

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on January 25, 2006, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department  
Kathie Sparks, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Adam McGonigle, North High School (Wichita)  
Senator John Vratil  
Jim Edwards, Kansas Association of School Boards  
Terry Forsyth, Kansas National Education Association  
(KNEA)

Senator Schodorf introduced Adam McGonigle, a student from North High School in Wichita. She explained that North High School requires a senior project for graduation, and his project included testifying before the Senate Education Committee.

After introducing his family, Adam noted that his testimony on school finance marked the completion of his senior project. He explained that he selected the topic due to his interest in the school finance debate and because he believed that his background at the most racially diverse high school in the state made him qualified to testify on the subject. He noted that, while his initial project was to research school finance in general, he quickly found that the topic was too complicated to cover in the time allotted. Therefore, he chose to focus his research in the two areas he found to be the most controversial and the most important – inequities and inefficiencies. Noting that his purpose was to add a student's voice to the debate on school finance, he discussed his personal school experiences relating to his research. He advocated increased weighting for special needs students and contended that the issue of efficiency should not be used as a means for political gain or be allowed to overshadow the more important needs of students. (Attachment 1)

**SB 369 – School finance; relating to local option budgets (LOB)**

Theresa Kiernan, Revisor of Statutes Office, reminded the Committee that **SB 369** was introduced by the Education Committee at the request of Senator Vratil. She noted that the bill would simplify the LOB statute and that the new language began on page 9 of the bill. She explained the new subsections as follows:

- Subsection (a) provides that all districts would have the authority to adopt a LOB;
- Subsection (b) provides that a school district may adopt a LOB in the same authority that it has in school years 2005-2006 by a majority vote of members of the Board with no publication, protest, or election required;
- Subsection (c) provides that a district which desires to increase that authority in an amount which does not exceed the statewide average may do so without notice, protest, or an election;
- Subsection (d) provides that, if the Board desires to increase its authority above the statewide average, it may do so without a notice, protest, or an election – if the Board desires to increase its authority above the statewide average or if it was not authorized to adopt a LOB in 2005-2006, the Board may do so, but it would be subject to a protest and election;
- Subsection (e) provides that, unless specifically stated otherwise in the resolution, the authority to adopt a LOB shall be continuous and permanent;
- Subsection (f) provides that, if the Board does not have permanent authority, it may initiate procedures to renew or increase the authority to adopt a LOB any time during the school year after it levies the tax for the LOB;
- Subsection (g) provides that the Board may continue to operate under a resolution adopted prior to the effective date of this act or the district may abandon the resolution and operate under the new procedure;

## CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:35 p.m. on January 25, 2006, in Room 123-S of the Capitol.

- Subsection (h) establishes a supplemental fund, defines what the LOB funds can be used for, and maintains the current restrictions regarding lease-purchase agreements involving the acquisition of land or buildings; paragraph (A) and (B) of subsection (h) tells districts what to do with any unexpended funds in the budget – any money that is attributable to state aid must be transferred either to their general fund or remitted to the State Treasurer; and
- Subsection (i) directs the State Board of Education to determine the statewide average percentage of local option budgets for school districts in the preceding school year.

Ms. Kiernan explained that the bill maintains the current state-prescribed percentage limitations and the current definition of “authorized to adopt a local option budget.”

In response to a question from Senator Lee regarding the difference between current law and **SB 369**, Ms. Kiernan explained that the bill used statewide averages as opposed to enrollment categories. Senator Lee raised further questions regarding the language in new subsections (e) and (h) compared to current law. Senator Schodorf requested that Ms. Kiernan compile a list of provisions in the bill which differ from current law.

Senator John Vratil testified in support of **SB 369**, noting that it was drafted with the intention of simplifying the existing statute concerning a local option budget and with no intention to change any of the substantive provisions of the LOB law. He pointed out that professional educators, parents, taxpayers, and average citizens should be able to read and understand the state’s LOB law. (Attachment 2)

Senator Vratil clarified that, under existing law, the average LOB is determined for several different specified enrollment categories (similarly sized districts sometimes referred to cohort groups). Under current law, a district in one of the four cohort enrollment categories is entitled to increase their LOB up to the average LOB for that cohort group without a protest petition. He explained, “This bill would change that to a statewide average, and so it would have an impact on some school districts. The impact I believe it will have is that the statewide average will be lower than the average for some of those cohort groups so it will have the effect of lowering it. Dale (Dennis) has told me that the overall impact of this change is minimal.”

