

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. on March 5, 2009, in Room 711 of the Docking State Office Building.

All members were present except:

Representative Steve Huebert- excused

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department

Theresa Kiernan, Office of the Revisor of Statutes

Dale Dennis, Kansas State Board of Education

Janet Henning, Committee Assistant

Conferees appearing before the Committee:

Scott Frank, Legislative Post Audit

Representative Clay Aurand

Tom Krebs, Kansas Association of School Boards

Bill Brady, Schools for Fair Funding

Bill Reardon, Kansas City, Kansas Public Schools

Val DeFever, Schools for Quality Education

Diane Gjerstad, Wichita Public Schools

Cheryl Semmel, United School Administrators of Kansas

Royce Powelson, Superintendent, Jayhawk USD #346

Dr. Gary George, Assistant superintendent, Olathe USD #233

Chairman Aurand told Committee members for the purpose of chairing the House Education Committee on March 5, 2009, he would appoint Representative Marti Crow as the Chairperson.

**HB 2357 - School districts; calculation of at-risk pupil enrollment.**

Chairperson Crow opened the hearing on **HB 2357**.

Scott Frank, Audit Manager, Kansas Legislative Post Audit, gave Committee members an overview of the audit entitled "K-12 Education: Reviewing Free-Lunch Student Counts Used as the Basis for At-Risk Funding, Part I".

Mr. Frank told Committee members that legislators have seen information indicating the number of students districts reported as eligible for the free-lunch program varies significantly from poverty estimates prepared by the U.S. Census Bureau. In addition, information compiled by the State Department of Education, as well as findings in the Legislative Post Audit cost study, indicate the number of students eligible for free lunch has little relationship to the number of students who actually receive at-risk services.

This information has raised concerns among some legislators about the validity of using the number of students qualifying for free lunch to measure poverty within each district, and for some it also called into question the appropriateness of using free-lunch counts as the basis for distributing State at-risk funding.

The audit was conducted in two parts:

- **Does the number of free-lunch students used for at-risk funding accurately reflect the number of students who are eligible for the program?**

In the 2005-06 school year, Kansas public school districts received almost \$111 million in at-risk funding for nearly 135,000 free-lunch students. About 17% of the statewide random sample of 500 free-lunch students were ineligible - primarily because families under-reported their income. That means the State paid almost \$19 million in at-risk funds for about 23,000 ineligible students. However, based on the Legislative Post Audit survey of school district

## CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. on March 5, 2009, in Room 711 of the Docking State Office Building.

officials, about 6,900 students Statewide may have been eligible for free lunches but their families didn't apply, mostly because they're embarrassed to reveal their finances.

The free-lunch counts used for at-risk funding may also include a number of students the Legislature didn't intend to fund, including adult students in alternative schools and part-time students.

- **How does the number of free-lunch students reported by school districts compare with poverty estimates compiled by the U.S. Census Bureau?**

In 2003-04, Kansas had 54,000 more free-lunch students than adjusted figures from the U.S. Census Bureau would suggest. The primary reason for this difference is that the free-lunch count includes approximately 22,000 ineligible students for that year. The Census Bureau's district-level poverty estimates also have several limitations, including difficulties in accurately measuring important populations, significant lag time in publishing figures, and decreasing accuracy as they get further from the 10-year census count. (On file - Performance Audit Report, Legislative Division of Post Audit, November 2006)

Representative Clay Aurand spoke to Committee members as a proponent of **HB 2357**. Representative Aurand told Committee members that each year, the Kansas State Board of Education determines the at-risk pupil enrollment of each school district who are eligible for free meals under the national school lunch act. The State Board of Education must then determine the estimated number of children living in a school district who are at least five and not more than 17 years of age and who are a member of a household whose income is equal to or less than the poverty threshold according to the current small area income and poverty estimates prepared by the United States Census Bureau as of September 20 of each school year.

Representative Aurand told Committee members of a conceptual amendment which would not reduce the total amount paid by the State but would redistribute it by increasing dollars going to districts that after auditing were under-reporting what would be considered the "normal poverty" rate after auditing.

Representative Aurand distributed a print-out which compared free-lunch counts (9.20.08) to adjusted Census counts (2006) (Attachment 1)

A question and answer session followed the presentations.

Tom Krebs, Governmental Relations specialist, Kansas Association of School Boards (KASB), spoke to Committee members in opposition of **HB 2357**. Mr. Krebs told Committee members that KASB was opposed to the bill for the following points:

- KASB is not aware of any example of actual evidence that school officials, rather than parents, are knowingly using false information to calculate free lunch status
- The evidence is very clear that students qualifying for free lunch, as a group, have lower performance, regardless of whether this reflects actual income for each qualifying family
- The at-risk weighting factor is intended to help districts narrow and ultimately eliminate this achievement gap
- According to state test results - the current measure that is used, - as funding has increased for at-risk student programs, at-risk student achievement has increased
- It is believed that reducing such funding will make it much harder to sustain that achievement.

(Attachment 2)

CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. on March 5, 2009, in Room 711 of the Docking State Office Building.

