

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

68-West-Statehouse, 300 SW 10th Ave.
Topeka, Kansas 66612-1504
(785) 296-3181 • FAX (785) 296-3824

kslegres@klrd.ks.gov

<http://www.kslegislature.org/klrd>

March 2, 2011

To: House Education Committee Members

From: Sharon Wenger, Principal Analyst

Re: HCR 5010

HCR 5010 proposes to amend Section 6 of the Constitution of the State of Kansas related to school finance.

Defining a Suitable Education: A History

Use of the term "suitable" describing the education Kansans wanted for its children began in 1966, with Article 6, the Education Article, of the *Kansas Constitution* which was redrafted and ratified.

K-12 Education Articles in the *Kansas Constitution*

The following are excerpts from the *Kansas Constitution* regarding K-12 education.

Article 6, Section 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.

Section 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.

Section 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 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.

Section 6. Finance.

(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. (Emphasis added.)

Suitability Linked to Resources

In 2001, the Kansas Legislature contracted with the firm of Augenblick & Myers, Inc. (A&M) to conduct a study of school finance in Kansas to “study the adequacy of school funding in Kansas. The study’s primary purpose was to determine the funding level necessary for school districts to meet the objectives of a ‘suitable’ education.”

The underlying rationale for a study of school finance adequacy (or suitability) is to link education accountability to finance. The final report indicated that Kansas, like many other states and the federal government, was implementing a standards-based approach as part of an effort to improve student performance.

A standards-based approach includes:

- Specifying student expectations;
- Developing methods to measure students’ performance at meeting expectations; and
- Holding educational providers accountable for student performance.

As the report describes: “The logic of the standards-based approach . . . implies that a state will assure that sufficient resources are available so that school districts can reasonably be expected to meet state standards.”

A&M worked with the Legislative Educational Planning Committee (LEPC) to develop a definition of a “suitable” education, including numerous input items, such as course offerings, as well as indicators of student performance.

(The definition A&M developed, along with the Legislative Education Planning Committee and Kansas education leaders, is attached.)

Some of the recommendations of the A&M study included:

- The foundation level (base cost) for school district funding should be raised to a level of \$4,650 in 2000-01;
- The foundation level should be adjusted by a regional cost factor;

- The foundation should recognize additional costs associated with:
 - The operation of moderate and small school districts.
 - The needs of students in special education programs.
 - The needs of at-risk students (based upon students in free lunch programs).
 - The needs of bilingual students.
 - School districts should be expected to contribute to the foundation program based on a property tax rate of 25 mills.

In addition, the 2001 Legislature described a suitable education as “a curricular program consisting of the subjects and courses required under the provisions of KSA 72-1101, 72-1103, and 72-1117, including the following:

“... reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of Kansas, civil government, the duties of citizenship, health and hygiene”

2005 Definition In Current Law

HB 2247 in 2005 contained the following requirements which are still in current law.

“In addition to subjects or areas of instruction required by K.S.A. 72-1101, 72-1103, 72-1117, 72-1126 and 72-7535, and amendments thereto, every accredited school in the state of Kansas shall teach the subjects and areas of instruction adopted by the state board of education as of January 1, 2005. (The statutes mentioned are attached.)

(b) Every accredited high school in the state of Kansas also shall teach the subjects and areas of instruction necessary to meet the graduation requirements adopted by the state board of education as of January 1, 2005.

(c) Subjects and areas of instruction shall be designed by the state board of education to achieve the following goals established by the legislature to allow for the:

- (1) Development of sufficient oral and written communication skills which enable students to function in a complex and rapidly changing society;
- (2) Acquisition of sufficient knowledge of economic, social and political systems which enable students to understand the issues that affect the community, state and nation;
- (3) Development of students' mental and physical wellness;
- (4) Development of knowledge of the fine arts to enable students to appreciate the cultural and historical heritage of others;
- (5) Training or preparation for advanced training in either academic or vocational fields so as to enable students to choose and pursue life work intelligently;

(6) Development of sufficient levels of academic or vocational skills to enable students to compete favorably in academics and the job market; and

(7) Needs of students requiring special education services.

