

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 5, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, I thank You for daily inspiration. I thank You for giving us direction. You've given us these positions...extremely responsible positions. Along with the power of the position, give us the inner power to achieve.

Earlier today, Lord, You inspired a 19 year old young man to text me with the question, "Do you have to read the Bible every morning to have spiritual power?" Lord, I decided to let You answer that for him. And You've led me to also let You answer that for those of us in these chambers.

As Joshua was given the charge...the responsibility of leading Your people, You told him in chapter 1, verse 8, that the key to being successful and prospering in all his endeavors was directly connected to gaining wisdom from Your Word every day and every night.

You reaffirmed that in the very first Psalm, letting us know that consistent diligent time in Your Word empowers us to consistently and successfully be wise leaders.

So, Lord, give us a hunger and a thirst for the wisdom that comes from You. Like a thirsty plant that thrives when it's watered, water us with the wisdom that pours from Your Word. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 459, AN ACT concerning taxation; establishing the property and sales tax review study commission; providing for membership and duties, by Committee on Assessment and Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **SR 1786**—

A RESOLUTION congratulating and commending Harold N. Godwin
for his lifetime commitment to excellence in pharmacy,
for his career of leadership in pharmacy in Kansas, and for his
recent recognition as the winner of the
2018 Remington Honor Medal in pharmacy.

WHEREAS, Harold N. Godwin, BSPHarm, MS, RPh, FASHF, FAPhA, of Overland Park, Kansas, was selected as the recipient of the 2018 Remington Honor Medal, the highest honor bestowed by the American Pharmacy Association (APhA) for his nearly half-century-long pharmacy career; and

WHEREAS, Godwin has led and advocated for the pharmacy profession on the national, state and local levels. He serves as professor emeritus at the University of Kansas School of Pharmacy and recently retired from his previous role as professor of pharmacy practice and associate dean for clinical and medical center affairs at the University of Kansas Health Systems. He also served as director of pharmacy at the University of Kansas Hospital from 1969 to 2004; and

WHEREAS, Godwin has presented more than 800 times, nationally and internationally, on aspects of health system pharmacy practice to pharmacists and other health care professionals, and many of his publications, abstracts and posters were developed based on his work in the health system pharmacy practice arena; and

WHEREAS, The Remington Honor Medal, named for eminent community pharmacist, manufacturer and educator Joseph P. Remington, was established in 1918 to recognize distinguished service on behalf of American pharmacy during the preceding years culminating in the past year or during a long period of outstanding activity or fruitful achievement. Godwin will be officially recognized during the APhA Annual Meeting and Exposition in Nashville, Tennessee, from March 16 to 19, 2019, as part of the awards and honors program that is the most comprehensive recognition program in the profession of pharmacy; and

WHEREAS, One nominator referred to Godwin as a "Diplomat for Pharmacy," and noted that his passion for pharmacy has led him through nearly every aspect of pharmacy and he "commonly connects people in different arenas, because he can see the possibility of synergy, is encouraging them to grow, or because he thinks they might just become great friends"; and

WHEREAS, Godwin's leadership, through his volunteer roles and residency training programs, has developed many pharmacy leaders. For his efforts, the Harold N. Godwin Leadership Legacy Award was established in 2004 by alumni and friends of the residency training programs he started to recognize outstanding leadership and contributions to the profession of pharmacy; and

WHEREAS, Godwin has served as a leader and a member of numerous medical boards for national, state and local organizations including two terms on the Board of Directors for the Board of Pharmacy Specialties, where he served as chair in 2017. Godwin has also served as a board member on the Kansas Pharmacists Association, Kansas Pharmacy Foundation, Society of Hospital Pharmacists of Greater Kansas City, Central Ohio Society of Hospital Pharmacists and Ohio Society of Hospital Pharmacists; and

WHEREAS, Godwin has also been recognized as a Fellow of APhA in 2010 and the American Pharmacists Association Academy of Pharmacy Practice and Management

Distinguished Achievement Award winner in Hospital and Institutional Practice. In 1991 he also received the highest honor from the American Society of Health-System Pharmacists, the Harvey A.K. Whitney Award, and was named the Pharmacist of the Year in 1982 and 2010 by the Kansas Pharmacists Association. Godwin received his pharmacy degree from the University of Kansas and his Master of Science in Hospital Pharmacy degree from the Ohio State University: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Harold N. Godwin for his lifetime commitment to excellence in pharmacy, for his career of leadership in pharmacy in Kansas, and for his recent recognition as the winner of the 2018 Remington Honor Medal in pharmacy; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Schmidt and one enrolled copy to Harold N. Godwin.

On emergency motion of Senator V. Schmidt **SR 1786** was adopted unanimously.

Senator Hilderbrand introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1787—

A RESOLUTION congratulating and commending
the Pittsburg State University men's indoor track and field team
on their 2018 NCAA Division II national championship.