Bill Brady, Schools for Fair Funding (SFFF), spoke to Committee members in opposition of **HB 2357**. Mr. Brady told Committee members that most of the school districts belonging to SFFF have levels of at-risk students that represent 30 - 60% of their student population. With the current rate of economy, these numbers are growing, not declining. Mr. Brady stated it is believed that **HB 2357** would set up a burdensome system which will have the net effect of reducing resources for at-risk funding. It will add administrative costs both at the state and local levels at a time when schools are being asked to do more with less. (Attachment 3)

Bill Reardon, Kansas City, Kansas Public Schools, spoke to Committee members in opposition to **HB 2357**. Mr. Reardon told Committee members this bill does not directly deal with this issue but rather addresses the use of free lunch count as the method of accessing at-risk funds. He stated this bill would implement a second count based on estimates from the U.S. Census Bureau and require that the smaller of the two counts be used for determining at-risk funding. (Attachment 4)

Val DeFever, Schools for Quality Education, spoke to Committee members in opposition to **HB 2357**. Ms. DeFever urged Committee members to refrain from changing the way at-risk dollars are presently determined. At a time when so many programs are being limited by the economic crunch and with expectations increasing, it doesn't make sense to slow down what dollars there are to help children. (Attachment 5)

Diane Gjerstad, Wichita Public Schools, spoke to Committee members in opposition to **HB 2357**. Ms. Gjerstad told Committee members this bill would make significant, costly, and time consuming changes in the at-risk calculation. She stated the bill would amend the current at-risk weighting calculation and change it into a complex, lengthy and inefficient process which will require school districts to have more staff dedicated to counting at-risk eligible students. (Attachment 6)

Cheryl Semmel, Executive Director United School Administrators of Kansas, spoke to Committee members in opposition to **HB 2357**. Ms. Semmel told Committee members that the changes proposed in **HB 2357** will negatively impact programs that serve those students with the greatest need because the proposed alternatives present an inaccurate, unreliable and untimely portrait of need. (Attachment 7)

Royce Powelson, Superintendent of Jayhawk USD #346, spoke to Committee members in opposition of **HB 2357**. Mr. Powelson stated the bill would likely result in a lack of resources available to support these students with the greatest need. The bill would create a very bureaucratic process that focuses on increased time and labor for compliance, while neglecting the impact on children. (Attachment 8)

Dr. Gary George, Assistant Superintendent, Olathe USD 233, spoke to Committee members in opposition of **HB 2357**. Dr. George told Committee members of a number of concerns with the bill including the following:

- The purpose of the bill is not clear
- The use of census data is a problem because the data is old and is statistical
- Limiting at-risk funding to 5-17 year old students excludes the four year old at-risk students
- Unclear if at-risk funding would only be directed as the proposed bill indicates or if non-proficient at-risk would still be allowed
- It is not clear if the Department of Labor data is sufficiently current
- No fiscal impact has been listed
- Reduction of at-risk funding would not help advance student achievement

(Attachment 9)

A question and answer session followed the presentations.

Chairperson Crow closed the hearing on **HB 2357**.

The meeting was adjourned at 10:45 a.m. The next meeting is scheduled for March 10, 2009.

Comparing Free-Lunch Counts (9/20/08) to Adjusted Census Counts (2006)							
School District	Total K-12 Headcount Enrollment (9/20/08)(a)	Census Estimate of Children Ages 5 to 17 (2006)	Free-Lunch Headcount (9/20/08)(a)	Census Estimate of Children in Poverty (2006)	Adjusted Census Poverty Estimate (Census x 2.37)	Difference (Free-Lunch Count) - (Adj Cen Pov Count)	
						##	%
309 - Nickerson	1,169	1,178	506	149	353	153	<b>43%</b>
348 - Baldwin City	1,374	1,430	174	158	374	(200)	<b>(53%)</b>

(a) Unaudited  
 Sources: Department of Education budget data for 2008-09; 2006 Small Area Income and Poverty Estimates (SAIPE) prepared by the U.S. Census Bureau



KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

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

Testimony before the  
**House Education Committee**  
on  
**HB 2357**

by

**Tom Krebs, Governmental Relations Specialist**  
Kansas Association of School Boards

**March 5, 2009**

Madam Chairman, Members of the Committee:

Thank you for allowing us to address concerns we have with **HB 2357**.

According to a Legislative Post Audit report published in November, 2006, about 17 percent of free-lunch students, in a random sample, were ineligible. As a result, the report concluded the state paid out \$19 million more dollars in 2005-06 than it should have. **HB 2357** is an attempt to reduce the state's obligations for at-risk weighting, generally determined by the free lunch count, by adding a second alternative method of computing districts' at-risk dollars.

KASB is opposed to it for a number of reasons.

First, the new law states districts will get the lesser of the two at-risk amounts, which ensures the best a district can hope for is flat funding. Because the default position is always the lesser of the two formulas, the districts that might be construed "winners" would not get more than their current free lunch enrollment. When all the testing data points to improved results, both in terms of increasing numbers for all, but also a closing of the achievement gap, why does it make good policy sense to start cutting the very resources that are funding the improved results, as mandated by state law and regulation? KASB believes, if anything, at-risk weighting needs to be expanded to where documented needs exist, not minimized.