(d) Nothing in this section shall be construed as relieving the state or school districts from other duties and requirements imposed by state or federal law including, but not limited to, at-risk programs for pupils needing intervention, programs concerning special education and related services and bilingual education.”

In addition to the above requirements, are admission requirements for state universities and the qualified admissions curriculum which is attached.

Finally, the federal No Child Left Behind requirements are ever increasing. Proficiency requirements for reading and mathematics are attached.

The 2005 Legislature, during a Special Session, directed the Legislative Division of Post Audit to conduct two studies; one to be input oriented, based on statutory requirements, and the other to be outcomes oriented, based on state statutes and State Board of Education rules and regulations and standards.

The requirements identified by Legislative Post Audit are attached. The studies contained the following findings:

- Using Post Audit's input-based approach, a General Fund budget of \$3.1 billion would be needed for 2006-07; and
- Using the outcomes-based approach, the estimate was \$3.2 billion needed for the same school year.

Suitable Education Defined

Required Subjects in Elementary Schools

Every accredited elementary school shall teach:

Reading	Writing
Arithmetic	Geography
Spelling	English Grammar and Composition
Health and Hygiene	History of the U.S. and State of Kansas
Civil Government, Patriotism, and the Duties of Citizenship	

Qualified Admissions Pre-College Curriculum

English (4 Units) Students must take at least one unit of English for each year of high school. Although students are encouraged to take courses in journalism, speech, drama/theatre, and/or debate in addition to the English requirement, these courses cannot fill any part of the English requirement.

Natural Science (3 Units) Students must take three units chosen from the following courses: Biology, Advanced Biology, Physical/Earth/Space Science/General Science, Chemistry, Physics (at least one unit must be in Chemistry or Physics). There are other courses that may substitute for some of these. Students are encouraged to take one additional unit of science chosen from the previously mentioned courses.

Mathematics (3 Units) Students must take one unit each of: Algebra I, Algebra II, and Geometry. If a student completes any of the required math courses in middle school or junior high school, it can count toward the math requirement for Qualified Admissions. Completion of both applied mathematics I and II can be substituted for Algebra I only. Students are strongly encouraged to take a mathematics course every year of high school.

Social Sciences (3 Units) Students must complete the following: one unit of U.S. History, and one-half unit of U.S. Government; one unit selected from: Psychology, Economics, Civics, History, Current Social Issues, Sociology, Anthropology, Race and Ethnic Group Relations, or Geography; one-half unit selected from World History, World Geography, or International Relations. All high schools (public or private) must provide a course of instruction concerning the government and institutions of the U.S., and particularly of the Constitution of the United States. The State Board of Education will

From the Augenblick & Myers, Inc. Study of May 2002

Entitled: *Calculation of the Cost of a Suitable Education in Kansas in 2000-2001
Using To Different Analytic Approaches*

also provide a course of instruction in Kansas History and Government, which shall be required for all students graduating from an accredited high school in the state.

Computer Technology (1 Unit) Students are required to have one unit of computer technology. At some schools students may fulfill this requirement by passing a proficiency examination.

Requirements for the State Scholarship Program that differ from the pre-college curriculum

Foreign Language (2 Units) This requirement is in addition to all requirements listed above for the Qualified Admissions Pre-College curriculum.

A Suitable Education Must Also Include:

Vocational Education

And a mix of the Following Programs and Services.

Student and Staff Safety
Extended Learning Time
Technical Education
Library Media Services
Fine Arts
Activities Programs
Qualified Teachers

Early Childhood Programs
Alternative Schools
Technical Training
Foreign Language
Nursing and Counseling Services
Student Transportation

Outcomes:

In addition to the inputs represented by the required courses described above, a suitable education should also yield the following outcomes in five years

On statewide assessment scores in reading,

- 70% of 5th graders must score Satisfactory or above,
- 65% of 8th graders must score Satisfactory or above, and
- 60% of 11th graders must score Satisfactory or above

And on statewide assessment scores in math,

- 65% of 4th graders must score Satisfactory or above,
- 60% of 7th graders must score Satisfactory or above; and
- 55% of 10th graders must score Satisfactory or above

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.

