SCHOOL-BASED BUDGETING HELPS EACH STUDENT ACHIEVE

written testimony in Support of SB362

by

Dr. Walt Chappell, President, Educational Management Consultants, LLC

Passing SB362 into law will help assure an equal educational opportunity for **each** K-12 student in Kansas. To achieve this goal, all parties involved in funding, managing and providing quality education must challenge long held assumptions and focus on how best to pay for the learning resources required to teach each student in the school they attend.

First it is necessary to (1**) identify the learning needs and achievement level of each student in each school**, then (2) **verify what instructional resources are necessary in that school building to teach the students enrolled**, only then can a district superintendent and local school board (3) **develop a budget which will pay the costs to teach each student so they achieve the State required, measurable objectives**. With school-based budgeting, the redistribution of funds for each school building will change from year to year to reflect the resources needed to equalize the educational opportunity for each K-12 student enrolled in that district.

Currently, the State school finance formula and school district budgets are just a reflection of previous spending patterns and politically expedient weightings which have little to do with the actual cost of teaching students in each public school. But the basic, "**cost-center" of education is the School Building**—not the School District. To be meaningful, all budgets must be built on the actual cost to teach students who attend each school so that they can learn and demonstrate their use of basic skills.

The Tax Payers are paying for a Service. That educational service is provided at the building level. So, it is essential that any budgeting process start with the cost of providing an equal educational opportunity to learn where a specific group of students actually attends school.

Some school buildings have been "on the short end of the stick" for years. Consequently, it will initially take more funds designated for these sub-standard schools to bring them up to the "State standard" for curriculum offerings, teachers to teach these stated objectives, plus computers, vocational training equipment and access to the Internet. And, since the key issue is "teaching" students, the formula must take into account the number and learning needs of the students who actually attend each school. Otherwise, the funds are blindly spent without any knowledge of the regular and special needs of the students who are being taught.

Any structure is built from the ground up!! The same goes for budgets. They must first be based on facts—starting with the actual learning needs of the students and available resources in each school in each district. Passing SB362 this Session will help assure that the unique instructional needs of students in each Kansas school building are meet each academic year.

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A MODEL

FOR FUNDING

QUALITY—EQUAL EDUCATION

IN

KANSAS

BASIC SCHOOL FINANCE ISSUES

The main issues facing Legislators on School Finance are (1) the "*costs*" to provide (2) an "*equal opportunity*" for (3) a "*suitable education*" (4) to "*each K-12 student*" in the State. So, it is obvious, that making minor adjustments to the weights in the existing State school finance formula will *NOT* provide an equal educational opportunity for each K-12 student in Kansas.

Current formulas are often just a reflection of previous spending patterns and politically expedient weightings which have little to do with the actual cost of teaching students in each public school. Until a thorough analysis is done to determine what it costs to teach students so they can pass the State minimum competency standards, the Legislature will not be able to assure that each child in the State is provided with the resources needed to reach these learning objectives for a "suitable education." Nor will the State meet requirements of the Federal "No Child Left Behind".

The basic, "cost-center" of education is the School Building—not the School District. To be meaningful, all budgets must be built on the actual cost to teach students who attend each school so that they can learn and demonstrate their use of basic skills. The Tax Payers are paying for a Service. That educational service is provided at the building level. So, it is essential that any School Finance Model or Formula start with the cost of providing an equal educational opportunity to learn where a specific group of students actually attends school.

Management by Objectives is not new. It has been used by business and industry for years as a way to accurately state Goals and Objectives and then assign the resources needed to reach those objectives. Unfortunately, the "weightings" in most State school finance formulas have little to do with education. In most cases, they merely perpetuate the inefficient use of public funds by hiding the low productivity of instructional facilities and staff. This amounts to hundreds of millions of dollars of unnecessary expenses which have limited, if any, benefit to students.

By stating the minimum competency standards to which each K-12 student is to achieve, the State Legislature can assess how well its funds are being used to reach these objectives. There will then be a State-wide measure of "basic" or "suitable education."

Basing the State school finance formula on the cost to reach these measurable objectives in each school building will allow the funds to go where they are needed. Some schools will require more dollars per pupil than others. But these differences will be based on learning needs within each school rather than the value of property within an "artificial school district" boundary. The ability for a "District" to raise revenue at the local level should not determine a child's educational opportunity to learn and compete as an adult in the 21st Century.