Senator Lee requested a list of the cohort groups and current percentages.

Jim Edwards, Kansas Association of School Boards (KASB), stated that KASB was neutral on **SB 369**, but two main points should be made. The first point was that local school districts have become much too dependent on LOB funds because the base budget is far too low. The second point was that the complexity with LOBs comes more from the protest petition process than from the issue itself. (Attachment 3)

There being no others wishing to testify, the hearing on **SB 369** was closed.

### **SB 329 – Curriculum standards; seven-year review**

Ms. Keirnan explained that **SB 329** was introduced at the request of the Legislative Educational Planning Committee (LEPC) after the State Board of Education raised a concern that the three-year interval for the review of curriculum standards in current law was too short. She reviewed the written testimony submitted by Dale Dennis, Deputy Commissioner of Education. Mr. Dennis’ testimony outlined information which he felt would help the Committee to understand the process for developing curricular standards and state assessments. (Attachment 4)

Senator Lee questioned if “equal to the best standards” should have been stricken on line 23 of the bill. Ms. Kiernan agreed that, with the elimination of “equal to the best standard,” it was possible that lower standards could be adopted. Carolyn Rampey, Kansas Legislative Research Department, clarified that it was not the intention of the LEPC to reduce standards. She explained that the LEPC determined the language should be eliminated because it was meaningless and created confusion because it does not identify what the best standards are.

Senator Goodwin questioned why a review was necessary if there are no standards to compare curriculums.

## CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:35 p.m. on January 25, 2006, in Room 123-S of the Capitol.

Senator Vratil responded, "It might be helpful to suggest that, when existing law uses the word 'curriculum standards,' that's not really the word that the Legislature wanted to use. If you read the entire statute in context, it's talking about student performance and assessment tests in core academic areas. And so I believe, instead of the word 'curriculum,' we ought to substitute 'performance standards' because that's really what it's talking about. 'Curriculum standards' is very misleading."

Senator Lee suggested that the use of "performance standards" and removing "the best" opened a bigger can of worms because the review would not include an assessment of whether or not Kansas students are doing well. She commented, "I don't know that 'the best' is right, but neither do I want to vote for something that says, okay, we're going to review these standards, but what are we going to compare them to. I don't know the answer to that. It's a question in my mind. Having standards, unless they are standards that are keyed off something else, is rather meaningless."

Senator Schodorf informed the Committee that the whole LEPC discussion was on assessments. She noted that Mr. Dennis indicated that at least five years of data was needed to be able to determine any trends.

Terry Forsyth, Kansas National Education Association (KNEA), testified in support of **SB 329** as far as changing the review standards from three to seven years; however, he suggested that striking "equal to the best standards" would open the door to lowering the standards, which would be bad for students and the state. (Attachment 5)

Senator Vratil noted that the quantitative aspect in existing law began on line 17 of **SB 329** and that the language includes the term, "high academic standards." He commented, "It's just another term that is vague and ambiguous. I hope somebody can come up with a quantitative benchmark that we can compare ourselves to, but nobody has so far."

Written testimony on **SB 329** was submitted by Jim Edwards, Kansas Association of School Boards. Mr. Edwards expressed support for the change in timing for review of the standardized, but he was concerned that "equal to the best standards" was removed. (Attachment 6)

There being no further time, the hearing on **SB 329** was closed.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for January 26, 2006.