WHEREAS, The Pittsburg State University captured the 2018 NCAA Division II men's indoor track and field championship on March 10, 2018, at the Robert W. Plaster Center in Pittsburg, Kansas, the program's first ever Division II national title; and

WHEREAS, The team also captured the 2018 MIAA men's indoor track and field championship on February 25, 2018; and

WHEREAS, Twelve Pittsburg State Gorillas earned all-MIAA honors and seven earned NCAA Division II All-American recognition, including a national champion in senior Bo Farrow, for shot put, and three national runners-up in senior Justice Burks, for 60m hurdles, senior Ian Duncan, for high jump and senior Tanner McNutt, for the heptathlon; and

WHEREAS, Assistant coach Kyle Rutledge was selected as the NCAA Division II Assistant Coach of the Year; and

WHEREAS, Head coach Russ Jewett was selected as the MIAA, Central Region and NCAA Division II Coach of the Year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Pittsburg State University men's indoor track and field team for their 2018 NCAA Division II national championship and also recognize head coach Russ Jewett, assistant coach Kyle Rutledge, athletic director Jim Johnson, Pittsburg State president Steve Scott and every athlete and member of the team for a successful 2018 season; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Hilderbrand.

On emergency motion of Senator Hilderbrand **SR 1787** was adopted unanimously.

Senators Pettey, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes,

Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1788—

A RESOLUTION recognizing the month of April
as Child Abuse Prevention Month.

WHEREAS, Children are key to the state's future success, prosperity and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and

WHEREAS, Children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

WHEREAS, Child abuse and neglect can be prevented by supporting and strengthening Kansas' families, which can help provide children the opportunity to develop healthy, trusting family bonds, and, consequently, prevent the far-reaching effects of maltreatment and build the foundations of communities; and

WHEREAS, Since it is our duty as a community to extend a helping hand to children and families in need, we must come together as partners to make the voices of our children heard by all; and

WHEREAS, By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders, and thus help to secure the future of this state and nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the month of April as Child Abuse Prevention Month; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1788** was adopted unanimously.

Introduced was Dona Booe, CEO of the Kansas Childrens' Service League.

The senate honored Dona with a standing ovation.

MESSAGES FROM THE GOVERNOR

SB 311 approved on April 04, 2018

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2606**.

The House adopts the Conference Committee report on **Sub SB 272**.

The House not adopts the Conference Committee report on **SB 375**, requests a conference and appoints Representatives Proehl, Francis and Lusker as second conferees on the part of the House.

The House not adopts the Conference Committee report on **HB 2470**, requests a conference and appoints Representatives Barker, Highland and Ruiz as second conferees on the part of the House.

The House concurs in Senate amendments to **HB 2145**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2454**, and requests return of the bill.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **SB 375**.

The President appointed Senators Petersen, Goddard and Pettey as second conferees on the part of the Senate.

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2470**.

The President appointed Senators Estes, Olson and Faust-Goudeau as second conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2438** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of a bill on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

The committee report on **SB 423** recommending **Sub SB 423** be adopted..

Sub SB 423 be amended by motion of Senator Baumgardner; on page 3, in line 4, by striking "Non-tiered course credit hour grant" and inserting "Concurrent enrollment pilot program"; in line 5, by striking "non-"; in line 6, by striking all before "account" and inserting "concurrent enrollment pilot program"

Sub SB 423 be further amended by motion of Senator Francisco; on page 9, in line 7, by striking "and" and inserting "or",

And **Sub SB 423** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **Sub SB 423** was advanced to Final Action and roll call.

Sub SB 423, AN ACT concerning education; relating to the instruction and financing thereof; Kansas school equity and enhancement act; BASE aid amount; enrollment weighting; preschool-aged at-risk students; consolidated school district total foundation aid; local option budget alternative calculation; funding reports; performance audits; bond authority; making and concerning appropriations for the fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, for the department of education; making and concerning appropriations for the fiscal year ending June 30, 2019, for the state board of regents; amending K.S.A. 2017 Supp. 72-5132, 72-5141, 72-5144, 72-5149, 72-5155, 72-5171, 72-5173 and 72-5461 and repealing the existing sections.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 21; Nays 18; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bollier, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Suellentrop, Wagle, Wilborn.

Nays: Berger, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson.

Absent or Not Voting: Olson.