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Attachment 2

It is critical to remember districts only pass on the information about eligibility, so they are not responsible for the inflated numbers. So the second major flaw is those who “cheat” and claim benefits they do not deserve and are not the ones who pay for the transgression. Rather, it is ALL kids that receive some benefit from a district’s smaller class size, additional programs, or extended learning opportunities who are punished. The bill states no one would lose their free lunch benefits, which KASB agrees with, but KASB cannot condone rescinding beneficial services for many children, and families, who are playing by the rules because there are those who do not.

The bill also makes a serious mistake when it assumes county census poverty rates will serve as a reliable factor in the alternative formula the bill outlines. First, the bill itself points out the numbers in the census are estimated. How are they more accurate? More importantly, county lines and school districts are rarely one and the same. Some districts could have substantially more, or less, poverty than what the county data suggests. The most glaring assumption in this calculation is there is no mobility among districts. District A might have a number of students enrolled from another district in another county. Those students could easily come from an impoverished area and be in much greater need than the countywide data from County A would suggest.

Another serious concern is all the auditing it would take to make the bill’s recommendations work. The bill mentions using data from the state’s Department of Labor to verify income claims. What a labor-intensive effort that is even more diminished by the fact the data it would be using was snapped at yearly intervals, each third quarter.

In conclusion, we would ask you to keep the following points in mind. First, as of this writing, we are not aware of any example of actual evidence school officials, rather than parents, are knowingly using false information to calculate free lunch status. Second, the evidence is very clear students qualifying for free lunch, as a group, have lower performance, regardless of whether this reflects actual income for each qualifying family. Third, the at-risk weighting factor is supposed to help districts narrow and ultimately eliminate this achievement gap. Fourth, according to state test results – the measure we are required to use – as we have increased funding for at-risk student programs, at-risk student achievement has increased. Fifth, we believe reducing such funding will make it much harder to sustain that achievement.

We therefore oppose this bill. I would be happy to respond to any questions.

**TESTIMONY IN OPPOSITION TO HB 2357**  
**HOUSE EDUCATION COMMITTEE**

**Bill Brady**  
**March 5, 2009**

Schools For Fair Funding opposes HB 2357. We believe the Legislature should be allocating more dollars for at risk funding not less. The 2005 Legislative Post Audit Cost Study was the guide the Legislature utilized to enhance school funding in response to the Montoy case. The three year plan allocated an additional \$466 million over a three year period for K-12 education. As important to our schools as the new money was the fact that the three year finance plan attempted to direct the additional resources to the areas where schools faced the highest level of costs in educating students. Slightly more than \$192 million was designated to increase at risk funding. Study after study has proven that children in poverty are the most challenging to bring up to the proficiency level required by the federal No Child Left Behind Act. With the passage of SB 23, the 2009 rescission bill signed by the Governor less than two weeks ago, a little more than 5% of the \$466 million was taken back. This take-a-way was not accompanied by any decrease in costs to educate children. Costs are still rising and resources are shrinking. It should be noted that, since the regular at risk funding is a percentage (.456) of base funding, the reduction in the base aid figure also reduces at risk funding, again without any showing of decreased costs to educate these children. In addition the CPI provision for FY2010 placed in the school legislation back in 2006 is not being implemented, nor is the \$59 in base aid funding placed in the so called "lockbox" for FY 2010 passed by last year's legislature. The Department of Education anticipated the aggregate costs of the statute's provisions in existing law for FY 2010 amount to a total of \$160 million that K-12 education will not receive due to the budget crisis.

Most of the school districts belonging to SFFF have levels of at risk students that represent 30-60% of their student population. With the current state of the economy these numbers are growing, not declining. The leadership of our schools believe the increase in at risk education funding is the single most important factor leading to the improvement in our school district test scores. The at risk dollars allow the districts to reduce class sizes, provide the after school and summer programs and develop the target in-service training necessary to effectively work with each student in our schools.

The new mechanism proposed in HB 2357 substitutes a census count as an estimate of district poverty. By the nature of the census procedures, this count is not as current an indicator at the federal free lunch count. The federal free lunch count tracks changes in poverty much more quickly than the census procedure. It has been estimated that the census procedure can be as much as two years out of date.

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Attachment 3

HB 2357 appears to be aimed at reducing state costs to educate children rather than discovering costs and then funding them. The bill pays the LOWER of the free lunch method or the proposed census method. It does not provide funding for the more timely free lunch count, it only pays the lesser of two calculation methods.

There is no evidence that the current free lunch method is inaccurate or that children are being over-identified. The free lunch method is audited and children who are not actually qualified are removed from the count.

The proposed new procedure adds more administrative costs for schools and will direct more money away from the classroom. The new procedure does not remove any burdens, it simply adds to them and their costs.

