

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Stephen Morris at 10:35 a.m. on February 19, 2004, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Carolyn Rampey, Kansas Legislative Research Department  
Michele Alishahi, Kansas Legislative Research Department  
Becky Krahl, Kansas Legislative Research Department  
Norman Furse, Revisor of Statutes  
Jill Wolters, Senior Assistant, Revisor of Statutes  
Judy Bromich, Administrative Analyst  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Roger Werholtz, Secretary, Kansas Department of Corrections

Others attending:

See Attached List.

Chairman Morris called the committee's attention to discussion of:

**Sub for SB 275--Allowing construction and operation of private prisons**

Roger Werholtz updated the committee on the status of bed space in the Kansas prisons. He distributed the following information the committee:

- Prison Population Monthly Monitoring Report, FY 2004 Revised Model (Attachment 1)
- Private Prison Beds - February 2004 (Attachment 2)
- Facility Capacities, Capability by facility, Security Designation of Bed space and Gender, September 12, 2003 (Attachment 3)
- Kansas Jail Capacity Survey, August 2003 (Attachment 4)
- Expansion Options (Attachment 5)
- Budget & Staffing, Per Capita Operating Costs: KDOC Facilities, based on Governor's budget recommendations (Attachment 6)

Committee discussion followed.

Senator Jackson moved, with a second by Senator Downey, the balloon amendment regarding county borders for Sub for SB 275 on page 6 of the bill (Attachment 7). Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Jackson, to recommend Sub for SB 275 favorable for passage as amended. Motion carried on a roll call vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2004 and FY 2005 were available to the committee.

CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:35 a.m. on February 19, 2004, in Room 123-S of the Capitol.

**Subcommittee budget reports on:**

**Kansas Department of Education (Attachment 8)**

Subcommittee Chairman Adkins reported that the subcommittee on the Kansas Department of Education concurs with the Governor's recommendation in FY 2004 with an exception and concurs with the Governor's FY 2005 recommendations with exceptions and comments. Senator Bunten presented the Minority Report on the Kansas State Department of Education for FY 2005.

Senator Downey moved, with a second by Senator Schodorf, to amend the subcommittee report to add the following sentence to Item No. 5, c in the FY 2005 report: In order to close documented achievement gaps, increases in at-risk and bilingual weightings should be considered. Motion carried on a voice vote.

Senator Bunten moved, with a second by Senator Adkins, to correct the first sentence of the Minority Report to read: "I agree with the majority.." Motion carried on a voice vote.

Senator Adkins moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Kansas Department of Education in FY 2004 and FY 2005 as amended. Motion carried on a voice vote.

The meeting adjourned at 11:40 a.m. The next meeting is scheduled for February 20, 2004.

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST

DATE February 19, 2004

NAME	REPRESENTING
Elaine Frisbie	Dir of The Budget
Jay Anph	"
Roger Werholtz	Dept. of Corrections
Charles Simmons	Dept. of Corrections
Dennis Williams	" " "
MICHAEL GAITO	DEPT. OF CORRECTIONS
Patrick Hensley	CCA
Doug Bowman	Coordinating Council on Early Childhood
Rick Fiscelli	DEPT. OF CORRECTIONS
Don Dell	
Dist. Harclison	Little Government Relations
St. Therese Bangert	Ks. Cath. Conference
Andy Shaw	CEO
Veride Apt	g RW
Kal DeFever	SQE
Tom Statten	AGC KS
Hon. Drunk	DD Council
Mark Desatti	KNEA

**PRISON POPULATION MONTHLY MONITORING REPORT  
FY 2004 REVISED MODEL**

Month/Year	Projected	Actual	Difference	Percent Error
July 2003	9074	9046	28	0.31%
August 2003	9098	9034	64	0.71%
September 2003	9102	9023	79	0.88%
October 2003	9081	9048	33	0.36%
November 2003	9084	9085	-1	-0.01%
December 2003	9060	9138	-78	-0.85%
January 2004	9065	9155	-90	-0.98%
February 2004	9092			
March 2004	9099			
April 2004	9092			
May 2004	9096			
June 2004	9134			

Note: Federal female inmates housed at Topeka Correctional Facility are excluded.

