

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on March 10, 2011, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Laura Younker, Kansas Legislative Research Department
Jason Long, Office of the Revisor of Statutes
Eunice Peters, Office of the Revisor of Statutes
Dale Dennis, Deputy Commissioner, Kansas Department of Education
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Representative Richard Carlson
Travis and Carrie Ross, Blaine, KS
Mark Tallman, Kansas Association of School Boards
Senator Steve Abrams
Alan Jamison, Superintendent, Caldwell USD #360 (written only)

Others attending:

See attached list.

Chair Schodorf began the meeting by recognizing Senator Marshall. The Senator announced he wished to introduce two students from his area who were "shadowing" him today, those being Hank Cloninger and Jake Cloninger.

Hearing on **HB 2004-School districts; defining non-resident pupil**

Jason Long, Office of the Revisor of Statutes, provided a summary of the provisions of **HB 2004**. **HB 2004** would amend the school finance law to redefine non-resident pupil. The bill deletes from current law the definition of a non-resident student who lives ten or more miles from the attendance center the pupil would attend in the district in which the pupil resides or is a member of the family of a pupil meeting this same condition. This means that a non-resident student may attend another district regardless of the number of miles the student lives from his or her home attendance center.

HB 2004 would have no fiscal effect on transportation state aid; non-resident students do not receive state funding for transportation.

Representative Richard Carlson appeared before the committee as a proponent of the legislation (**Attachment 1**). He stated **HB 2004** simply removes the restriction whereby the resident district may prohibit the non-resident school bus from entering their district. It would allow the parents to send their children to the school of their choice. The counties of Johnson, Sedgwick, Shawnee and Wyandotte currently have no mileage restrictions.

Travis and Carrie Ross, Blaine, Kansas, also appeared as proponents of **HB 2004** (**Attachment 2**). Mr. Ross stated it was their desire to have their children attend the Onaga schools which are closer; however, they live in the Rock Creek School District whose schools are a greater distance from their home. The Onaga district has agreed to pick up their children; however, the Rock Creek School District will not grant a release and allow the Onaga bus to pick up their child.

Mark Tallman, Kansas Association of School Boards, presented testimony in opposition to **HB 2004** (**Attachment 3**). He stated that as amended by the House Education Committee, **HB 2004** would reduce the current 10-mile threshold for students to be eligible for transportation by a district where the child is not a resident, to 2.5 miles. In many cases, districts have reached voluntary agreements to allow cross-border transportation, but this law applies in cases where the districts cannot reach such an agreement. KASB appears in opposition to this bill because of a position adopted by their membership. He stated their Delegate Assembly adopted a position specifically opposing further changes in the so-called "10-

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on March 10, 2011, in Room 152-S of the Capitol.

mile bus law” that would be changed by this bill.

Following committee discussion, the hearing on **HB 2004** was closed.

Hearing on **SB 202-School districts; purpose of state aid to public schools**

Discussion on **SB 202** began with the Chair distributing copies (Attachment 4) of a statement dealing with the proposed constitutional amendment from the House, **HCR 5010**, which deals with the interpretation of terms in the Constitution regarding education. She also provided copies of Article 6 – Education from the Constitution of the State of Kansas (Attachment 5).

Jason Long, Office of the Revisor of Statutes, provided a summary of the provisions of **SB 202**. **SB 202** would declare that any monies provided by the state to school districts, whether assessed and collected at the state or local level, for the instructional cost of education in kindergarten and in grades one through 12 would fulfill the Legislature’s duty to make a suitable provision for the finance of the educational interest of students in Kansas.

Enactment of **SB 202** would make no changes to the current school finance formula and would have no fiscal effect.

Senator Steve Abrams appeared with testimony in support of **SB 202** (Attachment 6). He stated he had filed **SB 202** with the purpose of trying to stimulate the discussion about what is education in the State of Kansas, and also what funding should accompany that education. He feels the legislature must come to grips with what comprises suitable funding for the intellectual, vocational, and scientific improvements in the educational interests of the students of Kansas.

Mark Tallman, Kansas Association of School Boards, also presented testimony concerning **SB 202** (Attachment 7). Points made by Mr. Tallman included:

- The current constitutional system for education has worked extraordinarily well; raising achievement and promoting prosperity at a stable cost to taxpayers;
- Defining “suitable finance” must reflect the cost of continuing educational improvement and the educational interests of the state as defined by the Legislature and Kansas State Board of Education;
- State and federal performance standards and requirements, not local curriculum and program decisions, are driving educational costs; and
- School finance lawsuits have been about equitable treatment of students and taxpayers and the Legislature's failure to meet its own standards – not the “wants” of local districts.

A draft statement regarding the definition of what constitutes a “suitable” education was presented by Mr. Tallman on behalf of the Shawnee Mission School District (Attachment 8). They state this objective can be accomplished with statutory changes that articulate the wide range of factors including qualified admissions standards, student achievement on assessments, federal special education and No Child Left Behind requirements, as well as a thoughtful inclusion of some areas that are debated as “non-essential” such as nurses, counselors, and librarians. A definition of suitability should also include the physical environment of learning including technology, health, comfort, and safety.