72-1107. Age of eligibility for school attendance. (a) Subject to the provisions of subsection (b), any child is eligible to attend the elementary grades in the school district in which the child resides or in a school district which has entered into an agreement in accordance with and under authority of K.S.A. 72-8233, and amendments thereto, with the school district in which the child resides if (1) for the 1994-95 school year, the child will attain the age of six years on or before September 1 of the school year and (2) for the 1995-96 school year, the child will attain the age of six years on or before September 1 of the school year and (3) for any school year commencing after the 1995-96 school year, the child will attain the age of six years on or before August 31 of the school year;

(b) any child who has completed a kindergarten course entered and attended in this state in accordance with the provisions of subsection (d) or who was a resident in another state and who, while residing in such other state, had entered and was in attendance in first grade in such state or who had completed in such state a kindergarten course maintained by a public school district or by an accredited private, denominational or parochial school shall be eligible to attend first grade in this state, regardless of age;

(c) subject to the provisions of subsection (d), any child is eligible to attend kindergarten in the school district in which the child resides or in a school district which has entered into an agreement in accordance with and under authority of K.S.A. 72-8233, and amendments thereto, with the school district in which the child resides if (1) for the 1994-95 school year, the child will attain the age of five years on or before September 1 of the school year and (2) for any school year commencing after the 1994-95 school year, the child will attain the age of five years on or before August 31 of the school year;

(d) any child who was a resident in another state and who, while residing in such other state, had entered and was in attendance in kindergarten in such state shall be eligible to attend kindergarten in this state, regardless of age.

72-1126. Community service programs; duties of state board. (a) The state board of education shall provide for a community service program to be offered to all accredited high schools in this state.

(b) As used in this section, the term "community service" means a service performed by a high school student, without monetary compensation or remuneration, for the purpose of benefiting the student's community. The service performed may include, but not by way of limitation, mentoring or tutoring elementary school pupils, assisting in a nursing home or adult care center, providing lawn care or performing other tasks for senior citizens or disabled persons, assisting in a homeless shelter or a soup kitchen, organizing or assisting in fund raisers for disaster victims and other needy persons, assisting community-based nonprofit agencies that

provide programs and services for low-income people, the disabled and the elderly, assisting fraternal organizations in charitable activities.

72-7535. Personal financial literacy programs; development and implementation. (a) In order to equip students with the knowledge and skills needed to become self-supporting and to enable students to make critical decisions regarding personal finances, the state board of education shall authorize and assist in the implementation of programs on teaching personal financial literacy.

(b) The state board of education shall develop a curriculum, materials and guidelines that local boards of education and governing authorities of accredited nonpublic schools may use in implementing the program of instruction on personal financial literacy. The state board of education shall adopt a glossary of personal financial literacy terms which shall be used by school districts when implementing the program on personal financial literacy.

(c) The state board of education shall develop state curriculum standards for personal financial literacy, for all grade levels, within the existing mathematics curriculum or another appropriate subject-matter curriculum.

(d) The state board of education shall encourage school districts when selecting textbooks for mathematics, economics, family and consumer science, accounting or other appropriate courses, to select those textbooks which contain substantive provisions on personal finance, including personal budgeting, credit, debt management and other topics concerning personal financial literacy.

(e) The state board of education shall include questions relating to personal financial literacy in the statewide assessments for mathematics or social studies required under K.S.A. 72-6439, and amendments thereto. When the statewide assessments for mathematics or social studies are reviewed or rewritten, the state board of education shall examine the questions relating to personal financial literacy and rewrite such questions in order to determine if programs on personal financial literacy are equipping students with the knowledge and skills needed to become self-supporting and enabling students to make critical decisions regarding personal finances.



ADMISSION REQUIREMENTS FOR STATE UNIVERSITIES

Residents

Kansas residents who meet one of the following requirements are guaranteed admission to a state university.