Senate Ways and Means  
2-19-04  
Attachment 1

# PRIVATE PRISON BEDS- February 2004

Senate ways and means  
2-19-04  
Attachment 2

Company	Beds Available *	Cost **
Corrections Corporation of America (CCA) Jim Gillam (615) 263-3098	6,500	Depends on # of beds/location
Wackenhut (GEO Group Inc.)	526-650	Not Provided
Cornell Companies Inc. Fred Yoccum (713) 471.9870	"Plenty of beds available" Would not provide specifics w/o on-site visit	Not Provided
Management and Training Corporation Jim Hartwick (801) 693-2863	200 (may have additional 1,000 by March 1)	Not Provided
Correctional Services Corporation Tom Rapone 1-800-275-3766 Ext. 215	500	Not Provided
CiviGenics Peter Argeropulos 508-486-9300	400 (Site is the Bowie Co. Detention Facility)	\$38.50 (current contract)

The above vendors represent over 90% of all medium custody beds available from private vendors. Corrections Corporation of America has approximately 55% of all medium custody beds. GEO Group Inc. has approximately 25% of all medium custody beds.

\* Several Vendors noted that there is a "lot of activity" at this time and bed availability is subject to change. For example, New Hampshire has submitted on RFP for 1,000 beds. Connecticut has submitted an RFP for 2,500 beds.

\*\* Vendors were unable or unwilling to provide cost estimates, noting that the cost of beds is dependent upon the number of beds requested, programming provided, and geographic location. Beds in southern states are generally less expensive than those in the more northern states. I spoke with officials at the Oklahoma Department of Corrections and found that their private vendor per diem rates range from \$39-\$45. CCA rates in Oklahoma range from \$42 to \$48. The department has negotiated rates of \$42 and \$38.50.

## FACILITY CAPACITIES

Capacity by facility, Security Designation of Bedspace and Gender\*  
September 12, 2003

Location of Beds	Security Designation by Gender							
	Maximum		Medium		Minimum		All Levels	
	Male	Female	Male	Female	Male	Female	Male	Female
<u>KDOC Facilities</u>								
Lansing Corr. Facility	838		943		708		2489	
Hutchinson Corr. Facility	548		932		288		1768	
El Dorado Corr. Facility	691		487		172		1350	
Norton Corr. Facility			539		296		835	
Ellsworth Corr. Facility			794		38		832	
Topeka Corr. Facility		62		636				698
Winfield Corr. Facility					556		556	
Wichita Work Release Facility					250		250	
Larned Corr. Mental Health Facility	150				218		368	
Subtotal: KDOC Facilities/Placements	2227	62	3695	636	2526	0	8448	698
<u>Non-KDOC Facilities/Placements</u>								
Larned State Security Hospital	20	5					20	5
Labette Correctional Conservation Camp					50	17	50	17
Contract Jail Placements			6				6	
Subtotal: Non-KDOC Facilities Placements	20	5	6		50	17	76	52
Totals: All Facilities/Placements	2247	67	3701	636	2576	17	8524	720
Adjusted Capacity vs. Population	2082		3619		2753			

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Attachment 3

\* Includes all beds counted in the capacity as of the specified date. Does not include the system-wide total of 250 "special use beds," which are primarily infirmary and certain types of segregation.