We believe HB 2357 will set up a burdensome system which will have the net effect of reducing resources for at risk funding. It will add administrative costs both at the state and local levels at a time when schools are being asked to do more with less. We respectfully ask that you reject HB 2357 and direct your efforts toward fully funding actual costs as identified by the Legislative Post Audit Study.

**School Districts Comprising Schools For Fair Funding**

Arkansas City  
Augusta  
Dodge City  
El Dorado

Emporia  
Great Bend  
Hays  
Independence  
Kansas City

Leavenworth  
Newton  
Salina  
Wichita



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ESTIMATED COST OF SELECTED STATE AID PROGRAMS  
2006-07 THROUGH 2008-09

Program	Weighting Factor (Current Law)	2006-07	Difference	Cost	2007-08	Difference	Cost	2008-09	Difference	Cost
Base State Aid Per Pupil	\$ 4,257	\$ 4,316	\$ 59	\$ 33,450,000	\$ 4,374	\$ 58	\$ 33,800,000	<del>\$ 4,433</del> \$ 4,400	\$ 59	\$ 34,000,000
At-risk	.193	.278	.085	49,350,000	.378	.100	58,000,000	.436	.078	45,200,000
High-Density At-Risk*	0	0		22,700,000			3,400,000			3,500,000
Non-Proficient At-Risk**	0	.029	.029	10,000,000						
High Enrollment Equalization (Correlation Wtg.)	1.662	1,637	25	11,700,000	1,622	15	6,800,000	91.0%		
Special Education (Excess cost)	89.3%	92.0%	2.7	30,300,000	92.0%	0	25,000,000	<del>92.0%</del>	0	25,000,000
Supp. General State Aid (LOB)	27%	30%	3.0%	37,000,000	31%	1.0%	22,000,000	31%	0%	15,000,000
<b>TOTAL</b>				<b>\$ 194,500,000</b>			<b>\$ 149,000,000</b>			<del>\$ 122,700,000</del> <b>\$ 97,355,000</b>

\*School districts that have free meal percentages between 40.0 and 49.9 percent will receive an additional weighting of four percentage points and districts with 50 percent or more free meals will receive an additional weighting of eight percentage points for 2006-07; for 2007-08, five percent and nine percent; and for 2008-09, six percent and ten percent. Districts with a density of 212.1 students per square mile and a free lunch rate of 35.1 percent and above would receive .08 weighting in 2006-07; .09 weighting in 2007-08; and .10 weighting in 2008-09.

\*\*Funding for students below proficient in math or reading that are not on free lunch. Computed on a percentage of students below proficient divided by the total number of students taking the test and applying the percentage to the total school district enrollment, excluding free lunch students. The weighting is .029.

**... AFTER SB 23 CUTS**



# Kansas City, Kansas Public Schools

Unified School District No. 500

## HOUSE EDUCATION COMMITTEE

HB 2357

March 5, 2009

Last year's Post Audit study regarding free lunch eligibility has prompted some to call for changes in verification procedures or, at a minimum, further study on possible fraud in the Federal free lunch program. Additional study may be appropriate. Federal laws, however, hamper school districts' ability to remove children from free lunch eligibility when their families are unwilling or unable to provide additional information regarding their eligibility.

HB 2357 does not directly deal with this issue, but rather addresses the use of free lunch count as the method of accessing At Risk funds. This bill would implement a second count based on estimates from the US Census Bureau and require that the smaller of the two counts be used for determining At Risk funding.

The real issue should be whether current At Risk funding is sufficient to ensure all Kansas kids the opportunity for a suitable public education. The Supreme Court signed off on At Risk funding at the current level (the final year of the 3 year plan). I doubt that the court would view favorably a reduction in At Risk funding. A reduction in At Risk dollars is a possibility with the passage of HB 2357 because it requires the lesser count of (a) the current system, or (b) the use of the Department of the Census estimates. Consequently, At Risk funding could not increase but it could decrease!

The KCK public schools have utilized the increase in At Risk funding provided by the state to dramatically increase the scores of our disadvantaged students. Over the past decade, math and science proficiency scores have increased from single digit to around 60%. The increases in At Risk funding played a key role in this turnaround. Our district is very proud of this improvement, but we realize that 40% of our students have not reached proficiency. We face difficult challenges in the future to improve these students' test scores. Passing a bill that will not increase At Risk funding, but could reduce this funding at a time when the KCK district and many, many other Kansas districts have begun to close the achievement gap is the wrong approach.

For these reasons, the KCK Public Schools respectfully opposes the passage of HB 2357.

Bill Reardon, KCKPS Lobbyist

# Schools for Quality Education

Testimony on HB2357

March 5, 2009

Val DeFever

Chairman Aurand and Distinguished Members of House Education,

Thanks you for allowing me to speak to you today about HB2357. I have some real concerns about changing the way we determine at-risk dollars to our schools. My concerns center around what I have personally experienced as a Title I teacher for ten years and also from the hours and hours of information I have received as a a member of the State Board in board meetings and as a lobbyist in committee meetings.