Written testimony in opposition to **SB 202** was provided by Alan Jamison, Superintendent, Caldwell USD #360 (Attachment 9).

Additional testimony regarding **SB 202** will be presented at the next meeting of the committee.

The next meeting is scheduled for March 14, 2011.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 10, 2011

[illegible]

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TOPEKA

HOUSE OF
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March 10, 2011

Sen. Jean Schodorf
Senate Education Committee
Rm: 152 - S

Testimony Re: Substitute HB 2004 by Committee on Education -- School districts; defining non-resident pupil.

Mr. Chairman, members of the Education Committee. Thank you for the opportunity to present my testimony concerning HB 2004.

HB 2004 allows the parents of children to determine where their child will go to school. Presently, our state statutes require a non-resident student to receive the approval of both school districts in order to attend a non-resident school, when living 10 or less miles from the attendance center in which the pupil resides. In other words, the resident district may prohibit the non-resident school bus from entering his district.

HB 2004 simply removes these restrictions and allows the parents to send their children to the school of their choice. The highly populated counties already have no mileage restrictions. Those include Johnson, Sedgewick, Shawnee, and Wyandotte counties.

I believe it is the fundamental right of parents to send their children to their public school of choice and should not be mandated by the government. We need parents more involved in the education of their children and this bill would encourage parents to seek the best possible public school.

I will make my presentation short to allow for Travis and Carrie Ross to present their testimony. They are a family who wish to send their children to a school, which is outside their residence district. They have met the statute requirements, except the release or approval of their residence district.

Thank you for your attention and consideration of this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Carlson". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Richard Carlson
State Representative
61st District

Senate Education
3-10-11
Attachment 1

Testimony on HB 2004
Presented to the Senate Education Committee
March 10, 2011

We are here today because we live ½ mile from Onaga's bus stop but they are unable to come pick up our son because we are located in the Rock Creek (USD 323) School District and there is a 10 mile Law. We pay taxes to both school districts yet we are getting denied bus transportation. We want our children to attend the Onaga School District because not only are we both Alumni but we have many friends and family in that area. Along with many children in our neighborhood that attend the Onaga School. We have nothing against Westmoreland. It's a nice small town and we support our small towns as much as possible. I like the Westmoreland Elementary School because it is a small school and it's close to our home. Only 7 miles. The problem is that we don't want our children to go to Rock Creek. Not only is it 14 miles away but it's out in the middle of nowhere. Which brings up lots of questions....such as "Who is responsible for my child when there are after school activities?" etc. etc.

I'm told that if our son goes to Westmoreland Elementary, he would be picked up at 6:50am. That's a whole hour just to go 7 miles! Not only that but on the way home it would be even longer because the bus has to make a few extra stops. A big concern is that the next child lives 15 minutes away. Why send a bus way out of its way when there is another bus that stops only ½ a mile from our house? Why have Westmoreland drive 5 miles out of their way which comes to 10 miles in the morning and 10 miles in the evening when Onaga could drive a total of 2 miles a day. That's 100 miles a week versus 10 miles a week. Isn't this a cost saving issue for the school districts and the people of the state of Kansas? This is also a cost saving to the tax payers! Not only are we talking about more fuel but we're talking about more wear and tear on the bus. We live 4 miles down a winding road with 90 degree turns. Did I mention there aren't any other Westmoreland children in our area?

We planned on sending our son to Onaga when we heard through the grapevine that Onaga wasn't going to be picking up our son. We immediately contacted the Onaga School and talked to the superintendent and he said that they would be willing to pick up our son but was unable to because of the 10 mile Law. On August 5th 2010 we received a letter from Onaga's Superintendent apologizing for the miscommunication between the two school districts and he restated the law and said Onaga would be willing to pick up our son if we could meet the bus somewhere in the Onaga district. We talked to the superintendent of Rock Creek (USD 323) to see if he would allow Onaga to come pick up our son. He said he couldn't allow it because it was the law and we lived less than 10 miles from the Westmoreland Grade School but once he started attending Rock Creek then we would be more than 10 miles from the attending school so then Onaga would be allowed to come pick him up. This makes no sense at all. Are we suppose to send him to Westmoreland until 6th grade and then turn around and take him away from the friends he's already made?

So on September 8th we went to St. George Elementary to attend the Board Meeting for USD 323 to ask once again for permission for Onaga to pick up our son. Once again he said it's the law. We left there and immediately started contacting our representatives. And eventually we were lead to Richard Carlson. Finally we found someone who was willing to help us! He told us to write a letter to the superintendent of USD 323 Rock Creek. We asked the superintendent who is and isn't being transported in and out of district. The Freedom of Information Act

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Attachment 2

requires him to answer this. So on September 20th we sent this letter and on September 22nd we received a reply back that said no one in his district was getting transported by another district but "have one family that we transport from their out-of-district home." And according to Rock Creek's Transportation Director, "that family is easily eligible under the Ten Mile Rule and live on a road that is a boundary between school districts and on which our bus normally drives." He did send a copy of the Out-of-District School Attendance and Transportation Sheet along with his letter saying "As previously mentioned on several occasions, your family is not eligible for out-of-district transportation under state law."

