforce development will not be compromised.

Most importantly, it represents a vital investment in the future of Kansas. Our parents, grandparents, and ancestors further back made sacrifices to invest in great schools. Their sacrifices made possible the comforts and progress that we enjoy today. If we do not make the same sacrifices and invest in a future for our children, then we stand branded as the most selfish generation in Kansas history. And for that, we should be ashamed.

Please put reelection campaigns and party politics aside so that you may fulfill the oath you took to uphold the Constitution of Kansas and provide ALL Kansas children with a suitable education. 500,000 students across this state are depending on you.

**Testimony, Senate Education Committee, Senate Bill 403
Dr. Ray Daniels, Superintendent of Schools
Kansas City, Kansas Unified School District 500**

Mr. Chairman and members of the committee, I want to thank you for allowing me this opportunity to speak to Senate Bill 403. I represent the Kansas City, Kansas Unified School District 500, a district of approximately 20,000 students.

Governor Sebelius has proposed an Education First Plan that is beneficial for all students in Kansas and is especially significant for students in Wyandotte County and other communities which have large numbers of at risk and bilingual students. The plan is crucial and needed because the Governor has provided additional funds for all students in the state by increasing the BAPP over the next three years and has also targeted particular groups of students who need additional resources: at-risk (77 percent of KCK students qualify for free or reduced lunch), English as Second Language (growing enrollment in KCK and across the state) and kindergarten students.

Kansans are rightfully proud of the academic achievements of our students, but the reality is that too many Kansas students are not achieving at the levels needed for them, their communities, and our state. We see this every year in the achievement gaps in our state assessments among white, African-American, and Latino students and between those students qualifying for free or reduced lunch and those paying full prices. The additional funds provided in the governor's plan will help all students in Kansas achieve at higher levels, will also assist districts in closing these gaps, and will prevent our state from having a two-tiered system of public education which would have the result of leaving thousands of our neediest students behind.

The Governor's plan is an investment in the future economic development of Kansas. The strengthening of our economy is important for the well-being of our state and its citizens. It is essential that our current and future students be able to share in the economic revitalization of our state and county by being well prepared to fill a growing number of jobs. This is especially true in Wyandotte County where we are seeing an economic renaissance. However, without a quality education, those opportunities will be lost for thousands of young people in our county and across the state. Education is the fuel that drives the state's economic development engine.

We should never sell our citizens short in their interest in education and their willingness to fund quality schools. As school districts we should never lose sight of the public's expectation for quality schooling which meets the needs of all students. In KCK we have been successful in raising student achievement scores in the past few years. The district also has been successful in closing the achievement gap for minorities and students living in poverty. But while progress is being made, much more needs to be done. The state's Quality Performance Accreditation program and the federal No Child Left Behind law raise the accountability for schools to levels never before seen. Without additional funds to hire and maintain quality teachers and principals, provide additional time and resources for learning, and maintain quality programs and facilities, many, if not all, schools and districts will not meet these new levels of accountability in the coming years. This is especially true in districts with large numbers of children living in poverty and English language learners. Districts simply will not be able to meet the challenges of meeting the educational needs of every student without additional finances.

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Schools and school districts have persevered despite inadequate funding. But just persevering will not be enough in the future. If all students are to reach proficiency level, additional funding will be required. The governor has proposed a bold Education First Plan. We are aware that it calls for sacrifices through new taxes, but the benefits to be gained are great. The new money is truly an investment in the future of Kansas and its developing workforce.



Kansas Farm Bureau

2627 KFB Plaza, Manhattan, Kansas 66503-8155 • 785.587.6000 • Fax 785.587.6914 • www.kfb.org

PUBLIC POLICY STATEMENT

SENATE EDUCATION COMMITTEE

Re: SB 403—Providing Education for Kansas Children

**February 12, 2004
Topeka, Kansas**

**Terry D. Holdren
Associate State Director—KFB Governmental Relations**

Chairman Umbarger and members of the Senate Education Committee, thank you for the opportunity to share our thoughts regarding the Governor's proposal for K-12 education in Kansas. As you know Kansas Farm Bureau, (KFB) is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

This legislation and the challenge currently facing you regarding education is evidence of the very real changes facing the citizens of Kansas. The trends of depopulation of our rural communities and the urbanization of parts of our state require that you consider fundamental changes in the way we prepare our children for success in the future. The bill before you today goes some distance in maintaining what is currently a very solid educational system. Increases in base state aid, at-risk weighting, bi-lingual weighting, and funding for all day kindergarten, will ensure that children from the roughest of circumstances have the opportunity to flourish. The plan also requires districts to provide health insurance to employees by 2007 which will encourage teachers and other professionals to continue their service to Kansas children instead of migrating to better paying schools in other parts of the country.

KFB policy, developed through a grass-roots process, supports quality education by certified professionals in our schools. We also favor the retention of the low-



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enrollment and correlation weighting provisions of the current formula. As you know, we believe that education should be funded by sales and income tax dollars, and that the dependence on the property tax should be reduced. We also believe that governance of our schools should remain in the hands of men and women in the local community.

Each school district in the state should have a strong organizational structure, efficient staffing patterns, and employ technology in the classroom. Budgeting and the operation of schools should provide educational opportunities in an efficient and economical manner.

All Kansas schools should provide:

- Quality education
- Agricultural objectives as part of curriculum standards
- Agriculture-Business-Labor partnerships that favor and support schools
- Sufficient administrative personnel
- Quality teacher certification requirements
- Efficient use of classroom hours
- Meaningful home and private school accreditation procedures

We are concerned about the impression that simply funding education at higher levels and with increased taxes will naturally result in children who perform better on standardized testing. We would question whether there may be efficiencies, which could be achieved at the district and administrative level by reorganization in the largest and smallest districts in the state. In any situation, the decision to consolidate should be made at the local level.

We are grateful for the opportunity to present these comments to you today and are willing to assist you in the search for solutions for Kansas' schools.

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.