As a teacher of at-risk students, I found there were always more children in need of additional help than there was money to hire additional teachers to meet their needs. In the past several years additional at-risk funding has made a huge difference in helping more and more students achieve higher academic gains. We have to be proud of those gains because they represent a more promising future for many Kansas kids.

As a State Board Member we questioned how at-risk students were identified. We were told even though there was not an absolute match of free lunch students with those who actually need the additional help, free lunch counts were a relatively easy way to determine needed funds. It was relatively consistent with the number of children needing help.

Many times over the past five years education and interim committees have questioned the method used in determining at-risk dollars. Interestingly enough education committee members have often been more concerned about obtaining a count of the students actually needing the additional help. They have been told that determining that information is more time consuming and the free lunch count is a quicker, easier way to arrive at a very close approximation of the number needing additional help. It might also be important to note, that over the years the federal government has used free lunch counts to determine Title I funding for this very reason.

Relying more on the Departments of Commerce and Labor data will significantly slow down the process. Much of the information will be outdated by the time it is utilized. And although it might more specifically determine the number of families that are out of work or in lower income levels, we continue to recognize that this is still not going to be an absolute match of students who come from impoverished homes and those who need the additional academic assistance.

I would urge you to refrain from changing the way at-risk dollars are presently determined. At a time when so many programs are being limited by the economic crunch and with expectations increasing, it doesn't make any sense to slow down what dollars there are to help children. The children who are most effectively served by at-risk dollars are also those least likely to leave our state. These are dollars will be well invested.

House Education Committee  
Date 3-5-09  
Attachment 5



**House Education**  
**Representative Aurand, Chair**

**H. B. 2357 – At Risk Calculation**

*Submitted by Diane Gjerstad  
Wichita Public Schools*

March 5, 2009

Mr. Chairman, members of the Committee:

We rise in opposition to this bill which would make significant, costly and time consuming changes in the at risk calculation. H. B. 2357 would amend the current at risk weighting calculation – a calculation which is straight-forward and easily audited – by changing it into a complex, lengthy and inefficient process which will require school districts to have more staff dedicated to counting at risk eligible students. I would assume this bill and the complexities surrounding this bill would also require KSDE to increase their auditing costs at a time when the department's operation budget has been cut.

Our current system uses free lunch as the eligibility threshold for a district's at-risk funding. Each year KSDE visits each school district in the state to audit enrollment data. In Wichita three auditors spend about six weeks examining boxes of data to verify that the enrollment count is correct. This bill would add layers of local work along with layers of state work to determine a number which we do now with less overhead costs.

The methodology in this bill is flawed. The bill would not count any pre K students or students over age 17. The census is an *estimate* and would not reflect current economic conditions of our families. The census would not include children who qualify for free lunch based on other status such as foster, migrant, or homeless. There are additional significant issues surrounding the provision to cross-check information with Department of Labor wage reports and confidentially issues surrounding USDA.

Mr. Chairman, the current at-risk calculation serves the state well and does not need to be amended.

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Attachment 6



**Testimony on**

**HB 2357**

**House Education Committee**

**Presented by: Cheryl L. Semmel, Executive Director**

**March 5, 2009**

The mission of United School Administrators of Kansas (USA|Kansas\*), through collaboration of member associations, is to serve, support, and develop educational leaders and to establish USA|Kansas as a significant force to improve education.

Education administrators remain committed to ensuring that each and every child in Kansas receives a quality education that will help them reach their potential and become successful, productive adults. There are 465,000 students in our public schools that we strive to impact positively every single day. As you know, Kansas students are making unprecedented academic achievement and we are on a path of continuous improvement. In many areas, Kansas' students are performing above the national average and for that you should all be proud.

The investment the state has made in our schools has proven critical to our efforts in meeting the mandates of No Child Left Behind and other significant educational challenges—such as meeting the increased demands of At-risk, special education, and non-English speaking students, while working to close the achievement gap. Administrators remain committed to ensuring that our students continue along this path of increasing academic excellence.

The increased funding and flexibility provided by the Legislature over the past several years has positively impacted student performance. State assessment scores have continued to improve, while gains for students enrolled in the free lunch program have been among the highest. Districts have utilized funding to implement programs that support students requiring additional assistance to achieve academic proficiency and success.

**Unfortunately, the changes proposed in HB 2357 will negatively impact programs that serve those students with the greatest need - in part, because the proposed alternatives present an inaccurate, unreliable and untimely portrait of need.**

As you know, districts currently receive funding to provide At-risk services based upon free lunch counts. There has been continued speculation that school districts are over-identifying students. **I would like to reiterate that this is not true.** While the Legislative Post Audit report on At-risk funding (*K-12 Education: Reviewing Free Lunch Counts as a Basis for At-Risk Funding, Part I, November 2006*) found that 17 percent of students surveyed should not be eligible for free lunch because their actual incomes were too high, **the report found no evidence that school districts were deliberately over-identifying students.** It is worth noting that Legislative Post Audit had access to information that is not (legally) available to school districts. The federal law is very prescriptive about the process for verifying income at the district level.