We are currently loading 3 kids into our vehicle twice a day just so we can follow the bus from our current destination bus stop back to the neighbors where he picks up the next student. What about other families. What kind of predicament is this causing them?

We are not the only family having these transportation issues. Just like the superintendent stated in his letter that the family "lives on a road that is a boundary between school districts." Would you agree? We have transportation issues? As we tell our story we are finding more families with the same problem. And this is just in our area. What about the rest of the state?

So we ask if it would be reasonable to allow a one mile waiver that would allow another district to transport an out-of-district student without having approval from the superintendent.

Travis & Carrie Ross

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Testimony before the
Senate Education Committee
on
Testimony on **HB 2004** – Transportation of Non-resident Pupils
by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

March 10, 2011

Madam Chair, Members of the Committee:

Thank you for the opportunity to testify on **HB 2004**. As amended by the House Education Committee, the bill would reduce the current 10-mile threshold for students to be eligible for transportation by a district where the child is not a resident, to 2.5 miles. Essentially, this law allows districts to send school buses into another district to transport a child living more than a certain number of miles from the school he or she would regularly attend in their home district, without the home district's permission. In many cases, districts have reached voluntary agreements to allow cross-border transportation, but this law applies in cases where the districts cannot reach such an agreement. The bill would continue and actually clarify an exception in the current law for school districts with any territory in Johnson, Sedgwick, Shawnee and Wyandotte counties.

KASB appears in opposition to this bill because of a position adopted by our membership. Two years ago, our Delegate Assembly adopted a position specifically opposing further changes in the so-called "10-mile bus law" that would be changed by this bill. At the same time, it is clear that changing the law will have no impact unless at least SOME of our members are willing to take advantage of it and provide additional transportation for non-resident students. We would encourage the committee to consider the following facts.

First, Kansas students are already free to attend a district in which they do not reside as long as the receiving district accepts them, and virtually all districts have at least some non-resident enrollment. In fact, about 22,400 students attend school in a school district where they are not a resident. There is already a great deal of "public school choice" in Kansas, and we support that. The question is whether the state should make it even easier for students to attend schools in other districts.

Second, when a student chooses to attend another district as a non-resident, it may be beneficial to that student and the new district, but it represents a financial loss to the home district that may very well have a negative impact on the remaining students.

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3-10-11
Attachment 3

The simple fact is districts can rarely reduce costs at the same rate as they lose students. The loss of a few students rarely allows a district to reduce staff or operating costs at all, while the gaining district receives additional funding without incurring new costs.

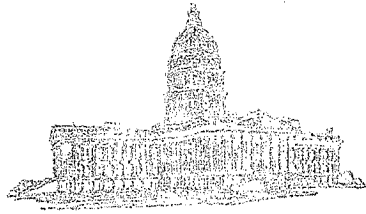
Third, under current law, a district can accept non-resident students at its own convenience and stop accepting them when it becomes inconvenient. But a school district must always provide educational services to its own residents. Therefore, in weighing the competing values in these situations – the student seeking to attend another district versus the impact on remaining students – deference should be given to the district that has the ultimate legal and financial responsibilities for educating the child.

Fourth, KASB supports incentives for, and removal of, barriers to voluntary school district consolidation and efficient use of buildings. In at least some cases, passage of this bill may discourage these actions. Closing a school is almost always a painful, controversial decision. Making it easier for neighboring districts to attract students when their school closes may make it more difficult to achieve the savings of closing a facility – especially when there is no guarantee the neighboring district will always want those students.

Finally, if this law is passed and used, it will almost certainly increase district expenditures on transportation, which is a “non-instructional” or “non-classroom” expense under federal definitions and state law. Kansas districts have been criticized for not reaching the “state goal” of 65% of funds on instructional costs. To be very clear, KASB opposes the “65%” goal because we believe it incorrectly focuses on inputs rather than outcomes. We believe all district spending should support student learning and the needs of students and their families. However, we do not believe the Legislature should pass a bill inviting districts to spend more on non-instructional costs – then criticize districts if non-instructional costs increase.

Thank you for your consideration. I would be happy to respond to any questions.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES



MICHAEL R. (MIKE) O'NEAL
SPEAKER

PROPOSED AMENDMENT TO HCR 5010
MARCH 8, 2011

Chairman Aurand and members of the Committee, at the hearing last week on HCR 5010, a question was raised regarding the proposed amendment to Art. 6, Sec. 6(b) of the Kansas Constitution. The question, as I understand it, deals with whether the language of the resolution as drafted, would negate the ability to bring an equity suit against the State given the language "...in a manner and amount as may be determined by the legislature."

