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1420 Arrowhead Road | Topeka, Kansas | 66604-4024
785-273-3600 | 800-432-2471 | 785-273-7580 FAX
www.kasb.org

Testimony before the
House Education Budget Committee
on
HB 2397 - Legislature's Constitutional Duty to Provide Suitable Funding

by
Mark Tallman, Associate Executive Director for Advocacy

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Madam Chair, Members of the Committee:

Thank you for the opportunity to appear today on **HB 2397**. We believe the bill would attempt to narrow the state Legislature's constitutional duty to "provide suitable funding for the educational interests of the state" in a way that falls short of the constitutional mandate to promote educational improvement. The bill also the costs of educational programs and costs mandated by the state.

1. **HB 2397 would direct the Courts to consider significant state funding being used by districts where it cannot legally be spent.**

The bill says "all state moneys appropriated, distributed or otherwise provided must be deemed to have first been applied" to the cost of a certain list of required courses listed on page three.* We note that since school districts cannot raise or spend most revenues without authorization of the state, it is unclear what moneys are *not* either directly appropriated or "otherwise provided" by the state. However, even if it is determined to mean state appropriations, school districts receive state funds restricted to purposes other than those listed in the bill. Just a few examples include: special education, at-risk, food service, bi-lingual, vocational education, KPERS payments for employees working outside of listed subjects, and capital improvement aid.

2. **Funding cannot be adequate or suitable if it covers just one set of mandates but does not cover other programs, courses and outcomes that are equally required by the state.**

HB 2397 implies that state funding is "suitable" if it covers the cost of certain required courses. However, school districts are also required by the state to do many things beyond what is listed in **HB 2397**.

KASB believes that all state mandates adopted by the Legislature and Kansas State Board of Education are part of the “educational interests of the state,” which the Constitution identifies as the Legislature’s responsibility for funding. If these requirements are not part of the educational interests of the state, on what basis has the state Legislature and State Board imposed these on all public schools?

3. Federal requirements should be included in the scope of the educational interest of the state.

Section (c) of the bill excludes federal requirements from determining the cost of adequate finance. We strongly disagree for two reasons. First, the U.S. Constitution is the supreme law of the nation. As a state within the federal union, federal education laws that are binding on the states are certainly an educational interest of the state of Kansas as a whole, not of individual districts. The state Legislature is responsible for establishing the system of public education in Kansas.

Second, many federal requirements are not absolute legal requirements but are conditions of receiving federal aid. Major examples are special education, No Child Left Behind, and school meal programs. The state, not local districts, decides whether to accept both money and the strings attached to it. If the Legislature does not believe these federal programs are in “the educational interests of the state,” it should remove these requirements from statute and request or direct the State Board to reject these requirements.

4. HB 2397 would leave out the cost of the state’s own requirements for educational improvement.

The bill implies that the only responsibility of the state is to pay for the cost of teaching courses. But the real increases in educational costs have been working to ensure that students actually *learn* what is being *taught*. That is the great shift that occurred when Kansas adopted an accreditation system based on “measurable improvement in student outcomes,” *as required by the Legislature in 1992*. Significantly, each of the statutes listed in this bill was last amended before the transition to quality performance accreditation. The requirements in **HB 2397** are decades behind the actual requirements of “providing for intellectual, educational, vocational and scientific *improvement*” as directed by the Kansas constitution.

Since 1992, the significant growth in educational costs has not been a result of extravagant local curriculum and program choices, but of state actions to improve performance, particularly for student groups that have traditionally lagged behind, such as special education, at-risk and bilingual students, and expenditures for vocational programs, early childhood education and for student and instructional supports.

5. The Legislature has options to reduce educational costs without shifting the burden to local districts and taxpayers.

Rather than attempting to exclude mandatory programs from its own area of responsibility, the Legislature could reduce the cost and scope of mandatory programs. If state requirements are not part of the educational interests of the state, they should be repealed. If the Legislature does not want to fund the

cost of State Board requirements, it should direct the State Board to repeal them. If the Legislature does not want to fund federal requirements, it should work with the state's Congressional Delegation, the National Conference of State Legislatures and others to change them. If the Legislature believes the cost of meeting ever accelerating student outcomes is impractical or impossible, it should amend current statutes and stop adding new ones.

Failing to stop the increase in mandated educational costs means that **HB 2397** will simply shift that responsibility to local school districts, and require local taxpayers to make up the cost of what the state chooses not to pay. The result will be lower educational attainment, higher property taxes and less equal educational opportunity across the state.

KASB has previously presented information to this committee and others on the improvements in Kansas educational outcomes since the current education article was adopted in 1966. These improvements have been critical to raising Kansas economic output because educational attainment has become increasingly linked to economic security and development. Yet the cost of operating the K-12 system compared to Kansas personal income is actually less than it was in 1966. Kansas needs to provide suitable funding for education now more than ever. KASB does not believe **HB 2397** advances the education interests of the state.

Thank you for your consideration.

***Areas of Instruction Listed in HB 2397**

72-1101. Required subjects in elementary schools. Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the state board may determine. The state board shall be responsible for the selection of subject matter within the several fields of instruction and for its organization into courses of study and instruction for the guidance of teachers, principals and superintendents. (Last amended 1979.)

72-1103. Required courses of instruction; graduation requirements. All accredited schools, public, private or parochial, shall provide and give a complete course of instruction to all pupils, in civil government, and United States history, and in patriotism and the duties of a citizen, suitable to the elementary grades; in addition thereto, all accredited high schools, public, private or parochial, shall give a course of instruction concerning the government and institutions of the United States, and particularly of the constitution of the United States; and no student who has not taken and satisfactorily passed such course shall be certified as having completed the course requirements necessary for graduation from high school. (Last amended 1984)

72-1117. Kansas history and government, required course; duties of state board. (a) The state board of education shall provide for a course of instruction in Kansas history and government, which shall be required for all students graduating from an accredited high school in this state. (b) The state board of education shall prescribe the school year, not later than the 1990-91 school year, in which the requirement of subsection (a) shall become applicable and may provide for such waivers from the requirement as the board deems appropriate. (Last amended 1988)