Some school buildings have been "on the short end of the stick" for years. So, it will initially take more funds designated for these sub-standard schools to bring them up to the "State standard" for curriculum offerings, teachers to teach these stated objectives, plus computers, vocational training equipment and access to the Internet. And, since the key issue is "teaching" students, the formula must take into account the number and learning needs of the students who actually attend each school. Otherwise, the funds are blindly spent without any knowledge of the regular and special needs of the students who are being taught.

Any structure is built from the ground up!! The same goes for budgets. The formula which is offered on the following pages is simple and straight forward. It is based on gathering facts—starting with the actual learning needs of the students and available resources in each school throughout the State. For a State to achieve stated, measurable learning objectives, increase productive use of teachers, administrators and facilities, plus control unnecessary expenses, the following steps need to be included in a School Finance Formula and Budget Development Process.

As Legislative leaders review this Model, it will help to understand that these concepts are based on over 30 years of experience dealing with budgeting for educational costs. If you have questions, call Dr. Walt Chappell, President of EMC or write to educationalmanagers@cox.net.

KEY SCHOOL FINANCE QUESTIONS TO ANSWER BEFORE AN EQUAL EDUCATIONAL OPPORTUNITY CAN BE ASSURED FOR EACH K-12 STUDENT

1) What do we want each student in the State to learn during their 13 years of public education?

2) What is the current achievement level for each student in each school?

Current Level of Achievement by EACH Student in EACH School	**+**	**Learning Areas Needing Improvement to Achieve State Standards per School**	**=**	**Adjusted Achievement Level of ALL Students in EACH School**

3) What resources are required in each child's school to have an equal educational opportunity to achieve the state competency standards?

Current Resources in EACH School to Achieve State Standards	**+**	**Additional Resources needed in EACH School to Achieve State Standards**	**=**	**Total Resources needed in EACH School to Achieve State Standards**

4) What are the financial costs to provide the necessary resources to assure an equal opportunity of achieving stated, measurable learning objectives by each student enrolled in the neighborhood school closest to their home?

Cost of Current Resources in EACH School Building	**+**	**Cost of Additional Resources needed in EACH School Building**	**=**	**Total Budget for EACH School to Achieve State Standards**

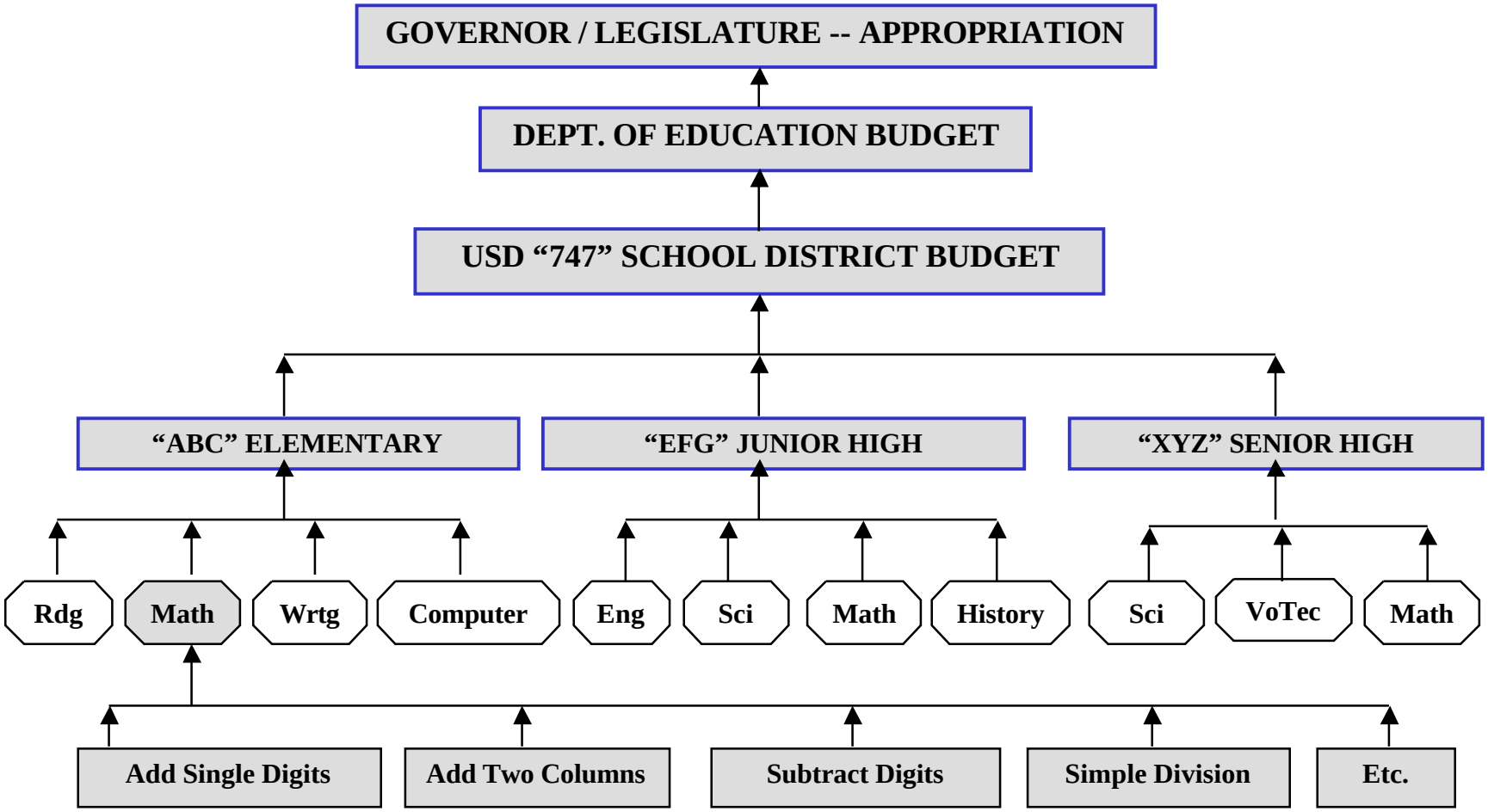
5) What are the financial needs of each School District within the State?