As I indicated at the hearing, the intent is to restore the constitutional interpretation to one where equity in funding is required, but where the ultimate decision on the amount of funding would remain a legislative function. To avoid any confusion, I would suggest the HCR be amended in subsection (b) as follows:

**"The legislature shall make suitable provision for
finance of the educational interests of the state
in an equitable manner and in such amounts as
may be determined by the legislature."**

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3-10-11
Attachment 4

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104TH DISTRICT

HUTCHINSON/NORTHEAST RENO COUNTY
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House Education Committee

Date _____

Attachment# _____

The "explanatory statement" in lines 32-35 should be amended to read as follows:

**"The purpose of this amendment is to
clarify the requirement for suitable finance
in an equitable manner but in amounts to
be determined by the legislature."**

These changes should address the concern over interpretation expressed at the recent hearing.

withheld should
in 31-8-
F. 10/10/10/11

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Constitution of the State of Kansas

Article 6.--EDUCATION

1: Schools and related institutions and activities. The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.

2: State board of education and state board of regents.

(a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law.

(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or postbaccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

(c) Any municipal university shall be operated, supervised and controlled as provided by law.

3: Members of state board of education and state board of regents.

(a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

(b) The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.

(c) Subsequent redistricting shall not disqualify any member of either board from service for the remainder of his term. Any member of either board may be removed from office for cause as may be provided by law.

4: Commissioner of education. The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer.

5: Local public schools. Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of

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3-10-11
Atchinson, Robert 5

educational programs under the general supervision of the state board of education, but such agreements shall be subject to limitation, change or termination by the legislature.

6: Finance.

(a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.

7: Savings clause.

(a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, 1969.

(b) Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.

(c) The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and income, to the support of the public schools supervised by the state board of education.

End of Article 6. Go on to [Article 7](#)
Return to [Constitution Table of Contents](#).

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March 9th, 2011

Chairman Schodorf and Committee Members,

I filed SB202 for the express purpose of trying to stimulate the discussion about what is education in the State of Kansas, and also what funding should accompany that education.

I am of the belief that we in the legislature must come to grips with what comprises suitable funding for the intellectual, vocational, and scientific improvements in the educational interests of the students of Kansas.

You will notice that a list of classes, such as Algebra, Chemistry and so forth, are not in the bill. I believe that we should be cognizant that every student has different abilities, aptitudes, desires, and goals; and as such, we should think about education differently than every student must take the same set of classes in order to graduate from High School.

Although the Kansas Constitution (for "education area" of Constitution, see Attachment), does not reference "instructional costs", I believe the argument can be made that "suitable provision" can be "instructional costs."

Article 6 #1 indicates that "the legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities, which may be organized and changed in such manner as provided by law."

Unfortunately these simple words have been "interpreted in a huge variety of different ways."

It might mean that that the legislature should only devise a system of school districts. Indeed that was what happened for the first hundred plus years of statehood. The districts were devised, and for the most part, the local citizens funded their own teachers and curriculum.

However, those simple words might also mean, in addition to the actual districts, the state should also be involved in the funding of teachers, co-curricular, extra-curricular, food, and school bus transportation.

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Attachment 6

Article 6 #6(b) indicates that "the legislature shall make suitable provision for finance of the educational interests of the state."

Again, simple words that amongst people of good will, might be understood completely differently.

For example, what are the educational interests? Is it the defined boards of Article 6 #2 where it discusses the State Board of Ed and the Board of Regents; or perhaps it is the Commissioner as defined in Article 6 #4; or perhaps the local board of education is what is meant by the words of Article 6 #5.

Perhaps another definition of educational interests might be everything from the building, to curriculum, to teachers, to football uniforms and so forth.

Unfortunately, the Constitution does not further elaborate. Therefore, it has been the Legislature and the Courts that have tried to analyze and put meat on the bones of "suitable financing", "educational interests" and "providing for intellectual, educational, vocational, and scientific improvement...".

As everyone in the room understands, this has caused great headaches for many people.

My belief is that these decades long arguments regarding "what is suitable", "what are educational interests", and "what is establishing and maintaining" is not in the best interest of our educational system.

SB202 states that suitable provision for education shall be that the Kansas Legislature shall provide monies for instructional costs of K-12 education.

Instructional costs is defined as education providers, paras, aides, text books, syllabi, and other items routinely, frequently and necessarily involved in contact and interaction with students.

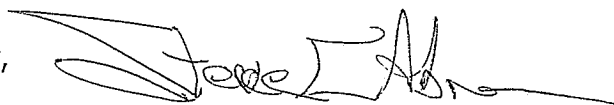
Although not defined in this bill, Non-instructional costs would be everything else; including but not limited to co-curricular, extra-curricular, capital outlay, and SpEd.

I am hopeful that this Legislature can move forward in defining what are the educational interests of the state and what suitable funding of education means.

Is this an argument that will continue for more decades, or can people of good will come to an agreement?

Thank you.

Sincerely,



Steve E. Abrams

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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Testimony before the
Senate Committee on Education

on

SB 202 – “Suitable Provision for Finance” of Education

by

Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

March 10, 2011

Madam Chair, Members of the Committee:

Thank you for the opportunity to share our concerns about **SB 202**. As we understand the bill, it would declare or assert that the amount of money provided to school districts, whether raised at the state or local level for instructional costs, would meet the Legislature’s constitutional duty under Article 6 of the Kansas Constitution to make suitable provision for the educational interests of the state.