The Call of the Senate was lifted.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote “YES” on **SB 423**. For over 30 years Senate District 7 has asked to change the school funding formula. Last year we had the opportunity to make changes, but the political will was not there. When the Supreme Court found **SB 19** to be unconstitutional, they asked for the legislature to both perform a new study and to understand that a resolution would not be reached with just adding in money. The Senate Education Committee along with the Senate Education Funding Special Committee, both of which I am a member of, has worked diligently to bring forward policy that targets money to address those students who are underperforming. Using Dr. Lori Taylor’s graduated funding plan over five years with graduation rates of 91% and significantly raising ELA and Math assessment performance numbers, a total additional \$280 million was added above the approximately \$95 million increase this past year. Now we will enter Conference Committee with an expectation of increasing the amount of funding to close the gap with the House position on Education funding. While no bill is perfect, and not everything that I wanted is in the bill, it is a good start.—BARBARA BOLLIER

Madam President: I vote “NO” on **Substitute for Senate Bill 423**. I understand that investing in early education is one of the best things we can do to give students a good start in school and in life. The earlier we provide such opportunities, the better for those students. This bill does expand opportunities for at-risk three-year-old children to participate in early education, but only if they do not take the place of a four-year-old student and only if they would be filling an available opening. The legislature should be providing suitable opportunities for all the three and four-year-old children who qualify. The limitations on the participation of three-year-olds should not be necessary and only serves to demonstrate that the funding in this bill is woefully inadequate to provide a suitable education for Kansas students.—MARCI FRANCISCO

Madam President: As we move the process forward to deal with addressing the courts, I would like to submit the summary table below to reflect the amount of money that is spent in the budget and not counted by the courts. These dollars are spent on wraparound programs that help to address the needs of the at-risk students that the court has ordered the legislature to focus additional resources on. Every one of these programs are integrated with our schools to help improve student outcomes.—CAROLYN MCGINN

ATTACHMENT A

**State of Kansas Education-Related Expenditures
(Excluding K-12 School Finance)**

	FY 2018 Governor's Recommendation		FY 2019 Governor's Recommendation	
	State General Fund	All Funds	State General Fund	All Funds
General Government				
Attorney General				
DARE Program	-	25,000	-	25,000
Total--General Government	\$ -	\$ 25,000	\$ -	\$ 25,000
Human Services				
Department for Children & Families				
Child Care Assistance	10,429,859	39,428,376	10,429,859	36,491,520
Child Care Quality	-	5,083,046	-	5,083,046
Independent Living & Life Skills Svcs.	393,977	1,969,886	393,977	1,969,886
KS Early Head Start	-	9,238,642	-	9,238,642
Vocational Rehabilitation Case Svcs.	1,043,908	4,900,967	1,217,749	5,717,131
Smartmoves	-	219,435	-	219,435
EPIC Skillz	-	188,583	-	188,583
Urban Scholastic Center	-	109,253	-	109,253
Project Impact	-	-	-	189,317
Kansas Reading Roadmap	-	9,790,950	-	9,790,950
Kidzlit	-	877,725	-	877,725
Jobs for America's Graduates	-	4,400,000	-	5,750,000
Communities in Schools	-	1,453,467	-	1,489,520
Subtotal--Children & Families	\$ 11,867,742	\$ 77,660,330	\$ 12,041,585	\$ 77,115,008
Parsons St. Hospital & Training Ctr.				
Special Purpose School	350,000	350,000	350,000	350,000
Health & Environment--Health				
School Health	375,376	691,907	353,061	691,907
Infant & Toddler Services	-	10,153,186	-	10,151,104
Newborn Hearing Aid Loaner Prog.	-	41,346	-	40,802
Newborn Screening Metabolic/Hearing	16,700	786,200	16,700	773,868
Subtotal--KDHE--Health	\$ 392,076	\$ 11,652,639	\$ 369,761	\$ 11,657,481
Total--Human Services	\$ 12,609,818	\$ 89,662,969	\$ 12,761,346	\$ 89,122,489
Education				
Department of Education				
Parent Education Program	-	7,237,635	-	8,237,635
Pre-K Program	-	4,132,317	-	4,132,317
Kansas Reading Success	2,100,000	2,100,000	2,100,000	2,100,000
Communities in Schools	-	50,000	-	50,000
Children's Cabinet Programs	-	15,807,840	-	18,018,476
Subtotal--Department of Education	\$ 2,100,000	\$ 29,127,792	\$ 2,100,000	\$ 32,538,428
School for the Blind				
Education of Blind Children	5,368,299	7,043,445	5,435,726	6,767,521
School for the Deaf				
Education of Deaf Children	8,831,258	11,044,447	8,899,869	10,798,266
Kansas Board of Regents				
Excel in Career Tech. Ed. (SB 155)	28,050,000	28,050,000	28,050,000	28,050,000
Emporia State University				

