

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on January 29, 2007, in Room 123-S of the Capitol.

Committee members absent: Greta Goodwin- excused

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
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator Laura Kelly
Senator John Vratil
Mark Desetti, Kansas National Education Association
Robert Vancrum, Blue Valley USD 229
Mark Tallman, Kansas Association of School Boards
Stuart J. Little, Shawnee Mission School District 512
Bill Brady, Schools for Fair Funding

Senator Schodorf called the Committee's attention to the minutes of the January 18 and 22 meetings, which were distributed at the January 25 meeting.

Senator Teichman moved to approve the minutes of the January 18 and 22 meetings, seconded by Senator Vratil. The motion carried.

Senator Laura Kelly requested the introduction of a bill which would mandate kindergarten attendance and lower the mandatory age from seven to six.

Senator Steingerger moved to introduce the bill, seconded by Senator Teichman. The motion carried.

SB 68 – School finance; non-proficient pupil weighting

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 68** amends a provision in the school finance law for non-proficient pupil weighting by removing the one-year sunset on the non-proficient at-risk weighting and by simplifying the formula.

Senator John Vratil testified in support of **SB 68**. He explained that non-proficient at-risk weighting applies only to students who do not qualify for free lunch and who have scored below proficiency on state assessment tests. He noted that the primary purpose of the bill was to extend the non-proficient at-risk weighting factor in the school finance formula. He pointed out that the At-Risk Council and the 2010 Commission recommended the continuance of non-proficient at-risk weighting. (Attachment 1)

Mark Desetti, Kansas National Education Association, testified in support of **SB 68**. He noted that KNEA characterizes at-risk weighting as "free lunch plus." Thus, the use of poverty as a method of funding at-risk programs is appropriate. KNEA also believes that it would be wrong to withdraw funding for special programs to meet the needs of non-proficient at-risk students after one year. (Attachment 2)

Robert Vancrum, representing Blue Valley USD 229, testified in support of **SB 68**. He commented that, by setting aside an additional non-proficient at-risk weighting last year, the Legislature recognized that any student whose math or reading scores are below proficient needs substantial and costly interventions and should qualify for at-risk weighting. He noted that the bill significantly simplified the method for computing this weighting while being revenue neutral. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:35 p.m. on January 29, 2007, in Room 123-S of the Capitol.

Mark Tallman, Kansas Association of School Boards, testified in support of **SB 68**. He noted that KASB has acknowledged that the use of free lunch counts is not a perfect measure and that factors other than poverty cause academic problems. KASB supports continuation of the non-proficient weighting, which is based on non-free-lunch students who score below proficiency. (Attachment 4)

Stuart Little, representing Shawnee Mission School District 512, testified in support of **SB 68**. He stated that the District supported the provisions of the bill which would clarify the formula for non-proficient at-risk students and make the provision a permanent component of the state's school finance formula. He noted that the proposed new formula should ease the District's burden of determining non-proficient at-risk students. (Attachment 5)

Bill Brady, Schools for Fair Funding, testified in opposition to **SB 68**. He noted that Schools for Fair Funding believes that poverty remains the best indicator for funding at-risk programs and that the major problem with the non-proficient weighting is that it deals with the testing issue after the action has occurred. He commented further that, to his knowledge, there has been no report to the Legislature on how districts are utilizing non-proficient dollars. He suggested that **SB 68** be amended to extend the sunset for two more years to allow time to thoroughly evaluate whether it makes sense to continue the program. (Attachment 6)

There being no others wishing to testify, the hearing on **SB 68** was closed.

Senator Schodorf opened Committee discussion on the following previously heard bills: **SB 22** concerning the administration of the teacher education competitive grant program for postsecondary educational institutions, **SB 23** which would combine the four different teacher service scholarship programs into one plan, and **SB 70** concerning attendance and transportation of pupils who reside outside the district.

Senator Vratil moved to technically amend **SB 22** on page 1, line 18, by striking "matching" and inserting "competitive", seconded by Senator Pine. The motion carried.

Senator Teichman moved to recommend **SB 22** favorably for passage as amended, seconded by Senator Vratil. The motion carried.