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Attachment 7

HB 2357 would require an alternative method to calculate At-risk funding. This method would use Census Bureau estimates to identify an alternate funding level. Again, I would like to reference the Legislative Post Audit report on At-risk funding. Pages 20-22 of that report include information regarding the limitations of using Census Bureau poverty estimates, including:

- Estimates are less accurate for certain populations, including: rural populations, transitory populations, children in large families or unconventional living arrangements, and foster care children.
- Census poverty estimates have a significant lag time.
- Census Bureau estimates become less accurate the further they are from the 10-year count.

HB 2357 seems indifferent to the fact that the Census Bureau estimates are unreliable and untimely. Consider, for example, the significant changes in the state and national economies over the past year. According to the Kansas Department of Labor, there were approximately 58,000 Kansas receiving unemployment payments as of December 27, 2008. This number was almost double the number of Kansans receiving unemployment payments as of December 29, 2007 (approximately 30,000). The Census Bureau data, while historically less accurate the further away from the 10-year count, actually becomes even more distorted in times of economic uncertainty.

Furthermore, it appears that regardless of the methodology(ies) employed, school districts would always be funded at the lower level. **Thus, raising the most important question of all: don't we have a responsibility to invest in and support those At-risk programs that have proven effective with our most challenging and disadvantaged student populations?**

Finally, I would like to raise the following questions for additional consideration by this Committee:

- Will the state's proposed use of this reporting data be consistent with the requirements of and support the intent of the United States Department of Agriculture (USDA)'s free and reduced lunch program? If not, will the USDA approve the use of this data in the proposed manner?
- Does the Legislature intend to make a determination about state aid based on Census Bureau data that is nearly 10 years old?
- How are 4-year old At-risk and 18-year old high school seniors accounted for? HB 2357 specifically addresses only those children ages 5 to 17.
- As we understand it, there are limitations to data provided by the State Department of Labor. These limitations are specifically related to the reporting of data from small businesses with fewer than 25 employees. What mechanism would be in place to account for unemployment among smaller businesses?

Preparing our children requires a shared commitment, collaboration, and open dialogue among all stakeholders. Thank you for being partners in education.

\*USA|Kansas represents more than 2,000 individual members and ten member associations:

Kansas Association of Elementary School Principals (KAESP)  
Kansas Association of Middle School Administrators (KAMSA)  
Kansas Association of School Administrators (KASA)  
Kansas Association of School Business Officials (KASBO)  
Kansas Association of School Personnel Administrators (KASPA)  
Kansas Assoc for Supervision and Curriculum Development (KASCD)  
Kansas Association of Special Education Administrators (KASEA)  
Kansas Association of Secondary School Principals (KASSP)  
Kansas Council of Career and Technical Education Administrators (KCCTEA)  
Kansas School Public Relations Association (KanSPRA)



# Jayhawk Unified School District No. 346

Box 278 Mound City, Kansas 66056 (913-795-2247)

Royce Powelson, Superintendent of Schools

## Testimony on HB 2357

### House Education Committee

March 5, 2009

Dear Chairman Aurand and members of the Committee:

My name is Royce Powelson and I am the superintendent of schools from the Jayhawk Unified School District #346. Jayhawk USD is located in both Linn County and Bourbon County, which is situated 60 miles South of Kansas City. The district serves the cities of Blue Mound, Mound City and Prescott. The district encompasses approximately 302 square miles and has a population of approximately 3,416 people. In the past two years, we have closed two elementary schools. Our attendance centers include Jayhawk Elementary and Jayhawk Jr./Sr. High Schools.

First, thank you for the opportunity to appear before you today. I am here in opposition to House Bill 2357. My primary concern is the intent of the bill and its impact on children.

In the Jayhawk school district, we have been able to use At-Risk funds to support many programs designed to support those students who are unable to learn in a "traditional classroom" setting or require additional support. Examples of At-Risk programs in our district include:

- Student support center at the Jr/Sr high level - Virtual Prescriptive learning, credit recovery, ACT prep, homebound instruction for students.
- Alternative programs
- Voyager reading programs 7-8<sup>th</sup> grade
- Counselor Services
- Reading Recovery (elementary school)
- Student improvement teams for the identification of what programs will meet the needs of children.
- Skill tutor computer programs
- Social worker services (acts as elementary counselor as there is lack of funding or such a position.)

At-Risk programs are made available to students with the following needs:

- Students who are not working on grade level (i.e. reading and/or mathematics)

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- Students who have IEPs, inclusive of 504 Plans - with the exception of gifted IEP's.
- Students who have experienced trauma inclusive of the following; death, divorce, on parent household.
- Students who are not meeting the requirements necessary of promotion to the next grade or are failing subjects or courses of study.
- Students who have long-term medical issues, examples include; diabetes, extreme allergies, Tourette syndrome.
- Students who do not meet the requirements necessary for graduation from high school. (e.g., potential dropout)
- Students who have insufficient mastery of skills or is not meeting state standards (e.g., is below proficient on state assessments)
- Students who have been retained.
- Students who have a high rate of absenteeism.
- Students who have repeated suspensions or expulsions from school.
- Students who are homeless and/or migrant.
- Students identified as English Language Learners.