Combined Budgets for ALL Elementary Schools in EACH District	**+**	**Combined Budgets for ALL Jr. & Senior High Schools in EACH District**	**=**	**Total Cost for ALL Schools in EACH School District**

6) What is the total cost of education in the State to be funded by a combination of Local, State & Federal taxes?

Combined Costs for ALL Elementary Schools to Achieve State Standards	**+**	**Combined Costs for ALL Jr. & Senior Highs to Achieve State Standards**	**=**	**Total Cost for ALL Schools & Districts to Achieve State Standards**

SCHOOL FINANCE BUDGET DEVELOPMENT PROCESS TO ASSURE AN EQUAL EDUCATIONAL OPPORTUNITY FOR EACH K-12 STUDENT IN EACH SCHOOL



SAMPLE SCHOOL FINANCE BUDGET PROCESS

A) Cost for 25 Students/Class to learn K-6 Math X 10 Classes in "ABC" Elementary =

B) Cost for 25 Students/Class to learn K-6 Reading X 10 Classes in "ABC" Elementary =

C) Cost for 25 Students/Class to learn K-6 Writing X 10 Classes in "ABC" Elementary =

D) Cost for 25 Students/Class to learn K-6 Computer X 5 Classes in "ABC" Elementary =

THEREFORE:

1) **A + B + C + D + ETC. = Instructional costs for 80% of students enrolled at "ABC" Elementary School to learn stated, measurable objectives.**

2) **E + F + G + H = Instructional costs for 80% of students enrolled at "EFG" Junior High/Middle School to learn stated, measurable objectives.**

3) **I + J + K + L = Instructional costs for 80% of students enrolled at "XYZ" Senior High/Vocational Technical School to learn stated, measurable objectives.**

4) **Instructional costs X 5% = Maximum Administrative costs allowed to teach all subjects throughout USD "747" School District.**

5) **Total Budget for USD "747" School District = Instructional costs for each school to achieve State Competency Standards + District Administrative costs + Transportation, Maintenance, Utility, etc. costs.**

6) **Funding mix for USD "747" School District = Redistributed Local Property taxes from throughout the State + State Sales and Income Taxes + Federal funds. Each school will receive the resources required to achieve State competency standards by 80% or more of the students in each building the 1st time they are tested.**