Senator Vratil moved to technically amend **SB 23** on page 2, line 43, by striking "\$2,000" and inserting "\$2,500" seconded by Senator Pine. The motion carried.

Senator Teichman moved to recommend **SB 23** favorably for passage as amended, seconded by Senator Vratil. The motion carried.

It was the consensus of the Committee to take no action on **SB 70**.

The meeting was adjourned at 2:20 p.m.

The next meeting is scheduled for January 30, 2007.

**SENATE EDUCATION COMMITTEE
GUEST LIST**

DATE: January 29, 2007

NAME	REPRESENTING
Ron Harbaugh	Topeka Public Schools
Mark Desetti	KNEFA
Mark Tallman	KASB
Cheryl Samuel	USA/Kansas-
Dodie Wellshear	USA/Kansas
Bill Brady	SFFF
John Peterson	SFFF
BILL REARDON	USD 500 (KCKs.)
Adrienne Strecker	Sen. Lee Intern
Derck Hein	Hein Law Firm
Diane Gjerstad	Wichita Public Schools
Philip A. Hurley	Pat Hurley & Co.
Katie Firebaugh	Kearney & Associates
Jan Busse	Cheylin BOE
Relle Leonard	Cheylin J. ^{God}
Louise A. Leonard	Cheylin Parrot
Bob Vanman	USD 229
Stuart Little	Shannon Mission 572
Val deFur	SQE

State of Kansas

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SENATOR, ELEVENTH DISTRICT
JOHNSON COUNTY
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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 Presented To
The Senate Education Committee
by Senator John Vratil
January 25, 2007
concerning Senate Bill 68

Good afternoon. Thank you for the opportunity to come before the Senate Education Committee in support of Senate Bill 68 which would remove the one year sunset on the non-proficient at-risk weighting

During the 2006 legislative session, the Legislature created the non-proficient at-risk weighting within the school finance formula and provided that the weighting would sunset or expire on June 30, 2007. The new weighting addresses students who score below proficient in reading and math on the state assessment and who are not eligible for the federal free meals program. In the past, our school finance formula only considered one category of at-risk students: students who qualified for free meals under the National School Lunch Program. The formula assumes that students who come from low income homes are more likely to score below proficient on the state assessment and to struggle in school.

Student performance on the state assessment demonstrates our previous assumption about which Kansas students are "at-risk" is not entirely correct. Many students, regardless of family income, struggle. The non-proficient weighting enables us to target additional funding to the students who truly are at risk of failure.

Please support Kansas students by removing the sunset on the non-proficient at-risk weighting.

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

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Senate Education Committee
1-29-07 Attachment #



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti, Testimony
Senate Education Committee
January 25, 2006

Senate Bill 68

Madame Chair, members of the Committee, thank you for the opportunity to appear before you today to share our thoughts on Senate Bill 68.

In line with KNEA's position on at-risk weighting which we characterize as "free lunch plus," we support Senate Bill 68.

KNEA believes that poverty is a strong indicator of the potential for being at-risk of falling behind, failing academically, and even dropping out of school. For that reason, the use of poverty as a method of funding at-risk programs is appropriate.

We also realize that some school districts with low numbers of students in poverty also may have significant challenges meeting the needs of all students. It is appropriate that there be funding for special programs to meet the needs of those students who are not proficient in math or reading. We also believe it would be wrong to withdraw funding for such programs after one year.

For these reasons we support the continuation of the non-proficient at-risk weighting and Senate Bill 68.

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1-29-07
Attachment 2*

Testimony to Senate Education Committee
Robert Vancrum, Kansas Government Affairs Specialist
Blue Valley USD 229

January 29, 2007

Senator Schodorf and Members of the Committee:

I am representing Blue Valley USD 229, a district of approximately 20,000, and I'm here to support SB 68. To put our position in context you must understand that even after last year's school finance bill and all the local dollars our voters have approved, my district's budget is capped at a level that makes our per pupil budget one of the lowest in the state.