Freshmen (fewer than 24 transfer credit hours):

- High school students
 - Graduates of accredited high schools must meet one of the following three requirements
 1. Achieve an ACT score of 21 or higher OR
 2. Rank in the top 1/3 of the class in the 7th or 8th semester OR
 3. Achieve a 2.0 or higher on the precollege curriculum
- Homeschooled students
 - Achieve an ACT score of 21 or higher
- GED graduates
 - Achieve an overall score of 2550 and a minimum score of 50 points on each subtest
- 21 and Older
 - Have a high school diploma
- Transfer Students
 - Earn a 2.0 or higher on 24 or more transfer credit hours

Exceptions

A university may choose to admit any Kansas resident who does not meet admissions requirements, but shows potential for success, by means of the 10% exception window.

Non-Residents

State universities may choose to admit residents of other states who meet one of the following requirements, but are not required to do so. Universities may set additional requirements for nonresidents. Institutions may choose to admit nonresidents who do not meet admissions requirements and who show potential for success, but are not required to do so.

Freshmen (fewer than 24 transfer credit hours):

- High school graduates
 - Graduates of accredited high schools must meet one of the following three requirements
 1. Achieve an ACT score of 21 or higher OR
 2. Rank in the top 1/3 of the class in the 7th or 8th semester OR
 3. Achieve a 2.5 or higher on the precollege curriculum
- Homeschooled students
 - Achieve an ACT score of 21 or higher

Transfer Students

- Earn a 2.0 or higher on 24 or more transfer credit hours

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The Kansas Board of Regents
1000 SW Jackson Street, Suite 520 | Topeka, KS 66612-1368

tel 785.296.3421
fax 785.296.0983



QUALIFIED ADMISSIONS CURRICULUM

Information for High Schools

Qualified Admissions Curriculum

English: 4 approved units of English, one unit taken each year of high school.

Natural Science: 3 approved units from the following, one unit must be Chemistry or Physics:

- Biology
- Advanced Biology (2nd Year Biology)
- Earth/Space Science
- Chemistry
- Physics
- Principles of Technology

Math: 3 approved units from the following:

- Algebra I
- Geometry
- Algebra II
- Any math course that has Algebra II as a prerequisite.
Courses completed in middle school or junior high do not count toward the requirement.

Social Science: 3 approved units from the following:

- One unit of U.S. History
- Minimum of one-half unit of U.S. Government
Minimum of one-half unit from the following:
 - World History
 - World Geography
 - International RelationsUp to one unit selected from:
 - Psychology
 - Economics
 - U.S. Government (additional course)

- U.S. History (additional course)
- Current Social Issues
- Sociology
- Anthropology
- Race and Ethnic Group Relations

A ½ unit course may not be used to fulfill more than one requirement.