### Male Custody Classification Projections FY 2004 through FY 2013

June 30, Each Year	Unclassified	Minimum	Medium	Capacity vs. population		
				Maximum	Special	Total
				Adjusted capacity vs. population		
2004	149	2682	3653	1232	718	8434
2005	148	2674	3642	1229	715	8408
2006	149	2690	3663	1236	720	8458
2007	152	2739	3731	1259	733	8614
2008	154	2764	3767	1270	740	8695
2009	156	2814	3832	1293	753	8848
2010	157	2835	3861	1302	759	8914
2011	160	2885	3930	1326	772	9073
2012	165	2977	4055	1368	797	9362
2013	167	3012	4102	1384	805	9470
Capacity		2576	3701	2247		
Adj. Capacity		2753	3619	2082		

**Female Custody Classification Projections  
FY 2004 through FY 2013**

June 30, Each Year	Unclassified	Minimum	Medium	Capacity vs. population		Total
				Maximum	Special	
				Adjusted capacity vs. population		
2004	16	379	127	75	15	612
2005	17	397	133	79	15	641
2006	17	394	132	78	15	636
2007	16	389	130	77	15	627
2008	17	399	135	80	16	647
2009	18	420	141	83	16	678
2010	18	419	141	83	16	677
2011	18	425	143	85	16	687
2012	18	428	144	85	17	692
2013	17	410	137	81	16	661



# KANSAS JAIL CAPACITY SURVEY

August 2003

	Female Beds	Male Beds	Level	Anticipated Cost Per Day
Total	44-52 23	216-250 70	Medium Maximum	\$30 - \$60 (\$43.79 average)

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Attachment 4

## EXPANSION OPTIONS

Location	Beds Gained	Custody Level	Construction Cost	Operating Cost	Cost Per Day	FTE Required
<b>El Dorado Correctional Facility</b>						
2 - 128 Cell Housing Units	256	Maximum	\$15,111,984	\$5,180,000	\$55.44	92
	512	Medium		7,225,000	38.66	99
1 - 128 Cell Cellhouse	128	Maximum	7,417,896	3,194,000	68.36	64
	256	Medium		4,147,000	44.38	68

The EDCF operating cost estimates are the most recent ones available and will have to be adjusted upward to reflect cost applicable at the time the housing units would be occupied, I.e. base salary amounts, fringe benefits, health care and food service contracts, etc. These estimates exclude one-time start-up cost.

### **Hutchinson Correctional Facility-East**

258 Bed Special Needs Unit	258	Medium	6,528,657	3,091,000	32.82	47
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The HC operating cost estimates is current dollars and will have to be adjusted upward to reflect cost applicable at the time the housing unit would be occupied, I.e. base salary amounts, fringe benefits, health care and food service contracts, etc.

This project was developed for HCF but could be relocated to another facility if operational advantages are identified.

Senate Ways and Means  
2-19-04  
Attachment 5

Per Cap  
Opera  
Cost

# Budget & Staffing

## Per Capita Operating Costs: KDOC Facilities (based on Governor's budget recommendations)

<b>FY 2004</b>				
Facility	ADP	Total Expenditures	Annual Per Capita	Daily Per Capita
Lansing Correctional Facility	2,463	\$31,862,253	\$12,936	\$35.34
Hutchinson Correctional Facility	1,800	24,116,669	13,398	36.61
El Dorado Correctional Facility	1,434	20,506,995	14,301	39.07
Topeka Correctional Facility	611	11,329,049	18,542	50.66
Norton Correctional Facility	797	12,240,397	15,358	41.96
Ellsworth Correctional Facility	820	10,420,328	12,708	34.72
Winfield Correctional Facility	745	9,961,801	13,372	36.54
Larned Correctional Mental Health Facility	340	7,913,608	23,275	63.59
<b>Subtotal</b>	<b>9,010</b>	<b>\$128,351,100</b>	<b>\$14,245</b>	<b>\$38.92</b>
Inmate Medical and Mental Health Care	9,010	26,113,007	2,898	7.92
Inmate Programs	9,010	5,268,065	585	1.60
Food Service	9,010	12,304,146	1,366	3.73
<b>Total Expenditures</b>	<b>9,010</b>	<b>\$172,036,318</b>	<b>\$19,094</b>	<b>\$52.17</b>