**SENATE EDUCATION COMMITTEE  
GUEST LIST**

DATE: Jan. 25, 2006

NAME	REPRESENTING
Derek Hein	Hein Law Firm
TERRY HOUDECK	KANSAS FARM BUREAU
SCOTT FRANK	LEGISLATIVE POST AUDIT
Robin McGonigle	Wichita
Eric & Erin McGonigle	Wichita
Jan Bretz Hughes	Wichita
Diane Gjerstad	Wichita Public Schools
TERRY FORSYTH	KNEA
RUSSELL MILLS	GACHES
Jim Edwards	KASB
HOWARD SMITH	PITTSBURG STATE
BILL BRADY	SFFF
BUD BURKE	ISSUES MGMT Group
Gary George	Olathe District Schools
Tommy Billinger	intern
Adam McGonigle	Wichita

Adam McGonigle

January 25, 2006

Written testimony

### Main Points on Topics Discussed

#### Inequities

- Inadequate funding for special needs has caused students to be put in adverse situations where learning is made more difficult.
- When the state fails to fund special needs programs appropriately, *all* students lose because districts have to transfer money from general funds to subsidize special needs programs, taking money away from the average student.
- As a result districts have to cut important programs, and raise class sizes throughout their schools in order to educate the most vulnerable students.
- We need to support increased weighting for special needs categories.

#### Inefficiencies

- Key issue for leaders who don't believe that schools are being accountable with the funds they currently receive.
- Issue of administration needs to be kept in perspective. It doesn't take up enough funding to solve our school finance problems, as some people have claimed.
- Leaders who claim inefficiencies as a reason to not support increased funding need to specifically point out where money is being wasted. Vague criticism doesn't help.
- There is a direct correlation between increased funding and increased student achievement. Test scores also prove that money is being well spent.
- The issue of efficiency is important, but cannot be allowed to overshadow the more important needs of the students.

To gain a better understanding of the topic, I met with the following people to discuss the issue of school finance.

Desetti, Mark. Personal Interview. 10-10-2005.

Mark Desetti works for KASB.

Dietz, Connie. Personal Interview.

Mrs. Dietz served as my official mentor, and I have discussed the topic with her on many occasions. She currently serves as the Board of Education President for USD259 (Wichita).

Edwards, James. Personal Interview. 10-10-2005.

James Edwards works for KNEA.

Gjerstad, Diane. Personal Interview. 9-17-2005.

Senate Education Committee  
1-25-06  
Attachment 1

\* I also was in contact with Diane Gjerstad numerous times through emails. She is a lobbyist for USD259.

Landwehr, Brenda. Personal Interview. 12-20-2005.

The honorable Brenda Landwehr is the State Representative for district 91.

Peterjohn, Karl. Personal Interview. 11-14-2005.

Karl Peterjohn is the Executive Director of the Kansas Taxpayers Network.

Woods, Patrick. Personal Interview. 10-10-2005.

Patrick Woods is an advisor to the Governor.

### **Annotated Notes.**

“USD259, in example had to transfer \$30 million...” [Wichita Public Schools adopted budget book 2005-06](#) page 209.

“Administration takes up 3.5% of budget in schools with between 1,700 and 10,000 students, and 1.6% in districts with over 10,000 students.” [Legislative Post Audit's "Cost Study Analysis"](#) starting on page 146.

“The Post Audit Cost Study said a one percent increase in outcomes is associated with a .83% increase in per pupil expenditures.” [Post Audit Cost Study \(big book\) page C-18, page C-19](#)

“Out of the 50 states, Kansas ranked 7<sup>th</sup> on the National Assessment of Education Progress.” [National Center for Education Statistics, school year 2001-02](#)

\*My testimony today represents my views, and is not in representation of USD259, Wichita High School North, or any other educational institution.

# State of Kansas

JOHN VRATIL  
SENATOR, ELEVENTH DISTRICT  
JOHNSON COUNTY  
LEGISLATIVE HOTLINE  
1-800-432-3924



COMMITTEE ASSIGNMENTS  
CHAIR: JUDICIARY  
VICE CHAIR: EDUCATION  
MEMBER: FEDERAL AND STATE AFFAIRS  
ORGANIZATION, CALENDAR  
AND RULES  
SENTENCING COMMISSION  
INTERSTATE COOPERATION

## Vice President Kansas Senate

TESTIMONY IN SUPPORT OF S.B. 369  
Before the Senate Committee on Education  
January 25, 2006

Senate Bill 369 was drafted with the intention of simplifying the existing statute concerning a local option budget (LOB), K.S.A. 2005 SUPP. 72-6433. There is no intention to change any of the substantive provisions of the LOB law.

