

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 A.M. on January 24, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Benjamin Hodge- absent

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Michele Alishahi, Kansas Legislative Research Department
Ashley Holm, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Janet Henning, Committee Assistant

Conferees appearing before the committee:

Dr. Andy Tompkins, Chair, At-Risk Council
Katrin Osterhaus, Auditor, Legislative Division of Post Audit

The Chairman asked for any bill introductions.

Representative Colloton advised Committee members she was requesting a "clean-up" bill concerning grants for the payment of costs relating to attaining endorsement as an ESOL teacher. Representative Colloton moved the motion which was seconded by Representative Storm. The motion carried on a voice vote.

A motion was made by Representative Colloton to change the current bilingual weighting in the school finance act from a full-time equivalent weighting with contact hours to headcount and adjusted to 0.2 from the present 0.395 weight. The motion was seconded by Representative Craft and carried on a voice vote.

Representative Colloton advised the Committee that those districts who are spending "below-the-average" in their enrollment category would be authorized to adopt an LOB in excess of the state prescribed percentage. Representative Colloton moved the motion which was seconded by Representative Storm. The motion carried on a voice vote.

Representative Storm asked for a bill which would require school districts to shut off vending machines during the school day. Representative Storm moved the motion which was seconded by Representative Horst. The motion carried on a voice vote.

The Chairman introduced Dr. Andy Tompkins, Chair, At-Risk Council, who informed Committee members of the background and committee activities, and recommendations of the At-Risk Council. (On file with Kansas Legislative Research)

Katrin Osterhaus gave a summary of the Legislative Post Audit's findings, conclusions, and recommendations from their completed performance audit, *K-12 Education: Reviewing Free-Lunch Student Counts Used as the Basis for At-Risk Funding, Part I and Part II. (Attachments #1) (Publications on file with Legislative Post Audit)*

A question and answer discussion followed the presentation.

Chairman Aurand adjourned the meeting at 10:40 AM. The next meeting will be held Thursday, January 25, 2007

**Summary of Legislative Post Audit Free-Lunch Findings for
House Education Committee**
January 24, 2007

Background Information

- School districts provide special services to students who are “at risk” of failing academically.
- Each district develops its own criteria for identifying and serving at-risk students.
- Since 1992, the State has provided funding for at-risk services, primarily based on the number of students who are eligible for free lunches under the National School Lunch Program.
 - According to academic research, poverty is highly correlated with being at-risk academically.
 - The free-lunch count is a timely and convenient measure of student poverty.
- In 2006-07, the State is projected to provide more than \$195 million in funding for at-risk services.

Accuracy of Free-Lunch Counts (Part 1, Question 1)

- 1. In 2005-06, about 17% of the free-lunch students in our Statewide random sample were ineligible.** [Part 1, page 8]
 - This is primarily because federal law requires school districts to accept free-lunch applications at “face value.”
 - This projects to approximately 23,000 students and \$19 million in at-risk funding Statewide for 2005-06.
- 2. Based on our survey of district officials, about 6,900 students Statewide may have been eligible for free lunches but their families didn’t apply.** [Part 1, page 10]
 - This is primarily because families are either too embarrassed to apply, or are concerned that their financial information won’t be kept confidential.
 - This projects to approximately \$5.7 million in at-risk funding Statewide.
- 3. The free-lunch counts used for at-risk funding also may include a number of students the Legislature didn’t intend to fully fund.** [Part 1, page 11]
 - The Department has developed an alternative at-risk application that allows districts to receive funds for adults and other students for whom the State normally wouldn’t provide at-risk funding.
 - At-risk funding is based on student headcounts and isn’t prorated for part-time students.

Comparing Free-Lunch Counts to U.S. Census Bureau Estimates (Part 1, Question 2)

- 4. For 2003-04, Kansas had 54,000 more free-lunch students than adjusted U.S. Census estimates would suggest.** [Part 1, page 18]
 - This is primarily because of the ineligible students (17%) mentioned earlier.
 - It’s also because the U.S. Census estimates cover slightly different ages and student groups than the free-lunch counts.

5. The Census Bureau's district-level poverty estimates have several limitations because of the way they're produced. [Part 1, page 20]

- The estimates are less accurate for certain key populations—rural areas, people who move a lot, children in large families, and children in foster care.
- The Census counts students in the districts where they live, not where they attend.
- There's a significant lag time (several years) before Census estimates are released.

Comparing Free-Lunch Students to At-Risk Students (Part 2, Question 1)

6. The Department doesn't have a reliable count of students receiving at-risk services. [Part 2, page 7]

- The at-risk counts districts report aren't uniform or consistent.
- The Department hasn't given districts clear guidance on what to report.

7. There's little relationship between the students used to fund at-risk services and the number of students who receive at-risk services. [Part 2, page 9]

- Smaller districts generally provide at-risk services to fewer students than are counted for funding purposes.
- Larger districts generally provide at-risk services to more students than are counted for funding purposes.
- In general, the students who are counted for funding and those who receive services aren't the same students. This isn't surprising because the free-lunch count is a proxy measure for at-risk students.

At-Risk Funding in Other States (Part 2, Question 2)

8. Almost all states use some measure of poverty as the basis for distributing at-risk funding. [Part 2, page 12]

- 39 of 41 states use measures of student poverty to distribute some or all at-risk funding.
- 29 states use either the free-lunch count, or the free- and reduced-price lunch count as the primary poverty measure.
- 10 states, including Kansas, use a "poverty plus" measure—combining a poverty measure with other non-poverty at-risk indicators (Kansas uses a "non-proficient student" measure).

Recommendations to the Legislature

To ensure at-risk funding is provided only for the students it intended (*Finding #3 above*), the Legislature should consider amending State law to:

- institute an age limit for free-lunch students for the purposes of at-risk funding.
- change the at-risk funding count from a headcount to an FTE count.