<b>FY 2005</b>				
Facility	ADP	Total Expenditures	Annual Per Capita	Daily Per Capita
Lansing Correctional Facility	2,464	\$33,034,706	\$13,407	\$36.73
Hutchinson Correctional Facility	1,800	25,085,661	13,936	38.18
El Dorado Correctional Facility	1,453	21,300,282	14,660	40.16
Topeka Correctional Facility	620	11,774,313	18,991	52.03
Norton Correctional Facility	790	12,676,676	16,046	43.96
Ellsworth Correctional Facility	825	10,845,707	13,146	36.02
Winfield Correctional Facility	740	10,274,243	13,884	38.04
Larned Correctional Mental Health Facility	333	8,312,635	24,963	68.39
<b>Subtotal</b>	<b>9,025</b>	<b>\$133,304,223</b>	<b>\$14,771</b>	<b>\$40.47</b>
Inmate Medical and Mental Health Care	9,025	26,934,607	2,984	8.18
Inmate Programs	9,025	5,295,760*	587	1.61
Food Service	9,025	12,929,540	1,433	3.93
<b>Total Expenditures</b>	<b>9,025</b>	<b>\$178,464,130</b>	<b>\$19,775</b>	<b>\$54.19</b>

System-wide annual per capita operating costs were computed by dividing the recommended expenditures for facility operations, health care, inmate programs, and food service by the system-wide average daily population (ADP) housed in KDOC facilities. Daily per capita operating costs were computed by dividing the annual cost by 366 days in FY 04 and 365 days in FY 05. Per capita costs do not include costs associated with central office administration, correctional industries, debt service, and capital improvements.

\*Inmate Programs amount in FY 05 is based upon preliminary breakdown of recommended amount for offender programs.

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Attachment 6

Sec. 15. (a) Any county that meets the requirements of this section may contract with a private contractor to develop and construct, own or operate a private contract prison in such county.

*primary or*  
(b) No private contract prison shall be constructed, owned or operated pursuant to this act in any county unless the county commission, by resolution, has first placed on a general election ballot the question in subsection (c) and such question has been approved by a majority of qualified voters who cast ballots in such general election.

(c) The form of the question described in subparagraph (b) shall be: "Shall construction and operation of a private contract prison, pursuant to the Private Contract Prison Act, be allowed in \_\_\_\_\_ County?"

<sup>e</sup>  
(~~d~~) Except for land donation, no direct incentives, such as property tax abatement, industrial revenue bonds, tax increment financing or utility cost reductions, shall be offered by the county to the private contractor wishing to construct, own or operate a private contract prison in such county.

<sup>f</sup>  
(~~e~~) At the discretion of the parties, the contract may allow for the leasing of the private contract prison by the private owner to the county or to the state.

~~Sec 15~~(d). If the proposed site for the private contract prison is within one mile of the border of any county that adjoins the county in which the private contract prison would be situated, then such private contract prison shall not be constructed, owned or operated pursuant to this act unless such adjoining county has conducted an election meeting the requirements of subparagraphs (b) and (c).

Senator Dave Jackson

Senate Ways and Means  
2-19-04  
Attachment 7

**Senate Subcommittee Report**

**FY 2004**

**State Department of Education**



\_\_\_\_\_  
Senator David Adkins, Chairperson



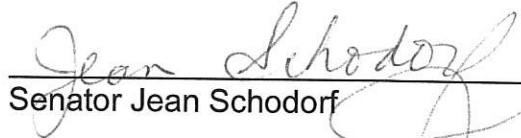
\_\_\_\_\_  
Senator Bill Bunten



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Senator Christine Downey



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Senator Nick Jordan



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Senator Jean Schodorf

## Senate Subcommittee Report

**Agency:** State Department of Education **Bill No.**

**Bill Sec.**

**Analyst:** Rampey

**Analysis Pg. No. 103**

**Budget Page No. 135**

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 2,170,524,796	\$ 2,169,995,304	\$ 0
Children's Initiatives Fund	8,525,000	8,525,000	0
All Other Funds	417,303,665	434,303,665	0
TOTAL	<u>\$ 2,596,353,461</u>	<u>\$ 2,612,823,969</u>	<u>\$ 0</u>
FTE Positions	211.3	211.3	0.0
Non FTE Uncl. Perm. Pos.	40.2	41.6	0.0
TOTAL	<u>250.5</u>	<u>252.9</u>	<u>0.0</u>

