

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on March 1, 2010, in Room 152-S of the Capitol.

All members were present except:

Senator Chris Steineger- absent

Committee staff present:

Theresa Kiernan, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Sharon Wenger, Kansas Legislative Research Department  
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Mark Tallman, Kansas Association of School Boards  
Cheryl Semmel, United School Administrators  
Terry Forsyth, Kansas National Education Association  
Dale Dennis, Deputy Commissioner, Kansas Department of Education

Others attending:

See attached list.

**Continued Hearing on SB 539 - School districts; school finance law, revision**

Mark Tallman, Kansas Association of School Boards (Attachment 1) and Cheryl Semmel, United School Administrators (Attachment 2) appeared before the committee to offer testimony relating to SB 539. Each stated the proposed legislation provided a major revision to the school finance system in Kansas; certain provisions would receive their support, others they were opposed to, and others would require much more study. Mr. Tallman stated 'printouts' would be needed in order to see how KASB members would be affected. Ms. Semmel stated concerns including those which would eliminate the bilingual weighting and the schools' abilities to help these students. Terry Forsyth, Kansas National Education Association (Attachment 3) provided written testimony on behalf of Mark Desetti, KNEA.

Committee discussion followed. Several members stated they felt a printout from the Kansas Department of Education reflecting the effects of the financial changes on each school district was needed as well as an interim study by LEPC.

There being no further testimony, the hearing on SB 539 was closed.

**SB 359 - Special education; catastrophic state aid**

Continued discussion was held on SB 359 following the committee's decision to re-consider the legislation. Senator Owens introduced a balloon amendment to the amended version of the bill passed out of committee on February 17, 2010. This amendment included the following wording: "*For school year 2009-2010, every school district shall receive catastrophic aid equal to the amount of catastrophic state aid received in school year 2008-2009, less any amount deducted by the state board of education following the audit of expenditures for school year 2008-2009.*" Discussion followed regarding the effects of this amendment to all school districts and the amount of catastrophic aid in relation to total state aid available for special education.

Senator Owens moved for adoption of his amendment to SB 359, as presented. The motion was seconded by Senator Vratil. The motion failed on a voice vote.

Senator Huelskamp moved the committee recommend SB 359, as amended, favorable for passage. The motion was seconded by Senator Abrams. Motion carried on a voice vote with Senator Owens and Senator Vratil dissenting.

The next meeting is scheduled for March 2, 2010.

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on March 1, 2010, in Room 152-S of the Capitol.

The meeting was adjourned at 02:30 p.m.



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Testimony before the  
**Senate Education Committee**  
on  
**SB 539**

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

**February 25, 2010**

Madam Chair, Members of the Committee:

Thank you for the opportunity to testify on **SB 539**. This bill would obviously represent a major overall of the school finance system in Kansas. Simply put, there are certainly elements of this bill KASB would support, other provisions we would have to oppose under our current policy positions, and provisions we have never considered. Finally, there are many provisions we probably do not understand and would need more information about their purpose, impact and cost.

Therefore, we cannot support passage of **SB 539** at this time. We suggest the proposal needs much more study, and would certainly commit to reviewing the elements of this bill with our membership prior to the 2011 Legislative session. However, we can offer some preliminary thoughts.

We have not seen any "print-outs" of how this bill would impact individual districts. However, any change in school finance that does not add more funding results in "winner and losers." If it doesn't – if money isn't shifted – what is the purpose of the bill? At a time when all districts are struggling to fund important programs and further funding cuts are a distinct possibility, we do not believe any district should be further cut. Our overriding questions are: first, the overall level of funding that will be provided if this bill is implemented and second, the impact on individual districts and their programs. In addition, we can offer comments on some of the key components of the bill.

*Recording and reporting receipts and expenditures.* Schools are already required to report expenditures using a uniform chart of accounts. The House has passed a bill concerning this issue. Our question: what changes would actually be required, and what would they cost in terms of money, staff time and technology?

*Kindergarten and pre-school at-risk pupils counted as full-time pupils; currently counted as half-time.* We strongly support counting full-time kindergarten pupils as full-time students and increasing funding for pre-school programs.

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*Below fourth grade, at-risk funding count based on free lunch eligibility; fourth and over based on state assessments.* KASB supports using both free lunch and other, non-income factors. However, using state assessment scores means that as districts raise test scores, they lose money. This reduces support for at-risk programs; which would likely reduce test scores, which would then restore funding. We need a system that provides consistent revenue for these programs.

*Base budget for instructional purposes is \$4,520 for FY 2012-13.* This obviously higher than the current statutory amount, but the bill does not indicate where revenue will come from. How was this determined to be the amount for "instructional" state aid?

*Instructional expenses are funded through the base budget.* We are concerned the bill excludes many functions which are not only legally required but our members believe are vital to academic success: for example, leadership, student support, and certain instructional support programs. Furthermore, you can't have instruction without building and utility costs, or at least technology for virtual programs. What is the policy reason for separating these costs?

*Reduces low enrollment weighting.* We do not see a justification for reducing this support. In particular, it appears to target districts with less than 300 pupils or more than 800 pupils.

*Block grant at-risk state aid (\$800) for below fourth grade; individual at-risk state aid (\$1,360) for grades four and over.* How does this compare to cost-studies of supporting at-risk students? What is the justification for these amounts? Will they change with higher costs?