KASB opposes this proposal for two basic reasons. First, “instructional costs” fall far short of what we believe are the educational interests of the state. Second, we do not believe it is helpful to create another definition of “instruction.”

We believe this proposal would weaken the constitutional commitment to education that has served Kansas extraordinarily well, and could ultimately result in either declining support for K-12 education or a return to education programs based on local wealth and taxes (or both).

I. This current constitutional system for education has worked extraordinarily well; raising achievement and promoting prosperity at a stable cost to taxpayers.

We do believe it is important to consider the “improvement” in our educational results and expectations since 1966.

- Kansas high school completion increased from less than 50% to nearly 90%.
- The percent of Kansans with at least a bachelor’s degree tripled from less than 9% to 29%.
- Kansas ranks 16th in the nation (3rd in the region) in high school completion of young adults; 14th in the nation (2nd in the region) in bachelor’s degree completion; and 16th in the nation (2nd in the region) in advanced degree completion.

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Attachment 7

- Kansas has increased its national rankings as higher educational attainment has become more and more closely linked to economic prosperity. Higher-skill employees have seen real wage increases while lower-skill employees have experienced real wage declines and increases in unemployment.
- In 1966, Kansas ranked 27th in the nation in per capita income and ranked behind Iowa (16th), Colorado (22nd), Missouri (23rd) and Nebraska (25th), only leading Oklahoma (38th) in our region.

In 2008, Kansas ranked 20th in the nation and trailed only Colorado (12th), while Iowa (27th) and Missouri (32nd) have fallen behind, Nebraska is basically tied and Oklahoma remains behind (30th). The only state in the region with a higher per capita income than Kansas is Colorado, which is the only state with higher postsecondary achievement than Kansas. The only state with a lower poverty rate is Nebraska.

- At the same time the student population has become more diverse, challenged with the consequences of lower income and significant increases in special needs, schools have *raised achievement* by expanding opportunities for minorities (desegregation and civil rights), women (Title IX) and students with disabilities (special education) by increasing student support services (counseling, meal programs, transportation, safety, alternative and virtual schools); raising standards for graduation (more math, science, English and electives); college entrance (qualified admissions); and adding technology and a host of programs to meet social needs not dreamed of 45 years ago.
- Yet the system has done all of these things without requiring a larger share of personal income. State and local funding for school operating expenditures was 4.2% of Kansas Personal Income in 1966. It dropped to 3.5% in 2010, and is projected to fall to 3.2% in 2012 under the Governor's budget – the lowest point since 1974.

And it is abundantly clear that Kansans recognize and support these results. A recent survey by Patron Insight shows a total of 82% of survey respondents gave their local public school districts a grade of "A" or "B," while 11% said "C" and only 6% said "D" or "F." (The remainder were in the "Don't Know" category.) A total of 70% gave public schools statewide an "A" or "B," while 18% said "C" and less than 2% said "D" or "F." (Again, the remainder fell into the "Don't Know" category.)

II. Defining "suitable finance" must reflect the cost of continuing educational improvement and the educational interests of the state as defined by the Legislature and Kansas State Board of Education.

Governor Brownback has called upon the Legislature to address the issue of suitable education or finance. The Kansas Constitution directs the Legislature, which has the power of taxation and appropriation, to make "suitable provision for finance of the educational interests of the state."

We believe the educational interests of the state must include:

- First, the “intellectual, educational, vocational and scientific improvement” that is the constitutional purpose of public education, including student outcomes.
- Second, all of the requirements of the State Legislature and State Board. How could any state law, mandate, rule or regulation concerning education be considered valid if it is not in the educational interest of the state?
- Third, federal education laws that are binding on the state of Kansas or have been accepted by the Legislature and State Board, such as special education and No Child Left Behind.

In fact, the Legislature and State Board have already defined what is required for suitable finance by the laws, rules and regulations enacted and accepted. Any shorter list would leave off cost and duties imposed on districts. KASB has compiled a summary of those regulations (see separate attachment).

The KASB Delegate Assembly has defined these requirements as follows:

Section I. F. Definition of Suitable Funding

The Kansas Constitution directs the Legislature to provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools and other educational institutions and activities, and to make suitable provision for finance of the educational interests of the state. A definition of “suitable provision” must reflect the changing needs of the individual and society. It should include the resources necessary to provide all areas of instruction and all other programs, services and functions required by:

- (1) State and federal law, state accreditation standards and other relevant regulations;
- (2) Programs and services required for students to meet state and federal performance standards; and
- (3) Programs and services that support the education of all students to become well-rounded citizens and successfully participate in the modern world, including such areas as health and safety, technical and vocational education, fine arts and student activities and other relevant public expectations.

SB 202 seems to assert that the only responsibility for the state to finance is instructional costs, and whatever level of funding is provided is suitable. That leaves out an entire range of non-instructional state and federal mandates. It also excludes the responsibility for what students are actually learning from the instruction. The federal No Child Left Behind Act, the Kansas State Board of Education accreditation requirements, and state statutes on accreditation all demand improving student outcomes, not merely providing instruction.