As you can see, our programs are focused on meeting the needs of each child. The attached charts demonstrate the improvements we have seen in our At-Risk student population.

Unfortunately, rather than support and expand upon these accomplishments, HB 2357 would likely result in a lack of resources available to support these students with the greatest need. The bill creates a very bureaucratic process that focuses on increased time and labor for compliance, while neglecting the impact on children. Further, this bill appears to create additional demands at a time when we are reducing resources and asking staff to do more for less. Finally, I question whether this alternative complies with the USDA free and reduced lunch program requirements.

In closing, I would ask that the Committee consider the following questions before taking action.

1. How does this bill benefit students?
2. What is the motivation to change this system?

Thank you. I would be happy to answer any questions you may have.





### Reading Highlights

- Since 2005, the district has realized large reductions in the percent scoring below standard.
- Since 2005, the proportion of students scoring at exemplary has almost tripled.
- This is true for both the All Students group and the Free & Reduced Lunch group.

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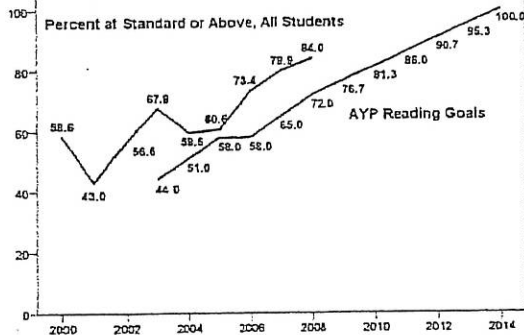
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### Reading Trends, 2000 - 2008




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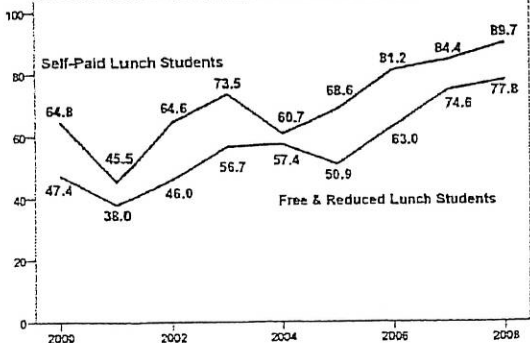
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### Reading Trends: Performance Gap




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### Math Highlights

- Since 2005, the percentage of the All Students group scoring at standard or above has increased 20 points.
- In 2008, over 25% scored at exemplary and only 11.2% were below standard.

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### Math Highlights (cont.)

- Since 2005, the Free & Reduced Lunch group has gained 29 points.
- Since 2005, the percentage of Free & Reduced Lunch students scoring at exemplary has doubled to 17.6 %.

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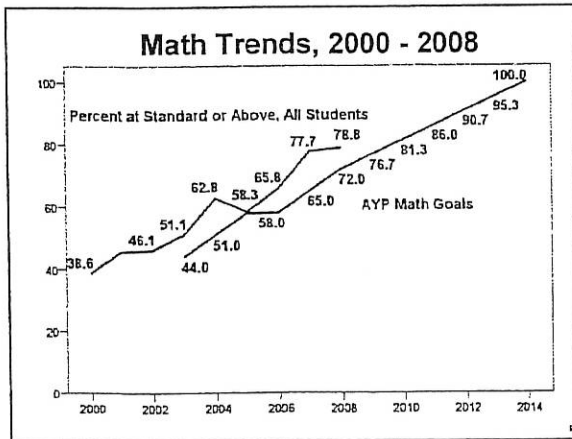
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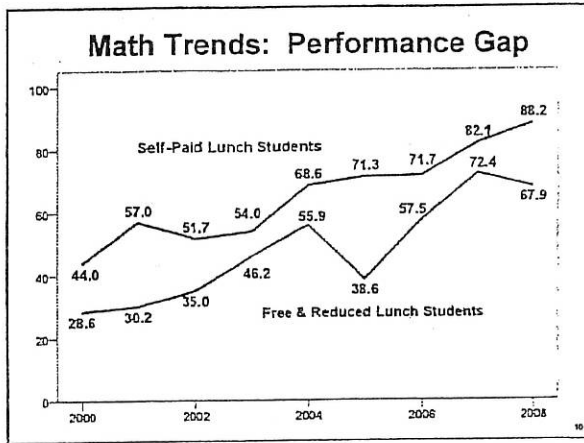
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### Science Highlights

- In the last 3 years, the All Students groups has gained 27 percentage points.
- The Free & Reduced group has gained 38 *points*.
- The gap between the Paid-lunch students and the Free & Reduced Lunch students narrowed to just 2 points.