Qualified Admissions Course Content Requirements

- English
- Math
- Natural Science
- Social Science

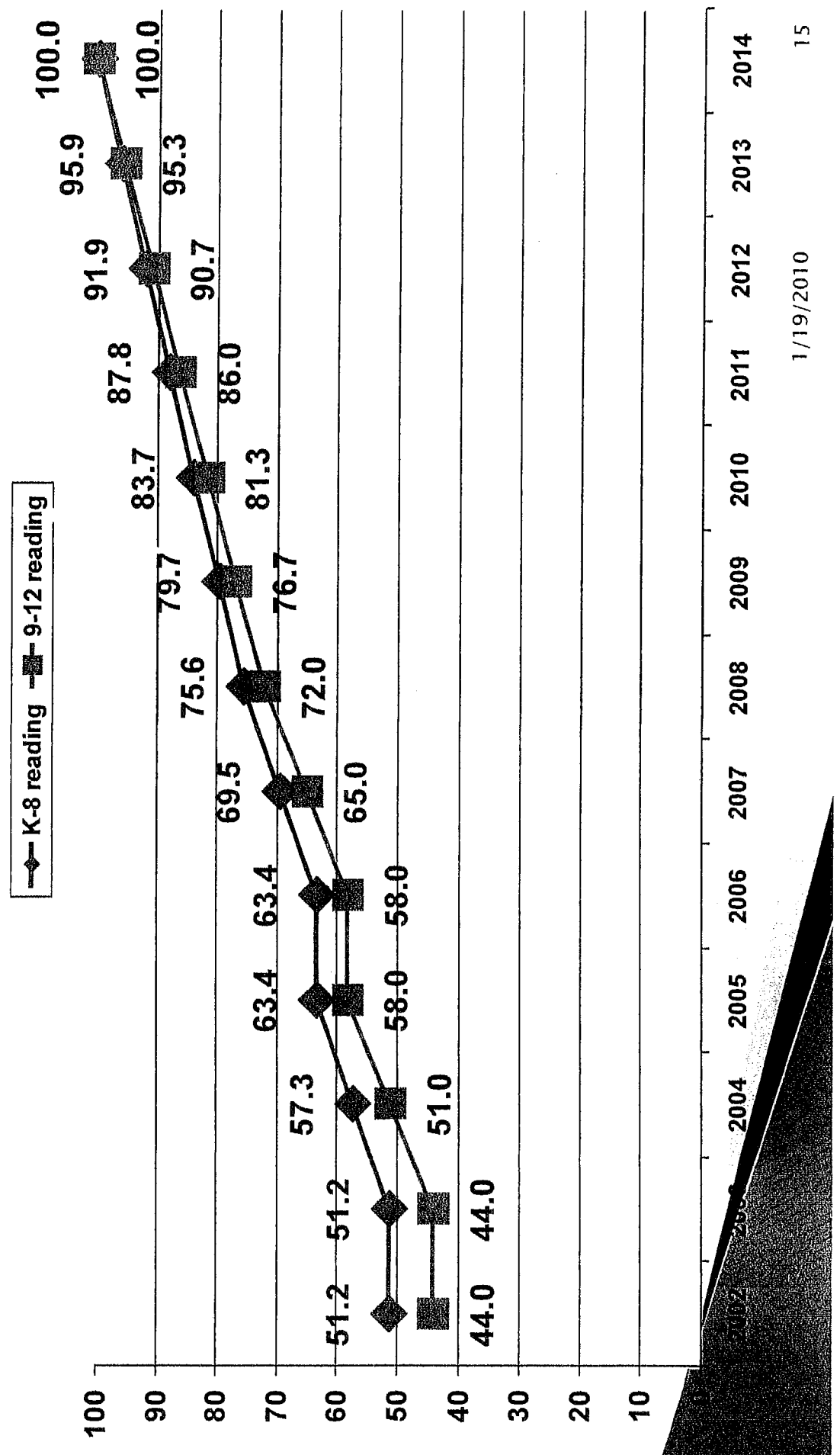
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tel 785.296.3421
fax 785.296.0983