III. State and federal performance standards and requirements, not local curriculum and program decisions, are driving educational costs.

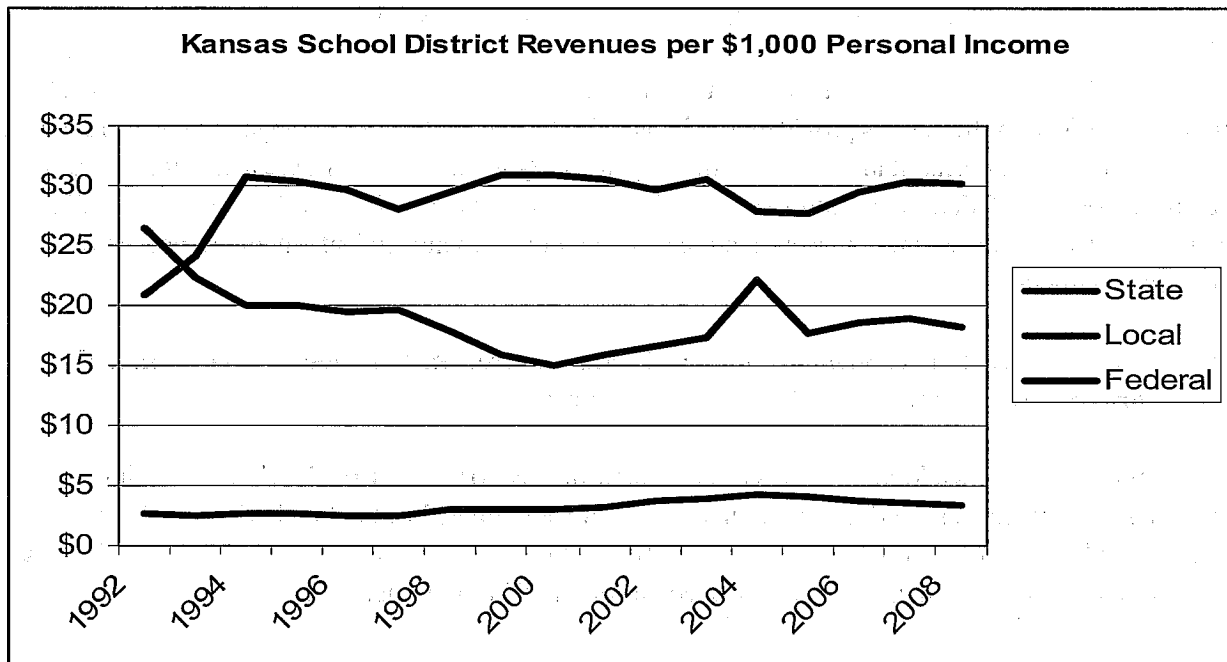
Since the state’s adoption of the current school finance formula in 1993, school operating budgets, including the base budget per pupil, enrollment weightings, local option budgets and special education aid, have increased from \$2.1 billion to \$4.1 billion – about twice the rate of inflation, but less than Kansas personal income. How can we account for that \$2 billion increase?

- **Base budget per pupil funding**, which covers regular education, including the cost of most state required subjects, increased about \$400 million, *or less than half the rate of inflation*.
- The cost of **weightings**, which are set by the Legislature, increased by \$500 million, over three times the rate of inflation. Most of this increase was for at-risk and bilingual funding to meet *outcomes identified by Legislative Post Audit based on state and federal requirements*.
- **Special education** state aid increased by \$271 million, about three and one-half times the rate of inflation, to cover the “excess cost” of individual education plans *required under state and federal laws and regulations*.
- **Local option budgets** increased by \$800 million, which allow districts to fund general education and provide reasonable salary increases. *Over \$200 million of that increase was due to the Legislature’s actions to increase LOB authority for local boards.*

Finally, state funding for KPERS is increasing significantly due to contribution rates and benefits determined by the state, not local districts.

Because state and federal policies and mandates, not local decisions, are the major factors in school finance increases, changing the constitution or statutes to try to limit state funding will result in either shifting these costs to local sources (primarily property taxes) or further reductions in regular education programs.

There is also nothing “unsustainable” about the current system. As the chart shows, the state share of total school districts’ revenues has remained consistently around \$30 per \$1,000 of Kansas person income since the current system was fully implemented in 1994. Fundamental change is only required if the goal is to reduce the state commitment to K-12 education, either shifting costs to local districts or reducing total support compared to what our parents and grandparents contributed for us.



IV. School finance lawsuits have been about equitable treatment of students and taxpayers and the Legislature's failure to meet its *own* standards – not the “wants” of local districts.

In the 45 years since the current constitutional language was adopted, there have been essentially three major rounds of school finance lawsuits – hardly a record of constant litigation. The first two concerned tax and funding equity issues, not the definition of “suitable” or the amount of funding. In both cases, the Legislature agreed to act without appealing to the Supreme Court, resulting in the School District Equalization Act in 1973 and the School District Finance and Quality Performance Act in 1992.