7) **The State Board of Education compiles the school building and district level costs from each school district throughout the State. The Legislature uses it own computerized School Finance Model with actual costs, resources and achievement data to redistribute funds from all sources back to individual schools in each school district. Computerized optimization models will be used to minimize duplicated expenses, increase productivity of existing resources and maximize student achievement of the stated, measurable educational objectives.**

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION SIX

RYAN MONTOY, et al,	)	
	)	
	)	Case No. 99-C-1738
	)	
Plaintiffs,	)	
	)	
v.	)	
THE STATE OF KANSAS, et al	)	
	)	
Defendants.	)	
_____	)	

AMICUS CURIAE BRIEF OF EDUCATIONAL MANAGEMENT CONSULTANTS IN SUPPORT OF REAL "REMEDIES" TO ACHIEVE AN EQUAL EDUCATIONAL OPPORTUNITY FOR EACH K-12 STUDENT OF KANSAS

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INTEREST OF AMICI CURIAE

Educational Management Consultants is a Kansas based firm which has identified the learning needs of over 700,000, K-12 students in 16 States to help school district managers match instructional resources to the students enrolled in each school building. The following recommendations are also based on 30 years of experience on school finance and unit cost analyses in large and small school districts.

SUMMARY OF ARGUMENT

The primary focus of this *amicus curiae* brief and court case is on how to provide an equal educational opportunity for **each** K-12 student in Kansas. To achieve this goal, all parties involved in funding, managing and providing quality education must challenge long held assumptions and focus on how best to provide the learning resources required to teach each student at the school they attend.

The current school finance formula used by the Kansas State Legislature to distribute funds to school districts is unconstitutional. This has been true for decades. There is wide variation in funding and learning resource distribution between the 303 school districts in Kansas. And, since no two school districts have the same property tax base from which to increase their funding, there is no assurance in the current formula that each student's needs are being met...in the school building they attend.

To correct this major problem, it is necessary to first (1) identify the learning needs and achievement level of each student in each school, then (2) verify what instructional resources are necessary in that school building to teach the students enrolled, and finally (3) develop a Statewide budget which will pay for the costs to teach each student the stated, measurable objectives. With this school based budget, the Legislature can then use a computer model to distribute the Local, State and Federal taxes back to each school according to the learning needs of the students enrolled in each building. This dynamic budgeting and redistribution of revenue will change from year to year to reflect the resources needed in each school. Basing the new school finance formula on actual instructional costs instead of previous spending patterns, will equalize the educational opportunity for each K-12 student in Kansas.

BASIC SCHOOL FINANCE ISSUES

The main issues facing Legislators on School Finance are (1) the "*costs*" to provide (2) an "*equal opportunity*" for (3) a "*suitable education*" (4) to "*each K-12 student*" in the State. So, it is obvious, that making minor adjustments to the weights in the existing State school finance formula will *NOT* provide an equal educational opportunity for each K-12 student in Kansas.

Current formulas are often just a reflection of previous spending patterns and politically expedient weightings which have little to do with the actual cost of teaching students in each public school. Until a thorough analysis is done to determine what it costs to teach students so they can pass the State minimum competency standards, the Legislature will not be able to assure that each child in the State is provided with the resources needed to reach these learning objectives for a "suitable education." Nor will the State meet requirements of the Federal "No Child Left Behind".

The basic, "cost-center" of education is the School Building—not the School District. To be meaningful, all budgets must be built on the actual cost to teach students who attend each school so that they can learn and demonstrate their use of basic skills. The Tax Payers are paying for a Service. That educational service is provided at the building level. So, it is essential that any School Finance Model or Formula start with the cost of providing an equal educational opportunity to learn where a specific group of students actually attends school.

Management by Objectives is not new. It has been used by business and industry for years as a way to accurately state Goals and Objectives and then assign the resources needed to reach those objectives. Unfortunately, the "weightings" in most State school finance formulas have little to do with education. In most cases, they merely perpetuate the inefficient use of public funds by hiding the low productivity of instructional facilities and staff. This amounts to hundreds of millions of dollars of unnecessary expenses which have limited, if any, benefit to students.

By stating the minimum competency standards to which each K-12 student is to achieve, the State Legislature can assess how well its funds are being used to reach these objectives. There will then be a State-wide measure of "basic" or "suitable education." These stated objectives need to be set by future employers and not academics who are unaware of relevant, employable skills.