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Ctr. for Early Childhood Ed.	12,023	480,489	12,023	480,489
Reading Related Services	26,450	26,450	26,450	26,450
Enhancing Your Future	12,690	16,790	12,690	16,790
Sonia Kovalevsky Math Day	-	1,500	-	1,500
MASTER-IT	16,721	20,721	16,721	20,721
Family Literacy Program	360	30,458	372	30,470
Yes, I Can Do Science & Mathematics	-	5,750	-	5,750
Subtotal--Emporia State University	\$ 68,244	\$ 582,158	\$ 68,256	\$ 582,170
Fort Hays State University				
Herdon Clinic	586,319	777,523	586,319	777,523
Tigers Tots Nursery Center	-	103,452	-	103,452
Subtotal-- <i>Fort Hays State University</i>	\$ 586,319	\$ 880,975	\$ 586,319	\$ 880,975
Kansas State University				
Hoeflin Stone House	65,000	395,869	65,000	475,000
Early Childhood Laboratory	65,000	110,160	65,000	125,000
KSDE Food Program	-	7,000	-	7,000
Speech & Hearing Center	168,474	343,579	168,474	345,000
Subtotal-- <i>Kansas State University</i>	\$ 298,474	\$ 856,608	\$ 298,474	\$ 952,000
Kansas State University--ESARP				
4-H Program	417,167	1,098,416	417,167	1,098,416
Youth Leadership Program	94,620	255,109	94,620	255,109
Amy Youth & Teen Center	20,914	115,295	20,914	115,295
Community Youth Dev. & Training	26,998	114,745	26,998	114,745
Learning & Social Readiness	12,450	43,423	12,450	43,423
Improve Parenting Skills	707,299	1,371,609	707,299	1,371,609
Subtotal-- <i>KSU--ESARP</i>	\$ 1,279,448	\$ 2,998,597	\$ 1,279,448	\$ 2,998,597
Pittsburg State University				
Pre-school Lab	17,587	34,694	17,587	34,694
Yes Program	17,636	35,350	17,636	35,350
America Reads Challenge	834	35,350	834	35,350
Science Day	-	984	-	984
Career Exploration	-	2,727	-	2,727
Subtotal-- <i>Pittsburg State University</i>	\$ 36,057	\$ 109,105	\$ 36,057	\$ 109,105
University of Kansas				
Hilltop Child Dev. Center	-	2,509,000	-	2,552,000
E.A. Hill Child Dev. Center	-	495,000	-	503,000
School Performance Series	-	52,000	-	60,500
Architecture Design Camp	-	27,000	-	27,000
Media Workshop	-	55,000	-	57,000
Institute for Young Musicians	-	74,617	-	74,617
Museum of Art Programming	48,000	148,825	45,100	113,850
Subtotal-- <i>University of Kansas</i>	\$ 48,000	\$ 3,359,442	\$ 45,100	\$ 3,387,967
Wichita State University				
Speech Language-Hearing Clinic	94,300	503,300	94,300	503,300
Nursing Health Screenings	9,300	9,300	9,300	9,300
Nursing Students Services	17,250	17,250	17,250	17,250
PA Health Sciences Program	-	9,500	-	9,500
Upward Bound	-	391,255	-	391,255
Regional Math/Science Program	-	320,124	-	320,124

ATTACHMENT A

Upward Bound--Communications	-	245,723	-	245,723
TRIO Talent Search--Proj. Disc.	-	559,200	-	559,200
GEAR UP	-	3,500,000	-	3,500,000
Teacher Education Majors	-	23,758	-	23,758
Child Development Center	-	690,041	-	690,041
America Reads Challenge	-	85,850	-	85,850
Communities in Schools	-	16,681	-	16,681
Subtotal--Wichita State University	\$ 120,850	\$ 6,371,982	\$ 120,850	\$ 6,371,982
Historical Society				
Educational Programming	16,584	26,200	16,584	26,200
State Library				
Summer Reading Program	-	40,500	-	40,500
KS Reads to Preschoolers	-	3,800	-	3,800
Children's Ebook Collections	-	47,000	-	50,000
Learning Foreign Language	-	-	-	-
Subtotal--State Library	\$ -	\$ 91,300	\$ -	\$ 94,300
Total--Education	\$ 46,803,533	\$ 90,542,051	\$ 46,936,683	\$ 93,557,511
Public Safety				
Department of Corrections				
Lawrence Gardner High School	2,451,425	2,528,374	2,407,805	2,528,374
Adjutant General				
Starbase	-	1,586,000	-	1,650,000
Total--Public Safety	\$ 2,451,425	\$ 4,114,374	\$ 2,407,805	\$ 4,178,374
Transportation				
Kansas Department of Transportation				
Safe Routes to Schools	-	855,496	-	855,496
Total--Transportation	\$ -	\$ 1,795,496	\$ -	\$ 1,795,496
TOTAL--Excluding K-12 School Finance	\$ 61,864,776	\$ 186,139,890	\$ 62,105,834	\$ 188,678,870
TOTAL--K-12 School Finance	\$ 3,300,196,713	\$ 4,762,177,654	\$ 3,374,300,225	\$ 4,891,622,272
GRAND TOTAL	\$ 3,362,061,489	\$ 4,948,317,544	\$ 3,436,406,059	\$ 5,080,301,142

PROTEST*PROTEST OF SENATOR HENSLEY AGAINST SUB SB 423**APRIL 5, 2018*

Madam President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest **Substitute for Senate Bill 423 (“Sub SB 423”)**.