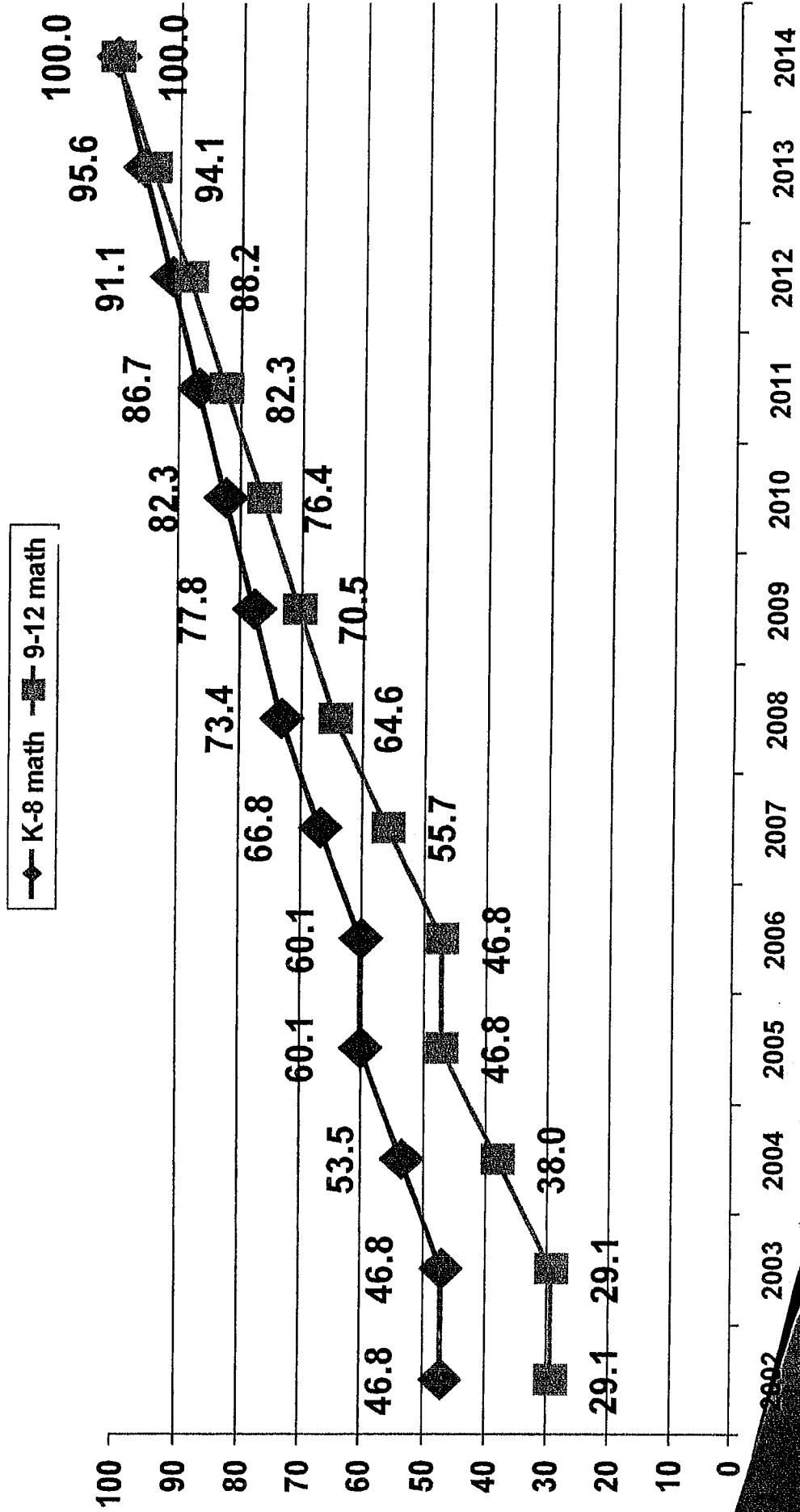
Performance Criteria: Reading

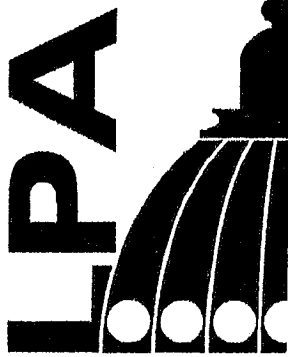
AYP Starting Point: Reading



Performance Criteria: Mathematics

AYP Starting Point: Mathematics





COST STUDY ANALYSIS

Elementary and Secondary Education in Kansas: Estimating the Costs of K-12 Education Using Two Approaches

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
January 2006**

1.1 ESTIMATING BASE-LEVEL COSTS FOR REGULAR EDUCATION USING AN INPUT-BASED APPROACH

Conducting a cost study using an input-based approach involves identifying the type and number of resources needed to provide a certain level of services, then “pricing” those resources to determine their estimated cost. The study we conducted using the input-based approach was required by law to identify the following for regular K-12 education in Kansas:

- the estimated costs of providing the curricula, programs, and services mandated by State statute or specified in high school graduation requirements and State scholarship and college admission requirements. These could be considered the costs related to a basic education; they do not take student performance outcomes into account.
- an estimate of the reasonable costs for operating schools and school districts, including costs for instruction, administration, support staff, supplies, equipment, and building operations and maintenance.

The reader should be aware there are likely to be some district expenditures unrelated to the cost of a basic education that cannot be separately identified in the data districts report to the Department of Education. Also, previous audit work we’ve done has shown that some districts’ internal accounting records don’t treat expenditures uniformly. In this cost study, we took steps to try to minimize the impact of these factors on our cost estimates.