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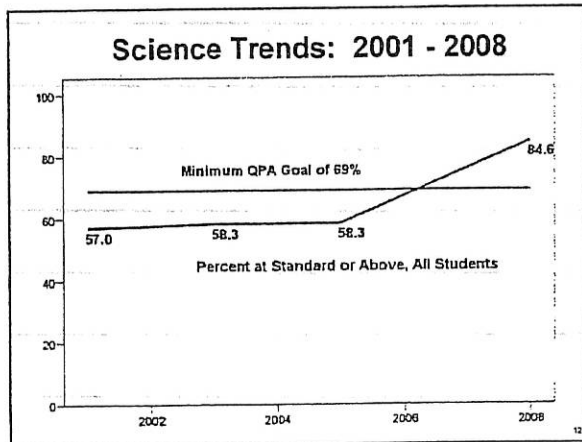
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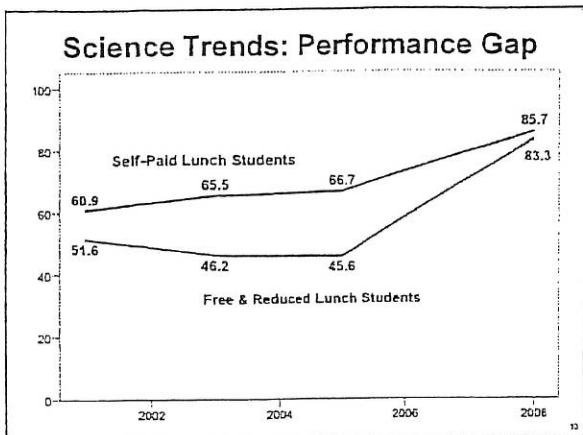
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### History / Govt. Highlights

- Since 2001, the percentage of students below standard has declined by 30 points.
- For Free & Reduced Lunch students, the percentage below standard has declined 36 points.

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### History / Govt. (cont.)

- With the 2008 assessment, the All Students group moved 10 points above the QPA standard.

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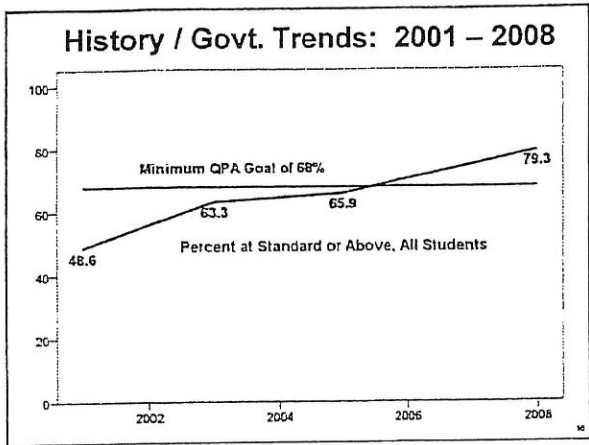
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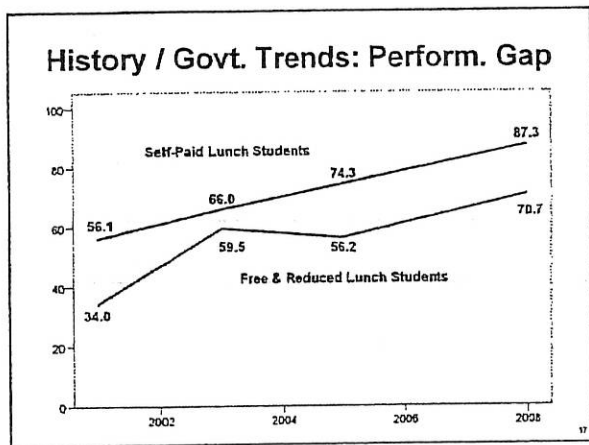
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**Olathe School District**  
**Testimony provided by Dr. Gary George**  
**House Bill 2357**  
**March 5, 2009**

I am present today in opposition to House Bill 2357, which would change the way at-risk students are determined for funding purposes.

We have several concerns about House Bill 2357:

- The purpose of this bill is not clear. We are not aware of a problem that needs to be corrected.
- The use of census data is a problem because the data is old and represents a statistical estimate at best. Building a finance formula on such is problematical.
- Limiting at-risk funding to 5 – 17 year old students excludes four-year students. For our district, this is a loss of \$132T, which may mean eliminating this program. This is very damaging to children who need this educational program to be successful in kindergarten. Further, any 18 year old senior high school students who might qualify will be ineligible because of the proposed age change in this bill.
- It is unclear if at-risk funding would only be directed as the proposed bill indicates or if non-proficient at-risk would still be allowed.
- The bill indicates that a statistical valid and random sample of applications will be audited. It is not clear how this sample will be determined. Once again, do we build formulas on statistical models? The Kansas State Department of Education already audits our at-risk numbers and the program.
- It is not clear if the Department of Labor data is sufficiently current and if it covers small employers such as those that have less than 25 employees.
- No fiscal note has been listed. The cost of this is unknown.
- We have used at-risk money to help students succeed. The funds have been very helpful to our district and our schools in making AYP. Reducing this funding will not help advance student achievement for this subgroup.

We ask that House Bill 2357 not go forward.

Thank you.

House Education Committee  
Date 3-5-09  
Attachment 9