Article 6, Section 6, subsection (b) of the Kansas Constitution requires the Legislature to “make suitable provision for the finance of the educational interest of the state.” The Kansas Supreme Court reaffirmed in *Gannon I* that Article 6 requires the Legislature’s suitable provision for K-12 finance to be both equitable and adequate. This means any school finance plan passed by the Legislature must be “reasonably calculated to have all Kansas public education students meet or exceed the [Rose standards]” and ensure that school districts “have reasonably equal access to substantially similar educational opportunity through similar tax effort.”

The Legislative Coordinating Council (“LCC”) commissioned a cost-function study by Dr. Lori Taylor to be completed and delivered by March 15, 2018. Dr. Taylor states in her findings that “a one percentage point increase in academic performance is associated with a 5-percent increase in cost.” See *Taylor Cost Function Approach*, pg. 61. Additionally, Dr. Taylor found that “a one percentage point increase in the graduation rate is associated with a 1.2-percent increase in cost at lower grades and a 1.9-percent increase in cost at the high school level. *Id.*

Her finding mirrors the finding of the 2006 Legislative Post Audit (“LPA”) that found “a strong association between the amounts districts spend and the outcomes they achieve. In the cost function results, a 1.0% increase in district performance outcomes was associated with a 0.83% increase in spending – almost a one-to-one relationship. This means that, all other things being equal, districts that spend more had better student performance. The results were statistically significant beyond the 0.01 level, which means we can be more than 99% confident there is a relationship between spending and outcomes.” See *2006 LPA Study*, pg. 40.

Money matters in a statistically significant way. This, of course, means that the lack of money has also made a difference. The link between educational spending and performance has been extensively researched by Professor Emily Rauscher of Kansas University. Her research confirms that the prior cuts to schools have negatively affected student performance. Professor Rauscher’s research ultimately determined that more funding is associated with both higher achievement – as measured by various assessments – and higher graduation rates. This research provides a strong indication that providing a suitable education is vital to the success of all Kansas students and key to reducing the disparate impact among students of color and impoverished students. Attached to this protest is a PowerPoint presentation prepared by Professor Rauscher regarding her research.

Sub for SB 423 fails to satisfy both the adequacy and equity requirements of the Kansas Constitution in several significant ways.

1. **Adequate funding.** Sub for SB 423 is woefully inadequate when it comes to additional funding for K-12 education. First, and foremost, while there is being an argument made that the state foundation aid is adequate, it is inflated due to the taking of \$68 million from high and low enrollment and shifting it into foundation state aid. This is not new money for schools. It simply takes from small rural schools – creating

an equity violation – and shifts that money into state foundation aid. Second, Sub for SB 423 provides only an additional \$275 million to attempt to meet constitutional compliance. Under this plan, we would not surpass our high-water mark from *Montoy* of \$4,400 per student until fiscal year 2021. This amount of funding is no where near sufficient to meet constitutional adequacy. Especially when phased in over five years.

2. **High and Low Enrollment Weighting.** The elimination of the high enrollment weighting and renaming the low enrollment weighting “enrollment weighting” creates an equity violation. Small school districts get more enrollment weighting because of size, not wealth. Large schools get less because of size, not wealth. Taking the money from these districts and shifting it into state foundation aid to inflate the state foundation aid without putting in any new funding does not achieve adequacy and reverses course on ensuring school districts of different sizes and wealth have reasonably equal access to substantially similar educational opportunity through similar tax efforts.

3. **Local Option Budget.** Regardless of what changes are made to the local option budget, as long as the districts that are not already at 33% are subject to protest petitions, there will be an equity violation. The districts subject to the protest petition will have a much more difficult time utilizing the local option budget changes due to this provision. This is an equity violation. Especially in light of the changes to high and low enrollment weightings.

4. **ABC Pilot Program.** The Kansas Supreme Court has declared that “[t]he adoption by the people of this state of the 1966 amendment to [A]rticle 6 of the Kansas Constitution vested broad powers of supervision in the state board of education.” *State, ex rel., v. Board of Education*, 212 Kan. 482, Syl. ¶ 1, 511 P.2d 705 (1973). The Court further held that the portion of Article 6, Section 2, subsection (a), which granted “the state board of education authority to exercise general supervision of the public schools, educational institutions and educational interests of the state, is self-executing in effect.” *Id* at ¶ 6. “Where a constitutional provision is self-executing, the legislature may enact legislation to facilitate or assist in its operation, but whatever legislation is adopted must be in harmony with and not in derogation of the provisions of the constitution.” *Id* at ¶ 7. The ABC Pilot Program does not belong in a school finance bill. It should be taken to the Kansas Department of Education for consideration and adoption. To do otherwise is to legislate in discord with the Kansas Constitution.