The current Kansas statute authorizing an LOB is written in such a manner as to make it almost impossible for the average person to understand. It goes on for five pages with language that rivals the Internal Revenue Code for difficulty in understanding. I challenge any member of this Committee to read and understand the Kansas statute concerning an LOB. The bill in question is written in a way so that the average person can read and understand the law.

On page 9 of the bill, sub-section (a) merely provides the authority for a local option budget. Sub-section (b) is a "grandfather" provision indicating that any school district may adopt a local option budget in an amount not exceeding the amount authorized for the 2005-2006 school year. Sub-section (c) authorizes a school district to increase its local option budget by an amount not exceeding the statewide average percentage for the preceding school year as determined by the State Board of Education. None of those provision require the opportunity for a protest provision and election. Finally, sub-section (d) authorizes a school district to increase its local option budget above the statewide average percentage but in an amount not exceeding the state prescribed percentage. However, that resolution is subject to a protest petition and election as provided in the bill. Sub-section (e) makes an LOB resolution continuous and permanent unless otherwise specifically stated in the resolution. All of these provisions are currently part of state law.

Senate Bill 369 is part of an effort to simplify our existing school finance formula. Professional educators, parents, taxpayers, and average citizens should be able to read and understand our local option budget law. This bill is a step in the right direction.

A handwritten signature in blue ink that reads "John Vratil".

HOME  
9534 LEE BLVD.  
LEAWOOD, KS 66206  
(913) 341-7559  
jvratil@lathropgange.com

DISTRICT OFFICE  
10851 MASTIN BLVD.  
SUITE 1000  
OVERLAND PARK, KS 66210-2007  
(913) 451-5100  
FAX (913) 451-0875

STATE OFFICE  
STATE CAPITOL, ROOM 281-E  
TOPEKA, KANSAS 66612  
(785) 296-7361  
FAX (785) 296-6718  
vratil@senate.state.ks.us

Senate Education Committee  
1-25-06 Attachment 2

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024  
785-273-3600

Testimony on **SB 369**  
before the  
**Senate Education Committee**

by

**Jim Edwards, Governmental Relations Specialist**  
Kansas Association of School Boards

January 25, 2006

Chairwoman Schodorf and Members of the Committee:

It is our understanding that this bill is designed to simplify the statutory language regarding local option budgets. We believe the major reason for the complexity of the LOB statute is the protest petition process.

Since the LOB was created as part of the 1992 School Finance Act, KASB has supported the concept of allowing school districts a degree of local option budget authority. We also believe that the use of this authority should be at the discretion of the elected local school board and not subject to protest petition or voter approval.

One of the major changes that occurred in this formula was the process of allowing districts to use the LOB to increase their budget per pupil to the average of other similar-sized districts, without being subject to protest. This change significantly complicated the law regarding LOB. This bill would change the "up to the average" system from a per pupil target based on enrollment groups to a statewide average of local option budget use.

KASB believes the time has come to review the LOB protest petition itself. When the LOB was created, the maximum LOB was 25 percent, yet about two-thirds of districts had no LOB at all. This year, the maximum LOB increased to 27 percent. Based on preliminary information from the Department of Education, the average LOB "authorized" is 25.4 percent, which means the average district is already authorized to go to 25.4 percent without protest. The median LOB authorized is 27 percent, which means over half of all districts may use the maximum LOB without being subject to protest petition. The average amount of LOB already used is 21 percent.

*Senate Education Committee  
1-25-06  
Attachment 3*



In addition, it is our understanding the Education Department and the Legislative Research Department estimate LOB usage is at 95 percent this year, and will continue indefinitely. Therefore, the protest petition applies to a very limited portion of the LOB.

For example, there are two districts that still have no LOB. Under current law, one could get the 22.8 percent and the other 19.7 percent without protest. Presumably under this bill, both would be able to go to 21 percent next year if that is the statewide average. Obviously, this would mean a significant tax increase. On the other hand, the districts currently at 27 percent will be subject to protest if they want to increase to next year's maximum of 29 percent.

The fact is, school boards have NEVER used all of the authority they have under state law. Local school board members are sensitive to community concerns – if not; their term on the board is likely to be short.

KASB believes school districts are far too dependent on local option budgets because the base budget is far too low. However, until that situation changes, most school districts will continue to use most of their LOB authority; in other words, most will remain close to the maximum. For such districts, the protest petition is unnecessary. The minority of districts which are significantly under the maximum will be able to increase their LOB as long as the “up to the average” concept is in place.’