Basing the State school finance formula on the cost to reach these measurable objectives in each school building will allow the funds to go where they are needed. Some schools will require more dollars per pupil than others. But these differences will be based on learning needs within each school rather than the value of property within an artificial "school district boundary". The ability for a "School District" to raise revenue at the local level should not determine a child's educational opportunity to learn and compete as an adult in the 21st Century.

Some school buildings have been "on the short end of the stick" for years. So, it will initially take more funds designated for these sub-standard schools to bring them up to the "State standard" for curriculum offerings, teachers to teach these stated objectives, plus computers, vocational training equipment and access to the Internet. And, since the key issue is "teaching" students, the formula must take into account the number and learning needs of the students who actually attend each school. Otherwise, the funds are blindly spent without any knowledge of the regular and special needs of the students who are being taught.

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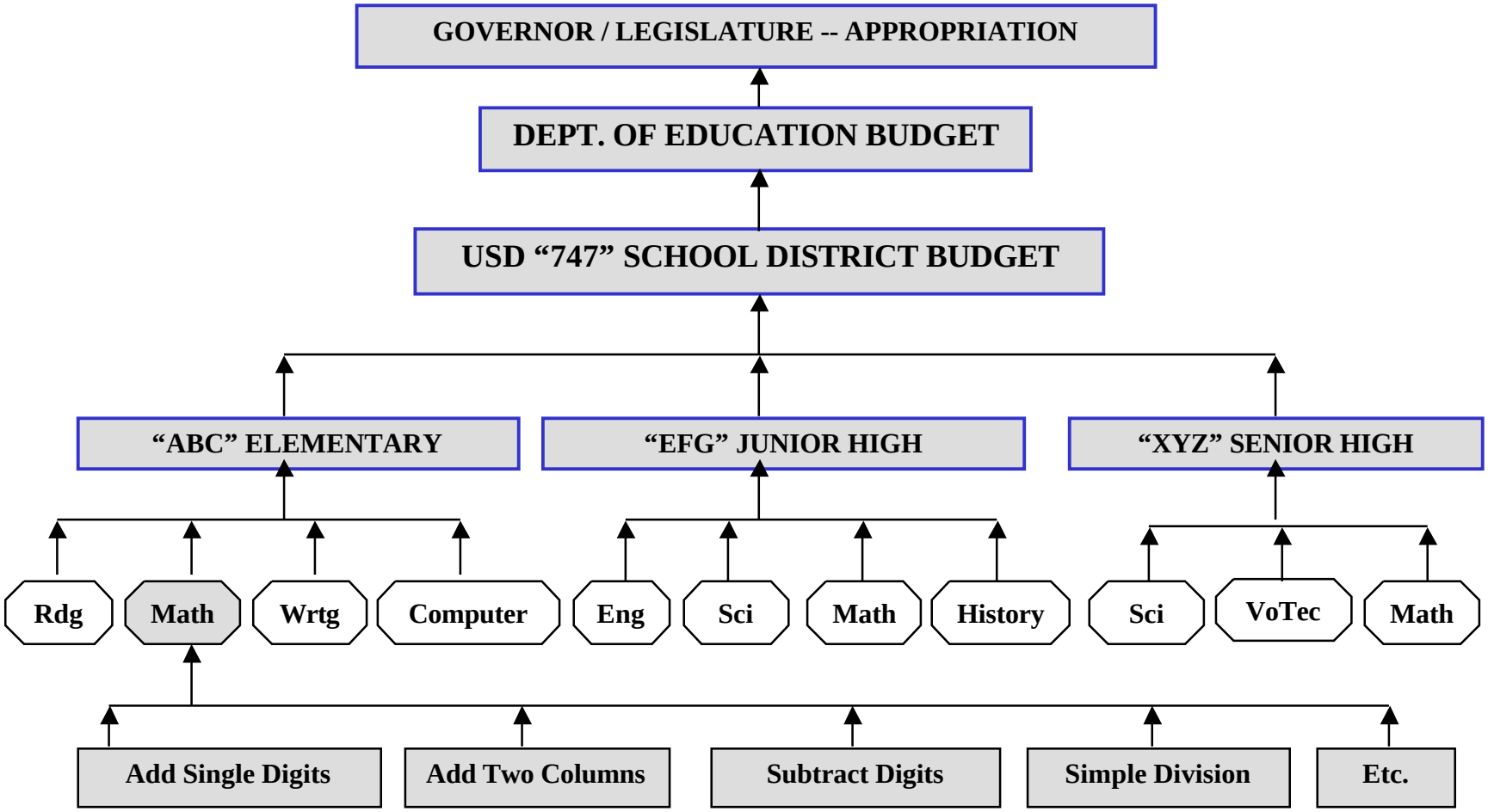