For those reasons, it is clear that Sub for SB 423 does not meet the constitutional requirements of the *Gannon* decision. This is in no way constitutional or acceptable for the school children of Kansas.—ANTHONY HENSLEY

Senators Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the “Protest” offered by Senator Hensley on **Substitute SB 423**.

Education Funding and Inequality in Kansas, 2009-2015

Emily Rauscher
Department of Sociology
University of Kansas
February 16, 2018

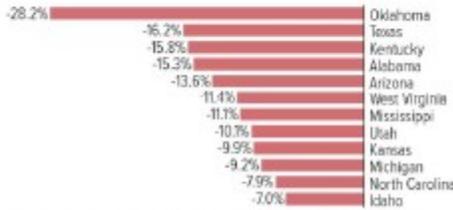
This research was supported by the National Academy of Education's Spencer Foundation and the William T. Cline Foundation.



201408

State General Funding Per Student Still Far Below 2008 in at Least 12 States

Percent change in state formula funding* per student, inflation adjusted, fiscal years 2008-2018

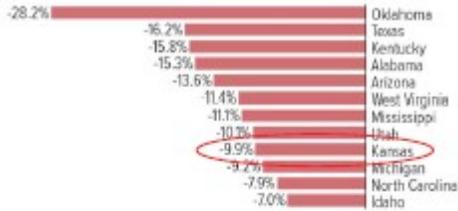


*General or formula funding is the primary form of state K-12 funding. States also typically provide revenue for other, more specific purposes, such as bus transportation and contributions to school employees and pension plans.

Source: CBPP budget and enrollment analysis.

State General Funding Per Student Still Far Below 2008 in at Least 12 States

Percent change in state formula funding* per student, inflation adjusted, fiscal years 2008-2018



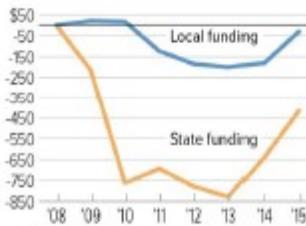
*General or formula funding is the primary form of state K-12 funding. States also typically provide revenue for other, more specific purposes, such as bus transportation and contributions to school employees and pension plans.

Source: CBPP budget and enrollment analysis.

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K-12 Funding Fell Sharply After Recession Hit

Change in funding per pupil compared to 2008, inflation adjusted



Note: Excludes Hawaii and Indiana due to lack of data.

Source: CBPP analysis of U.S. Census Bureau, "Public Education Finances 2015."

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But...

- Focus on average achievement in context of funding increases (Hanushek 1989, 1996, Burtless 1996, Greenwald et al. 1996; Biddle and Berliner 2002, Baker 2016)
- Funding equality narrows SAT score gaps by parental education (Card and Payne 2002) and increases student test scores in low-income districts (Lafortune et al. 2016, Roy 2011, Guryan 2001, Papke 2005, Downes et al. 2009)
- School effects differ by race and income (Jennings et al. 2015, Beyk and Driscoll 1988)
- Funding more important for educational attainment – such as HS graduation rates – than achievement (Jennings et al. 2015, Jackson et al. 2017, Card and Krueger 1996)
- Need work examining potential heterogeneous effects [i.e. disparate impacts] on both achievement and attainment by race and ethnicity in context of cuts

2018

Research Questions

- 1) What is the relationship between state education funding and student achievement and graduation rates in Kansas?
- 2) Does this relationship differ by student characteristics, including race, ethnicity, and poverty?

Data

Achievement

Stanford Education Data Archive 2.0 – ELA (and Math) in grade units

District-level panel data 2009-2013 – weighted mean grades 3-8 (and grade-specific measures)

Suppressed if <20 students per cell/group – low observation rates in KS

White – 87%, Hispanic – 19%, Black – 8%

Gaps = White-Black, White-Hispanic achievement

Linked to: Census Finance Survey (F-33) 2009-2013

Instructional expenditures/pupil (Instruct. wage expenditures/pupil)
in 2016 \$

001-008

Data

HS Graduation Rates

Kansas State Department of Education 2010-2015

5-year adjusted cohort formula among public high schools

Gaps = White-Black, White-Hispanic, Pay Lunch-Free Lunch

Linked to: KSDE finance data 2008-2015

State aid/pupil, General fund budget/pupil
in 2016 \$

4-year moving averages (3-year in 2010)

Data

Control Variables

% Eligible for free or reduced price lunch

% English Language Learner

% Hispanic

% Black

Enrollment

Number of schools

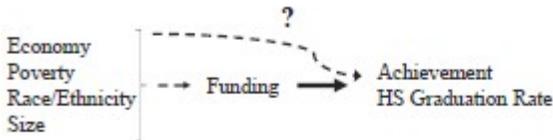
SEDA – compiled from Common Core of Data

(4-year moving averages when predicting graduation rates)