BACKGROUND: MANDATED REQUIREMENTS FOR REGULAR EDUCATION

The major requirements we identified are summarized in *Figure 1.1-1*. Most mandated requirements relate to the educational curricula school districts are required to provide, either at the elementary or high school level.

Figure 1.1-1 Summary of Statutory and Other Mandates, Attendance and Curriculum Requirements			
	Minimum Requirement		Mandated In...
Attendance Requirements School Days per Year	K - 11	186 days per year	K.S.A. 72-1106
	Grade 12	181 days per year	
School Hours per Year	Kindergarten	465 hours per year (2.5/day)	K.S.A. 72-1106
	Grade 1-11	1,116 hours per year (6/day)	
	Grade 12	1,086 hours per year (6/day)	

APPENDIX 6 Additional Requirements for School Districts	
Area	Requirement (with citation)
Health Exams <ul style="list-style-type: none"> • vision screening • hearing screening • dental inspection 	<ul style="list-style-type: none"> • each district must provide basic vision screening of every pupil not less than once every 2 years; the screening may be performed by a teacher (KSA 72-5205) • each district must provide basic hearing screening during the first year of admission and not less than once every 3 years thereafter; the screening must be performed by someone competent in the use of a calibrated audiometer (KSA 72-1205) • each district must provide free dental inspection annually for all children; the inspection must be performed by a licensed dentist (KSA 72-5201, 72-5202)
Transportation	<ul style="list-style-type: none"> • the district must provide transportation to any student who lives more than 2.5 miles from the school the child attends, unless the student and the school building are in the same city (KSA 72-8302) • if a district provides transportation to children who attend public schools, it must also provide the same service for students who attend accredited private or parochial schools (KSA 72-8306)
Food Service	<ul style="list-style-type: none"> • the State accepts the provisions and benefits of federal acts relating to food service programs (KSA 72-5113) • participation is voluntary; participation means that the USDA's Food and Nutrition Service reimburses participating schools (through KSDE) for the meals served to students if the meals meet federal nutritional requirements, if the schools offer free or reduced price meals to eligible children, and if schools meet additional requirements (7 CFR Parts 210, 220 and 245) • each district must enter an agreement with the State Board of Education to maintain a school breakfast program (KSA 72-5125)
Special Education	each district must provide education for children with disabilities, in the regular educational environment whenever possible (KSA 72-976)
Vocational Education	<ul style="list-style-type: none"> • vocational education programs are optional; however, with KSA 72-4408, the State accepted the provisions of the federal Carl D. Perkins Vocational and Technical Education Act of 1998 • a state plan required under the Perkins Act must describe activities and levels of performance (20 USC 2342); it also is the state plan for vocational education (KSA 72-4408); state and federal moneys may be spent only for purposes specified in federal or state law (KSA 72-4415) • under the state plan, courses may be in one of 7 major areas: Agriculture, Business and Computer Technology, Family and Consumer science, Health Occupations, Marketing, Technology, Trade and Industry; teachers must be endorsed in relevant areas (Kansas Department of Education guidance)
Bilingual Education	<ul style="list-style-type: none"> • federal courts have interpreted Title VI of the Civil Rights Act of 1964 to protect access to education for students with limited English proficiency, and the federal No Child Left Behind Act of 2001 requires states to establish standards for raising the level of English proficiency • the State Board of Education may set standards for such programs that districts must meet (KSA 72-9504) to receive State funding for bilingual education • district programs must employ teachers who are certified and endorsed English as a Second Language or Bilingual Education teachers to instruct students with limited English proficiency or paraprofessionals qualified to assist certificated teachers, according to standards established by the State Board of Education (KSA 72-9501 and 72-9502, Kansas Department of Education guidance)
Programs for At-Risk Students	<ul style="list-style-type: none"> • districts receive additional funding based on the number of students eligible for free meals under the National School Lunch Act (KSA 72-6414 and 72-6407a) • districts must use about 5.2% of the additional funding to provide programs that allow students to master basic reading skills by the end of third grade (KSA 72-6414)
Student Assessments	assessments of student performance in mathematics, science, reading, writing, and social studies must be administered at three grade levels; the State Board of Education determines the grade levels and is to provide for assessments (KSA 72-6439)