### Agency Estimate/Governor's Recommendation

The State Department of Education estimates expenditures of \$2,596,353,461, of which \$2,170,524,796 are from the State General Fund. Expenditures from the State General Fund are \$159,084,916 less than the amount approved by the 2003 Legislature, as the result of offsetting decreases and requested supplemental appropriations. Those changes are shown below. (Note: Some number differ from the budget submission because they are revised estimates made November 18, 2003.)

- The amount for general state aid from the State General Fund is decreased by \$158,835,000 (revised) as the result of the property tax accelerator.
- A supplemental appropriation of \$4,026,000 from the State General Fund (revised) is requested for supplemental general state aid.
- A supplemental appropriation of \$66,000 from the State General Fund is requested for the Governor's Teaching Excellence Scholarships and Awards.
- A supplemental appropriation of \$669,522 from the State General Fund is requested for Juvenile Detention State Aid due to enrollment growth and the addition of a new facility.

The Governor recommends expenditures of \$2,612,823,969, of which \$2,169,995,304 is from the State General Fund. The Governor concurs with the lapse of \$158,835,000 in general state aid due to the property tax accelerator and approves the requested supplemental appropriations of \$4,026,000 for supplemental general state aid, \$66,000 for the Governor's Teaching Excellence Scholarships and Awards, and \$669,522 for Juvenile Detention State Aid.

The Governor reduces the approved amount for KPERS-School by \$6,005,014 from the State General Fund, which was approved as a supplemental appropriation for FY 2003 but, because of revenue shortfalls, was not paid until FY 2004.

### **Senate Subcommittee Recommendations**

The Senate Subcommittee concurs with the Governor's recommendations, with the following exception:

1. Request a Governor's Budget Amendment to add \$5,082,788 for KPERS-School, which is the amount of the shortfall in the current year, based on revised estimates. The Governor's recommendation would fund the estimated entitlement for the current year, but fails to appropriate sufficient funds to replace money that was part of the FY 2003 entitlement which was taken out of FY 2004 funds because of a revenue shortfall.

**Senate Subcommittee Report**

**FY 2005**

**State Department of Education**



\_\_\_\_\_  
Senator David Adkins, Chairperson



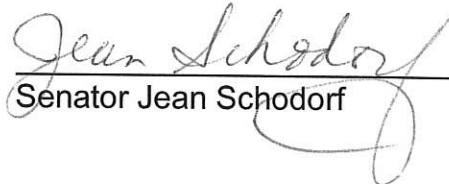
\_\_\_\_\_  
Senator Bill Buntin



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Senator Christine Downey



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Senator Nick Jordan



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Senator Jean Schodorf



## Senate Subcommittee Report

**Agency:** State Department of Education **Bill No.**

**Bill Sec.**

**Analyst:** Rampey

**Analysis Pg. No.** 103

**Budget Page No.** 135

Expenditure Summary	Agency Estimate FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
Operating Expenditures:			
State General Fund	\$ 2,445,893,842	\$ 2,330,583,954	\$ (170,680)
Children's Initiatives Fund	8,525,000	8,525,000	
All Other Funds	433,562,386	433,605,704	(181,437)
<b>TOTAL</b>	<b><u>\$ 2,887,981,228</u></b>	<b><u>\$ 2,772,714,658</u></b>	<b><u>\$ (352,117)</u></b>
FTE Positions	213.3	212.3	0.0
Non FTE Uncl. Perm. Pos.	41.2	42.6	0.0
<b>TOTAL</b>	<b><u>254.5</u></b>	<b><u>254.9</u></b>	<b><u>0.0</u></b>