## Division of Fiscal and Administrative Services

785-296-3871  
785-296-0459 (fax)

120 SE 10th Avenue • Topeka, KS 66612-1182 • (785) 296-6338 (TTY) • www.ksde.org

January 25, 2006

TO: Senate Education Committee

FROM: Dale M. Dennis, Deputy  
Commissioner of Education

SUBJECT: Senate Bill 329

Senate Bill 329 changes the requirements for reviewing curricular standards from three to seven years. Listed below is information which might be helpful in understanding the process for developing curricular standards and state assessments.

1. The standards for curricular areas requires approximately two years of development. The standards are submitted to the State Board of Education by Kansas professional educators in the curricular area of expertise.
2. During the third year of development, the test items are written.
3. The test items are pilot tested in the fourth year. This requires careful review to make sure they are not biased and understandable to the students taking the assessments.
4. The completed assessments are administered in the fifth year.
5. According to experts, it requires at least three years of assessments to develop a trend of assessment results.
6. Most national tests are renormed every seven years.

We hope this information will be helpful as you consider Senate bill 329.

h:FN-TEST--2005--Test--329

*Senate Education Committee  
1-25-06  
Attachment 4*



**Terry Forsyth, Testimony  
Senate Education Committee  
January 25, 2006**

**Senate Bill 329**

Madame Chair, members of the committee, I would like to thank you for the opportunity to appear before you today to share our thoughts on **Senate Bill 329**. I am Terry Forsyth and I represent the Kansas National Education Association.

This bill proposes two changes to statute. One part, changing the review period for standards from three to seven years, we support. The other part, striking the language "equal to the best standards," we cannot support.

Lengthening the time required in the law to review standards from three to seven years is a good idea. The change to a seven year review process has been proposed by the State Board of Education and others involved in the standards review process. The current system is just too short of an interval of time between review, adoption, implementation and the time to begin the review process again.

The change we cannot support is the striking of the language on lines 22 and 23 "equal to the best standards" which we believe is critical to the success we have experienced in the public schools in Kansas. Kansas NEA supports high standards and high academic expectations for our students and our schools. The current success of our schools can be attributed in part to those high standards and the expectation that our students and schools meet those standards. One reason for our outstanding success on the National Assessment of Educational Progress or NAEP is that our standards are among the best. They are challenging but they examine what students really do need to understand.

I would not suggest that deleting this language would automatically result in a lowering of standards but it would certainly open the door to that possibility. And while allowing standards that are not equal to the best might help us meet the No Child Left Behind progress markers on our state assessments, it would harm our NAEP results and endanger our standing among the states. That's a path we don't want to take. It would be bad for our students and it would be bad for our state.

We urge the committee to restore the language on maintaining standards equal to the best standards and pass the change to the review process cleanly.

*Senate Education Committee  
1-25-06  
Attachment 5*

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024  
785-273-3600

Testimony on **SB 329**  
before the  
**Senate Education Committee**

by

**Jim Edwards, Governmental Relations Specialist**  
Kansas Association of School Boards

**January 25, 2006**

Chairwoman Schodorf and Members of the Committee:

Thank you for allowing me the opportunity to appear before you today to express KASB's thoughts on **SB 329**, a measure that would increase the period for review of the state's education standards.

KASB has no problem with the change in timing for review of the standards. The points made by Deputy Commissioner Dale Dennis during the interim Legislative Educational Planning Committee (LEPC) made perfect sense. However, the action taken at the final meeting of the LEPC to remove the language stating that the curriculum standards shall be "*equal to the best standards*" leaves us concerned.

While "world-class standards" (as was in the original QPA language) or "equal to the best standards" might not be the best language, they did at least point to a level, or benchmark. The old adage comes to mind in this discussion and that is if you don't know what direction you are going it really isn't important the road you choose to get you there. With all of the discussion going on last week in this Committee, it is obvious that we must be benchmarking our students, and the standards they are striving to reach to a specific level of quality.

I appreciate the opportunity to present our views on this issue and would be happy to answer questions that you might have.

Senate Education Committee  
1-25-06  
Attachment 6