We have for several years advocated for a change in the definition of at-risk pupils. Last year the legislature took a giant step in understanding that the "Poverty Plus" at risk formula used by 9 other states is a better way to fund at risk programs. By setting aside an additional non proficient at risk weighting , you recognized that ANY student whose math or reading scores are below proficient needs substantial and costly interventions, and should qualify for at risk weighting. Furthermore they are a significant number in every district. In our district a high percentage of our at-risk students do not qualify for the federal free lunch program.

SB 68 has no fiscal note, since the money necessary to fund such a weighting next year are already in the budget . Therefore no one can argue with any credibility that the non-proficient at risk funds are provided at the expense of other at risk students or any other district.

SB 68 therefore significantly simplifies the methods for computing this weighting while being revenue neutral. It also would remove provisions allowing this weighting to sunset after this year.

I would be happy to answer any questions.

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Attachment 3

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony on **SB 68**
before the
Senate Education Committee

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

January 29, 2007

Madam Chair, Members of the Committee:

After extensive discussions of school finance issues by school board members and administrators at 10 regional meetings this Fall, members of the KASB Board of Directors and Legislative Committee drafted a resolution on school finance that was adopted without dissent at our Delegate Assembly in December.

That process involved districts of all sizes, geographic locations and demographic characteristics. Our Board and Legislative Committee each include 10 representatives chosen by regions of the state, plus the five member school boards with the largest enrollments (Wichita, Olathe, Blue Valley, Kansas City and Topeka).

The consensus that emerged from this process on the issue of at-risk funding is that Kansas should continue to use BOTH student poverty measures AND additional criteria, such as the non-proficient weighting, to determine funding for at-risk student support programs. Therefore, we support removing the expiration on Non-Proficient Weighting, as contained in **SB 68**.

KASB believes there are a number of problems with using test scores alone for at-risk funding. However, KASB supports continuation of the Non-Proficient Weighting, which is based on non-free-lunch students who score below proficiency, as an "add on" to student poverty factors such as free lunch eligibility. The reason is simple: we acknowledge the use of free lunch counts is not a perfect measure and factors other than poverty cause academic problems. We believe additional measures should be available for districts with lower poverty rates. While poverty is clearly a strong predictor of academic challenges, even a district without a single child in poverty will have students who face academic difficulties and require extra assistance.

Our position is broad enough to support additional factors beyond non-proficiency on test scores if such factors can be identified.

Thank you and I would be happy to answer any questions.

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Attachment 4*

STUART J. LITTLE, Ph.D.
Little Government Relations

January 25, 2007

Senate Education Committee

Testimony on Senate Bill 68

Dear Madame Chair and Members of the Education Committee,

Thank you for the chance to appear today and testify on Senate Bill 68. I appear today on behalf of Shawnee Mission School District 512. The Shawnee Mission School District is the second largest district in Kansas, with 27,083 students, 2,032 teachers, in 55 schools. We are also a declining enrollment district, losing on average over 400 students each year, with 3,471 pupils meeting the free lunch criteria for "at risk," but over 10,000 students identified as at risk according to KSDE definitions and 1,548 bilingual students.

SMSD supports the provisions of SB 68 which would clarify the formula for non-proficient at-risk students and make the provision a permanent component of the state's school finance formula. The school finance bill passed during the 2006 session spent \$10,000,000 for non-proficient at-risk but only funded the program for one year. The SMSD 2007 Legislative platform states the following in regard the issue:

Prior to legislation last year, at-risk students were defined as those students receiving free lunch. With the passage of last year's finance law, the legislature created an additional category for at-risk students based on their academic performance and provided \$10 million state wide to be used for the remediation of students who did not achieve proficiency on state tests. The allocation was for the 2006-07 school year only. School districts must continue to help non-proficient at-risk students whether or not they receive free lunch.

SB 68 is a more straight-forward approach to identifying students that are non-proficient. A district identifies students that are non-proficient and is then able to report the number of those students who are not on free lunch. The current law goes through a series of steps to estimate this number. The new proposed formula should ease the district's burden of determining non-proficient at-risk.

Thank you for allowing us to appear in support of SB 68 and I would be happy to stand for questions.