*Requires monthly certification of instructional expenses by district.* This would appear to require much more reporting and add complexity to the budgeting process and public understanding.

*Non-instructional budget is unlimited and equalized to the 88.6 percentile.* KASB strongly supports an equalized local budget process. Traditionally, many of our members have not supported unlimited spending. What happens if legislative appropriations for equalization do not keep up with district spending on this area?

*Consolidation incentives.* KASB supports incentives for district consolidation.

*School finance litigation and lobbying prohibited from instructional fund, permitted from non-instructional fund.* School districts are prohibited from financing litigation from the general fund. It should be noted that even state agencies may "lobby;" it is just considered not to be lobbying under the state ethics law.

*Career assessment; annual review.* This may be a good idea, but it is certainly also a new mandate on school districts with an impact on costs and staffing.

*Personal student scholarship account.* These accounts would appear to significantly increase accounting costs. If there is any "savings" in these accounts, it means funding was not provided for school district costs. How will these costs "balance out?" If we spend less on certain students, districts must cut costs.

*Enrichment Budget; equalized to 88.6 percentile; unlimited.* Same issues as the non-instructional budget.

*Career and Technical Education Requirements.* We would want to evaluate how these new requirements compare to the current direction of the State Board of Education.

Thank you for your consideration.

**Testimony  
SB 539**

**Senate Education Committee**

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

**February 25, 2010**

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.

We are here today as a “neutral” party on the bill, as we are interested in several provisions of the REAL education act. As written, it appears that funding would increase the State’s investment in public education by nearly \$110 million. Even with that knowledge, we are mindful that this bill is very complex and one that deserves further study and evaluation. Administrators would like to review in more detail to determine how the proposed changes would impact existing programs and *overall student learning*.

**Base State Aid Per Pupil (BSAPP)**

The REAL education act increases the amount of the base state aid per pupil for all grade-levels to \$4,520, effective for the 2012-2013 academic year. **Administrators have long advocated for increased funding for the BSAPP, as it is positively impacts education in all Kansas schools.**

**4-Year Old At-Risk and Kindergarten programs**

As written, this bill increases funding for 4 year-old At Risk and All-day Kindergarten programs, by providing a full weighting of 1.0. While many school districts throughout the state have implemented and fully supported (fiscally) kindergarten and early childhood programs,

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these options are still not available to all students in all schools. Students enrolled in quality early childhood and kindergarten programs typically score higher on standardized assessments and require less remediation than those who do not have the same opportunity. Again, the most significant impact is often seen in students from educationally disadvantaged backgrounds.

**USA/Kansas supports additional investments in early childhood education and all-day kindergarten.**

### **At-Risk funding, K-12**

While the bill increases the weighting for 4-year old At-Risk students, it appears to significantly reduce funding for K-12 At-Risk programs. In conjunction with increases in At-Risk funding, Kansas has seen increases in student performance on state assessments, with gains for students enrolled in the free lunch program being among the highest. At-Risk funding has been targeted to implement programs that support students requiring additional assistance to achieve academic proficiency and success. **Administrators are concerned that reductions in At-Risk funding would negatively impact the success we have seen in our most vulnerable student populations.**

### **Career and Technical/Vocational Education**

Administrators believe that career and technical education programs are a critical part of the education and workforce development discussion. We welcome the opportunity to discuss innovative strategies for engaging students and the private industry in a conversation to create robust programs with long-term economic benefits for our workforce. The REAL education bill, however, drops the weighting for vocational education in the K-12 learning environment. This change in the funding formula could undermine some of the quality vocational and career training work that is being done in the high school setting and in cooperation with businesses in our community.

### **Dis-equalizing effects**

Administrators recognize how challenging it is to truly reform public education. While there are many things in this bill that we support, we are concerned that some of the provisions of this bill are very dis-equalizing. **Elimination of the bilingual weighting and enrollment weightings will have a significant impact on our ability to help those students with the greatest need.** Helping students achieve proficiency on state assessments is only one part of the challenge; the greater challenge is helping students excel so that they will be successful, productive citizens in the workforce.

In closing, on behalf of education administrators, I would like to thank you for your continued support of education and for realizing the importance of investing in education. Preparing our children requires a shared commitment, collaboration, and open dialogue among all stakeholders. Thank you for being partners in education and please know that we remain interested in working with you to ensure a bright future for Kansas children.



Making public schools great for every child

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

Mark Desetti, Testimony  
Senate Education Committee  
February 25, 2010  
Senate Bill 539

Madame Chair, members of the Committee, thank you for the opportunity to come before you today to share my thoughts on Senate Bill 539.

To be quite frank, as I read this bill, I find things that I love, things that raise alarms, and things that are quite intriguing.

What is unfortunate is that there is a one hour committee meeting to discuss a bill that includes hours and hours of ideas to discuss. And that discussion ought to include a close examination of how these ideas may have been implemented or experimented with elsewhere, how these ideas complement or interfere with each other, how these ideas move student achievement forward or restrict student achievement, and how these ideas may or may not conflict with federal regulations.

Additionally, are there other statutes already on the book that conflict with some of these ideas?

Fundamentally, while we appreciate the author's effort at "thinking outside the box," the changes in this bill are simply too enormous to be given due diligence within the limits of a session committee hearing.

We think this bill merits more discussion and examination and would recommend that, if you agree there are ideas here worth considering, that you allow the Legislative Education Planning Committee to take it into consideration over the interim.