Methods

Funding → Achievement
HS Graduation Rate

Methods



001408

Methods

- District-level fixed effects
 - Account for time-constant district differences
- Year fixed effects
 - Account for state-level changes over time
- Controls for time-varying district characteristics
 - % free/reduced lunch, ELL, Black, Hispanic,
 - Enrollment (log), Number of schools

$$HS\ Grade\ Rate_{ij} = \alpha + \beta_1 State\ Revenue/Pupil_{ij} + \beta_k X_{ij} + District_i + Year_j + \varepsilon_{ij}$$

i = district
 j = year

Methods

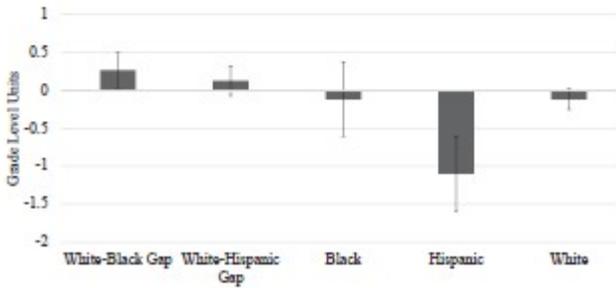
- Difference-in-differences
 - Before and after transition to block grant funding
 - Funding/pupil decreased in growing districts; increased in shrinking districts

Achievement/HS Grad Rate			
	Pre-Block Grant	Post-Block Grant	Difference
Enrollment Decreased (\$/pupil increased)			Δ shrinking districts
Enrollment Increased (\$/pupil decreased)			Δ growing districts
Difference			DID Estimate

201-08

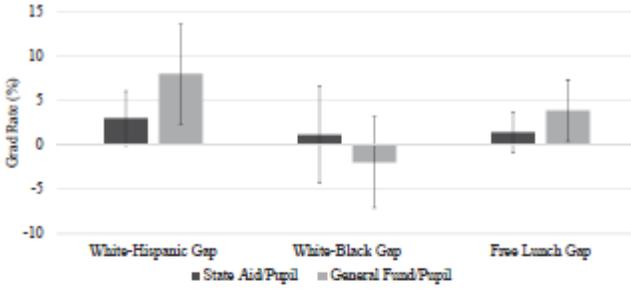
Results

Achievement change with \$1k decrease in instructional spending/pupil



Results

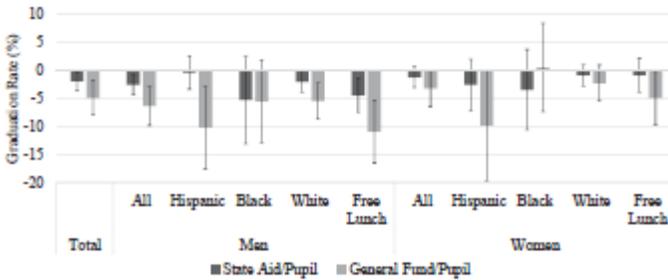
HS grad rate change with \$1k decrease in 4yr avg funding/pupil



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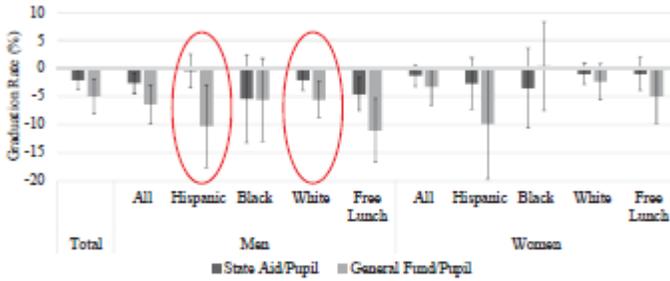
Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



Results

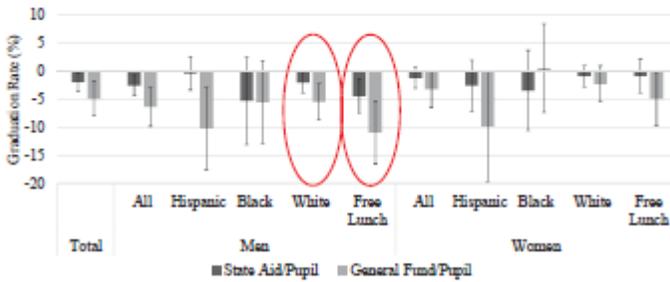
HS grad rate change with \$1k decrease in 4yr avg funding/pupil



03/16/18

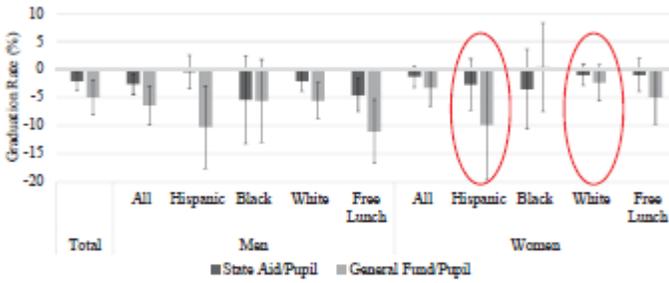
Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