**SCHOOLS FOR FAIR FUNDING
TESTIMONY REGARDING SB 68
SENATE EDUCATION COMMITTEE
JANUARY 29, 2007
BILL BRADY**

Thank you for the opportunity to express our opposition to SB 68. SB 68 removes the sunset provision for the non-proficient weighting provision initiated for the first time last year as part of SB 549. It was an historic three year plan designed to meet the directions outlined by the Supreme Court in the Montoy case.

As I am sure you are aware, the legislature commissioned two separate studies over the last seven years to help determine the resources necessary to assist school districts address the wide divide among student achievement in Kansas.

The legislative response to the A&M and the LPA studies, SB549 falls well short of the needed resources documented in both studies. SFFF believes if additional resources are allocated this session for K-12 funding, students would be better served in applying those resources as outlined in your study.

Fortunately, since the funding in SB 549 falls short of the outcomes desired in the LPA study, the legislature had the foresight to provide more flexibility to schools districts in the use of At Risk dollars. The districts I represent know the types of programs that work; lower student/teacher ratios, extended learning opportunities, additional support services for students and teachers and early childhood interventions have all proven effective with Kansas school children. Given the resources and the time to make these strategies, work significant progress in reducing the achievement gap will be made.

SFFF believe poverty remains the best indicator for funding At Risk programs. Is poverty an absolute indicator, of course not. SFFF believes a major problem with the non-proficient weighting is that it deals with the testing issue after the action has occurred. In contrast, At Risk funding attempts to deal with issues in a proactive manner. We expressed many of these same concerns last year when the subject of non-proficiency arose. We were told by many legislators who voted for SB 549, that the

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Attachment 6*

non-proficiency weighting was just a one year deal and before it was extended the legislature would have information on its effectiveness. To my knowledge there has been no report to the legislature on how districts are utilizing non-proficient dollars. Even without specific information on its effectiveness we understand how difficult it is to ask legislators to redirect the program's resources. Such an action would mean some districts would have less resources to deal with the non-proficient issue. We would suggest if SB 68 was amended to extend the sunset for two more years, then the non-proficient weighting would run for the full time period of SB 549 and would give the legislature through the 2010 Commission, time to thoroughly evaluate whether it makes sense to continue the program.

We ask that if you cannot vote against SB 68 and redirect its funding to At Risk weighting, please consider amending SB 68 to extend the sunset two more years and provide the opportunity to better understand its effectiveness.

Current language	Post Audit Study	SB549 as passed (KSDE printout SF6173)
Years in plan	3	3
Total dollars	\$831M (includes KPERS costs)	\$466.2M (without KPERS) KPERS est. at \$25M/year \$541.2M (with KPERS)
Yearly costs	\$470M \$216M \$145M (includes KPERS)	\$194.5M (\$219.5M with KPERS) \$149M (\$174M with KPERS) \$122.7M (\$147.7M with KPERS)
Base \$4257	\$4659 \$5012 \$5239	\$4316 \$4374 \$4433
Base additions	\$402-\$353-\$227	\$59-\$58-\$59
Base cost yr 1	\$181M	\$33.45M
At-risk .193	.484	.278-.378-.456 (of a much smaller base)
At-risk cost yr 1	\$195.1M	\$49.35M
High density	Urban density: .726-.484=.242	40% at risk: .04-.05-.06 50% at risk: .08-.09-.10 35.1% at risk + density of 212.1: .08-.09-.10 (of a much smaller base)
High density cost yr 1	\$53.8M	\$22.7M
Nonproficiency weight-not in current law	Not in study	.029
Nonproficiency wgt cost year 1	none	\$10M
Correlation wgt. Cutoff= 1662	none	1637 (-25) 1622 (-15) no change in year 3
Correlation cost yr 1	none	\$11.7M
Low enrollment wgt	Adjust to cost	No change
Bilingual wgt. .395 x FTE	.10 x headcount	No change
LOB 27% for 2005-06 29% for 2006-07 30% for 2007-08		30%- 31% state aid portion of LOB now must be used for state required items- no longer for "extras" (only applies to districts that get LOB state aid)
LOB aid cost		\$37M
Special ed 89.3% 2005-06 92% 2006-07		92% (in current law)
Special ed cost yr 1		\$30.3M