\* The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

### Agency Estimate/Governor's Recommendation

The State Department of Education requests a total of \$2,887,981,228, of which \$2,445,893,842 is from the State General Fund. Major items in the request include:

- \$58,026,000 from the State General Fund to increase Base State Aid Per Pupil (BSAPP) by \$100 (from the allotment rate of \$3,863 to \$3,963, or \$73 over the statutory rate of \$3,980.)
- \$276,016,845 from the State General Fund for special education, which would fund excess costs at the 90 percent level, compared to the current level of 83.2 percent.
- \$4,700,000 from the State General Fund to increase the at-risk weighting factor in the school finance formula from 10 percent to 11 percent.
- \$2,500,000 from the State General Fund for a new program to provide technical assistance to schools that fail to meet adequate yearly progress for two consecutive years under the No Child Left Behind Act.
- \$14,000,000 from the State General Fund for a new program to increase reading and math achievement for students in grades K-3.

The Governor recommends a total of \$2,772,714,658, of which \$2,330,583,954 is from the State General Fund. Two major components of the request include the following:

- Funding for BSAPP is continued at the allotment level of \$3,863. (The Governor's recommendations for general and supplemental general state aid fully fund the formula at the allotment rate, based on November 18, 2003, revised estimates.)
- Funding for special education excess costs is reduced to the 82.2 percent level, compared to 83.2 percent in the current year.

The Governor's FY 2005 **statutory budget** recommendation does not include a reduction for the State Department of Education.

### **Senate Subcommittee Recommendations**

The Senate Subcommittee concurs with the Governor's recommendations, with the following exceptions and comments:

1. Delete \$352,117, including \$170,680 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. Request a Governor's Budget Amendment to add \$4,875,474 for KPERS-School (revised) in order to fully fund the entitlement in FY 2005, based on the most recent estimates. The omission of funding in FY 2004, which was part of the FY 2003 payment, apparently was carried forward to FY 2005.
3. Request a Governor's Budget Amendment to add \$669,522 from the State General Fund for Juvenile Detention State Aid. The Governor approved a supplemental appropriation for FY 2004, in recognition of enrollment growth and the addition of a new facility, but failed to reflect the growth in the recommendation for FY 2005.
4. Specify that an estimated \$30,000 of the recommended appropriation of \$300,000 from the Children's Initiatives Fund for a grant to the Kansas Optometric Association for the Vision Study may be used to conduct a longitudinal study of benefits of vision therapy. (This action was requested by the representative of the Kansas Optometric Association.)
5. In concurring with the Governor's recommendation, the Subcommittee makes it clear that it recognizes education is at a crossroads. Allowing the Governor's status quo budget to proceed along the budget process in no way implies the Subcommittee believes the status quo will or should prevail. Kansas currently is in the midst of litigation that could require changes in how we fund elementary and secondary education. The federal No Child Left Behind Act already is changing how we deliver educational services in Kansas.

In the midst of this flux and the uncertainty of how the school finance litigation will be resolved, the Subcommittee finds itself in the position of forwarding a

“business as usual” budget in spite of the certain knowledge that the business of educating Kansas children is changing.

The members of this Subcommittee are not in agreement as to how the Legislature should proceed. We do not know how the school finance formula might change and we do not know whether we will be required to find additional resources for education. We commend individual senators for their efforts to initiate ways of delivering more dollars to Kansas classrooms and recognize that all policy makers must be willing to take the initiative to respond to the challenges before us.