Both resulted in short-term funding increases, but in the long term funding remained stable while educational outcomes increased.

The more recent *Montoy* case began as an equity case involving differences in student achievement among groups of students, using data from state assessments mandated by the Legislature. It was broadened to include adequacy after the Legislature's Augenblick and Myers study found deficiencies in school funding levels, and culminated in the Legislative Post Audit study report on the cost of inputs and outcomes. Essentially, the state itself made the plaintiffs' case.

The current litigation is really a continuation of *Montoy*. The Legislature has clearly failed to provide the funding levels committed to settle that case. It could have either raised the revenue to meet that commitment, or if that was politically or economically unfeasible, taken steps to reduce costs. The Legislature did neither.

We believe the way to end or at least reduce lawsuits is to agree on what is required for educational improvement, make sure that it is reflected in state requirements, and provide fair and equitable funding for those costs.

KASB is committed to helping in that quest. We are beginning a statewide initiative to encourage every school district to convene a community process to discuss what is required to meet the constitutional standard of suitable. We will ask school leaders and patrons to consider these three questions: What are we currently doing to promote educational improvement? What else should we be doing? What can we stop doing because it doesn't promote improvement?

We cannot yet answer those questions, and therefore we believe **SB 202** is, at best, premature. At worst, it could weaken our commitment to what Governor Brownback has called the state's paramount function: the education of its citizens.

Changes in Students, Educators and Finance under Current Finance System

	1993	2000	2005	2009	16 Year Percent Change
STUDENTS					
Full Time Equivalent Enrollment	431,321	448,610	441,868	447,615	3.8%
Percent eligible for free or reduced lunch	28.1% (1995)	32.3%	37.5%	39.8%	41.6%
Percent Special Education	7.9% (1995)	11.0%	13.3%	13.0%	64.6%
Percent English Language Learners	NA	NA	5.2%	7.9%	97.5%
EDUCATORS					
Average Kansas Teacher Salary	\$32,637	\$38,315	\$44,421	\$53,041	62.5%
Total Certified Employees	36,059	40,010	39,481	42,437	17.7%
ECONOMIC MEASURES					
Kansas Personal Income	\$51,729.3	\$74,569.7	\$90,320.5	\$110,673	114.0%
KS Per Capita Income	\$19,784	\$27,374	\$32,836	\$37,916	91.8%
Consumer Price Index	144.5	172.2	195.3	215.3	49.0%
SCHOOL FINANCE AMOUNTS (IN MILLIONS EXCEPT FOR BASE STATE AID)					
Base State Aid Per Pupil	\$3,600	\$3,770	\$3,863	\$4,400	22.2%
Base aid without weightings	\$1,551.6	\$1,688.1	\$1,697.1	\$1,950.7	25.7%
Weightings (excluding special education aid)	\$283.6	\$472.4	\$544.7	\$791.3	179.0%
General Fund (excluding special education aid)	\$1,835.2	\$2,160.5	\$2,241.8	\$2,742.0	49.4%
Special Education State Aid	\$149.0	\$228.8	\$246.7	\$420.4	182.1%
General Fund (including special education aid)	\$1,984.2	\$2,389.3	\$2,488.5	\$3,162.4	59.4%
Total Local Option Budget	\$98.2	\$322.8	\$570.7	\$901.5	818.0%
Total General Fund, Special Ed Aid, LOB	\$2,082.4	\$2,712.1	\$3,059.3	\$4,064.0	95.2%
Total Federal Funding	\$137.3	\$220.8	\$398.7	\$413.6	201.2%
Total revenues: Includes Bonds, Cap. Outlay, Fees	\$2,370.0	\$3,402.7	\$4,289.4	\$5,666.7	139.0%



2011 Patron Insight, Inc. Statewide Survey on Public Education

Co-funded by: Kansas Association of School Boards,
Kansas School Superintendents Association and United School Administrators of Kansas
Results Summary: March 1, 2011

In February 2011, a 10-minute telephone survey was conducted with 500 head-of-household, registered voters across the state of Kansas. (Details about the demographics of the survey participants are on the back of this page.) The subject of the research was public education, and **the results show clearly that Kansans want more than just a "suitable" education.**

In fact, it's clear from the data that Kansans place a high value on their local schools, believe public schools are a good investment of tax dollars, and believe that protecting funding for public education should be one of the state's highest priorities. A summary of the findings is as follows:

Kansans give public schools across the state positive grades for their performance, and are even more enthusiastic with their support for their own local school districts.

A total of 82% of survey respondents gave their local public school district a grade of "A" or "B," while 11% said "C," and only 6% said "D" or "F." (The remainder said, "Don't know.") A total of 70% gave public schools statewide an "A" or "B," while 18% said "C," and 2% said "D" or "F." (Again, the remainder said "Don't know.")

More than nine out of 10 Kansans agree that up-to-date school buildings and student technology are important, and that students should have access to equal educational opportunities – no matter where they live in the state.