021-028

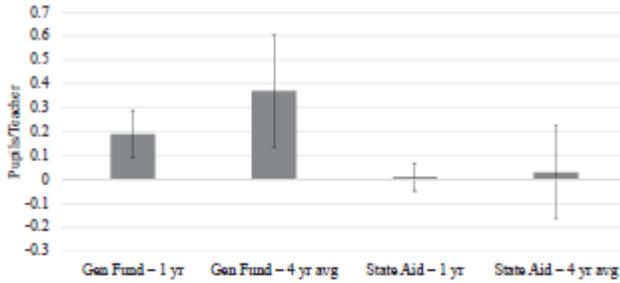
Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



Results

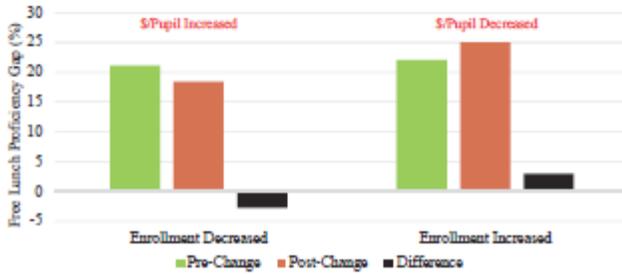
Pupils/Teacher (4yr avg) change with \$1k decrease in funding/pupil



2008

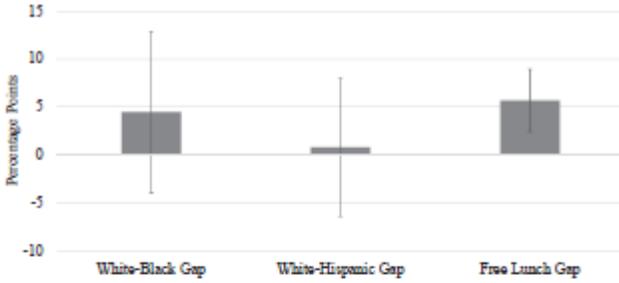
Results

Difference-in-Differences: Free-Lunch Gap in Grade-Level Proficiency and College Readiness



Results

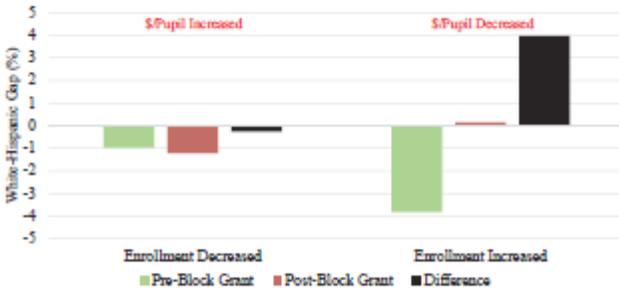
Difference-in-Differences: Effect of Growth During Block Grant on Proficiency Gaps



20104

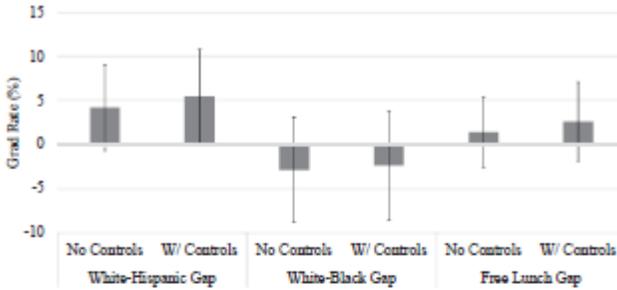
Results

Difference-in-Differences: White-Hispanic Grad Rate Gap



Results

Difference-in-Differences: Effect of Growth During Block Grant on Graduation Rate Gaps



Conclusions

- Instructional spending cuts are associated with:
 - Higher inequality of achievement by race and ethnicity
 - Lower achievement among all students
 - Decrease is 4x larger among Black students compared to White
 - Decrease is nearly 8x larger among Hispanic students compared to White
- General fund budget cuts are associated with:
 - Lower HS grad rates for all students
 - Decrease is 1.5x larger among poor students
 - Decrease is nearly 2x larger among Hispanic men compared to White men
 - Decrease is over 4x larger among Hispanic women compared to White women
 - Higher pupil:teacher ratios – potential mechanism

Conclusions

- **Limitations**
 - Association not causation
 - Controls and difference-in-differences analyses help reduce concern
 - Small number of districts with achievement data for Black and Hispanic students

201408

Conclusions

- Funding cuts seem to matter more for educational opportunity among Hispanic, Black, and poor students
- Consistent with the possibility of disparate impact
- Equality of opportunity declined in Kansas – and possibly the 30 other states that reduced education funding – after the recession

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Friday, April 6, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