We cannot separate our review of the budget for K-12 without identifying some areas that should be considered in any discussion of school funding:

- a. Under the Governor’s recommendation, FY 2005 will be the third year schools will have to operate with reduced resources, at a time when increasing demands are being put upon them.
- b. More money should be targeted for Kansas classrooms. Districts should be provided with incentives to achieve savings and reduce administrative costs when possible.
- c. Attention should be focused on the achievement of minority students and other student subgroups.
- d. Kansas schools are required to comply with the No Child Left Behind Act. Although an accurate estimate of the actual costs of complying with the NCLB is not currently possible such costs are significant and federal funding will not be adequate to cover those costs.
- e. Addressing the challenges school districts face in providing adequate health care benefits for their employees should be considered.
- f. The Subcommittee recognizes that, in spite of it all, many Kansas students consistently perform well on the basis of national comparisons. All of our efforts must be directed to maintaining our strengths and improving the performance of all children. But, “Educating All Children” is a hollow promise if funds necessary to do so are not provided.
- g. An examination of the excess cost, if any, to the state for districts that are “small by choice” should be conducted and incentives created to reduce such costs.
- h. Full funding for special education should be considered. Without such designated funding for these high cost students, dollars from general education subsidizes mandated special education services.
- i. High quality early-childhood programs, including voluntary all-day kindergarten, should be considered, especially for at-risk children. Such investments result in huge savings on remediation later. A longitudinal study that compared children age three and four who had participated in early childhood programs with a control group that had not concluded that each dollar invested in high-quality preschool programs saved \$7 that otherwise would be

needed for remedial and special education, school dropout programs, public assistance, and unemployment benefits.

- j. Programs to help children who are below grade level should be considered, such as extended day, extended year, and summer school. Research shows that such students make progress if they have more time on task with direct instruction.
- k. Additional strategies and resources should be considered to recruit and retain high quality teachers, to mentor them, and to provide them professional development opportunities.

**Minority Report  
State Department of Education  
FY 2005**

I agree with the minority report, with these additional comments. The Subcommittee report references the need to address the challenges resulting from the lawsuit and subsequent judicial opinion that the state has not met its constitutional mandate to suitably fund our schools. Judge Terry Bullock has clearly called for additional funds for "schools" and alluded to the Augenblick and Myers study that calls for approximately one billion dollars of additional funding.

Judge Bullock, however, did not embrace the option of one billion new dollars, instead he said we need to provide more money for schools, and by "schools" he meant attendance centers as opposed to education as a whole.

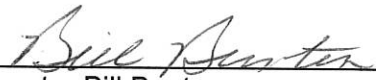
I believe we can meet that requirement without a tax increase and I offer, conceptually, the following proposal:

1. All Kansas schools be required to budget by individual schools, with the Superintendent, principal, teachers and other staff determining what is required in funding to provide each child, regardless of their gifts or diversity, a suitable education.
2. The sum total of these needs, after a critical review by the State Department of Education, would become the basis for the legislature to determine what funds were necessary to meet the constitutional requirement to "make provision for finance of the educational interests of the state."
3. All state funds would be appropriated to meet the needs of the individual schools, including state per pupil aid, the state authorized 20 mill property tax levy, special education and federal funds. No state funding would be authorized for programs not directly related to the core education of children in the schools.
4. A cap of \$5,500 per child would be placed on the amount of funds available to each school.
5. Other programs such as drivers education, continuing education, adult education, contingency reserves, payments for bonded indebtedness, sports, additional administration, etc. if desired, would be funded locally by a vote of the patrons. Some districts, but not all, presently have a local option budget to cover those costs.

At \$5,500 per pupil for 443,000 students the cost to the state would be 2.4 billion dollars so with federal funds added to existing state aid our constitutional obligations should be met.

The answer to our present situation is, in my opinion, not increased funding with the requisite increase in taxes, nor is it to wait for the Supreme Court to rule that the lower court opinion has no merit. The answer lies in taking this opportunity to look closely at a bulbous bureaucracy that has escaped serious review by the legislature for decades. We need to budget in a way that allows patrons, school board members, district employees and legislators to know how tax dollars are spent. We need to open our minds to cost saving measures, to school consolidation at some level,

to abolition of unnecessary programs, to review administrative costs and scores of other opportunities that, due to this suit and Judge Bullock's opinion, offer us a rare opportunity for positive change.

  
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Senator Bill Buntin