A total of 95% said they either "strongly agree" or "agree" with the statement, "Keeping school buildings and classroom technology up-to-date is important," while 94% said they "strongly agree" or "agree" with the statement, "Generally speaking, all students should have access to equal educational opportunities, no matter where they live in Kansas."

More than eight out of 10 Kansans agree with the importance of adequately funding public education, with the statement that protecting funding for public education should be one of the state's highest priorities, and with the idea that decisions for local school districts are best left to local school boards, among other topics.

Seven additional statements received support from 81% to 89% (combined "strongly favor/favor") of Kansans, including the following:

- Decisions about what's best for local school districts should be made by local school boards, rather than at the state level. (89%)
- Public education is worth the investment of tax dollars. (89%)
- Extracurricular activities, such as sports, band and debate are an important part of an overall education. (85%)
- Protecting funding for public education should be one of the highest priorities when decisions are made by the state government. (83%)

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About the study

- Participants were randomly selected from a list of landline and cell phone numbers secured by Market Research Associates, Leawood, Kansas, from a third-party vendor.
- Calls were allocated to various regions of the state based on general population patterns. Specifically:

Region	Number of respondents	Percentage of respondents
Kansas City area	142	28%
Wichita area	105	21%
Southeast	61	12%
Southwest	61	12%
Topeka/Lawrence area	52	10%
Salina, Manhattan, Junction City area	32	6%
Northwest	24	5%
Other Northeast (besides Kansas City area)	23	5%

- Calls were placed from 7 p.m. to 9 p.m. Monday through Friday, and from noon to 6 p.m. Saturday, (February 9 - 23).
- To participate, each person had to confirm that he or she was either the male or female head of the household, and was a registered voter.
- Three attempts were made to reach each individual (if necessary), before he or she was replaced with a new potential participant, selected at random from the list of names and telephone numbers.
- Spanish-speaking interviewers were available, when needed.
- A survey of 500 completed interviews in the state of Kansas produces results with a Margin of Error of +/- 4.9%.
- Patrons from 162 school districts took part in the research.
- The entire research project was under the direction of Patron Insight, Inc., Stilwell, Kansas, (www.patroninsight.com), a leader in public school consulting.

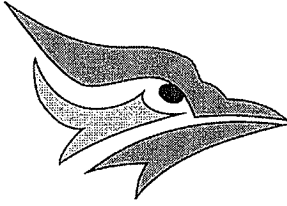
March 10, 2011

Shawnee Mission School District DRAFT Statement of Suitable Education

The Shawnee Mission School District believes the Legislature should work to craft a coherent, unified, and fully-inclusive definition of what constitutes a suitable education. This objective can be accomplished with statutory changes that articulate the wide range of factors including qualified admissions standards, student achievement on assessments, federal special education and No Child Left Behind requirements, as well as a thoughtful inclusion of some areas that are debated as "non-essential" such as nurses, counselors, and librarians. A definition of suitability should also include the physical environment of learning including technology, health, comfort, and safety.

Senate Education
3-10-11
Attachment 8

CALDWELL UNIFIED SCHOOL DISTRICT NUMBER 360



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Senate Committee on Education Members,

Honorable Senators,

I am writing in opposition to Senate Bill 202 as currently written. In reading through the bill, I think there are a few issues that this bill will cause in our district. One example is the funding of people who work with students in activities. I feel our activities are partners in education for quite a few Caldwell students. The ability to have activity programs keeps some students engaged in learning and they are a big reason they come to school. As long as activities are not funded in an equitable way the districts with a higher valuation will gain a big advantage over those who do not have the ability to get money. We are a small school district and almost all of our teachers are a sponsor of an activity or a coach of one of our athletic teams.

I don't understand why capital improvements to buildings are not important to the state as per SB 202. From what I read in the newspaper the state is still renovating the capital and in the meantime looking at cutting state aid for new school building projects. It doesn't make sense that you wouldn't want us to take care of what we have, because chances are we won't get to build anything new. We need capital outlay to keep our facilities up and again because schools do not have the same tax base we need the equalization from the state.

I think there are opportunities to look at areas and regions to implement vocational programs where multiple school districts share resources, money, staff, and this will provide a better career ready student population base to the Kansas work force after graduation than what we are currently doing. I am sure enhanced programs to provide sharing opportunities with other school districts will be developed and the expansion of technology will drive changes that are coming in education as well. We all need to be flexible and prepared when those changes take place. Because I know change is coming, I see your need to look at the way schools are funded as well.

I appreciate the opportunity to speak to some of my concerns of SB 202. I am certainly open-minded enough to listen to all arguments for or against this bill and to try to come up with a solution. I understand that there are money issues in our state. USD 360 is certainly willing to do our part to help get through the crisis. I believe our education system is an important component of economic development. However at some point and time the blaming of the state's budget problems on the school funding formula has to end. I would like to work together to come up with a solution.

Thank you for your time in this matter.

Sincerely,

Alan Jamison
Superintendent/Secondary Principal

Senate Education
3-10-11
Attachment 9