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THE AUGENBLICK AND MYERS METHODOLOGY IS FLAWED AND LEAVES BASIC ASSUMPTIONS UNCHALLENGED

For Kansas businesses to be financially strong and able to compete in the world economy, their workers and managers must be productive. They do not have the luxury of raising taxes when they don't want to make hard decisions. Yet, for years, some educators and State leaders have assumed that the only way to improve education is to spend more money.

The methodology used in the Augenblick and Myers study to "calculate" the cost of a "suitable education" in Kansas is flawed. It is like taking a group of children into a candy store and asking, "Do you like candy?" Of course the answer is "Yes". Then to follow by asking "How much more candy do you want in your bag?" will only lead to one conclusion. Each child wants "More candy, please!!"

There were no cost or learning needs data collected from individual schools by the A&M study. In fact, there were no actual cost data collected at all. Instead, a questionnaire and small "professional judgment" discussion groups of people associated with education in Kansas were asked what they thought about the current school finance formula and whether they thought there was enough funding provided for public schools. Then, based on these answers, the study established fictitious "Prototype" school districts to project costs for various sized districts.

In systems design, the axiom is GIGO which stands for "Garbage in = Garbage Out". The only conclusion which the A&M methodology could predict is—that more money is needed to fund education in Kansas. Without looking for or analyzing the actual cost of education and how to first increase the productivity of how existing resources are distributed to teach K-12 students, this study has given the false impression that more money is the only answer to improved learning and providing an equal educational opportunity for each K-12 student.

It is therefore wrong for good intentioned attorneys and public officials to cite A&M as justification to arbitrarily increase the weights for various factors in the current formula, as suggested in SB 465 and on page 16 of Plaintiffs' Amended Remedies Brief. No data has been offered to suggest that appropriating more money to these artificial weights will produce any increase in learning or equalize educational opportunity.

As an example, the definition in the current formula for "At-Risk" students has nothing to do with whether children of parents from lower income homes—who qualify for "free or reduced lunches"—can or can not learn the stated objectives. In school districts where thousands of workers have been laid off or can not find work, this means that these districts will receive a greatly inflated amount of money to teach students who need no extra resources. It is their parents who are out of work. What does this have to do with their child's ability to learn?

INCREASE EDUCATIONAL PRODUCTIVITY—SAVE $300M/YEAR

In Kansas, the reality is that $100 to $300 million per year can be saved and reinvested into teaching students by increasing productivity and reducing expensive duplication such as:

1. **Consolidate the 303 school districts down to a total of no more than 40 districts with the minimum size being 10,000 FTE students**. This allows much more efficient administration and greatly reduces duplicated costs for under utilized resources like buildings, busses & teachers. It will also broaden the property tax base to help fund remaining districts. Most small school districts can not raise the funds they need. Having administrative units of 10,000 students or more, will greatly increase the productivity of existing resources and broaden the tax base.
2. **Increasing the productivity of K-12 teachers is essential**. Since 80% or more of the expenditures for education in Kansas goes to staff salaries and benefits, this is the area of greatest economic impact for more cost effective management. Here are some examples.

3. Currently, Jr. High and High School teachers in many districts throughout Kansas spend **1/3rd of each day NOT teaching students**. They have Home Room, Planning Period, and Team Time. This also means that each hour of the school day, at least 1/6th of the classrooms in these buildings are empty with no students being taught in these expensive areas.

   By eliminating just one of these "free" periods, the student-teacher ratio goes down, the classrooms in the buildings are actually used to teach during the day and fewer teachers are needed in the school. From the money saved in this one change, the salary for the remaining teachers could be raised or additional instructional resources purchased for students. But, all too often, "excess" funds are used to hire more administrators.
4. Furthermore, school starts around 8 AM and the students leave by 3:10 PM. But the teachers do not stay until 5 PM to grade papers and prepare for the next day. Instead, in most cases, they are out of the building by 3:30 PM unless they are paid extra to be a coach or have "hall duty". **Two hours per day, the classrooms and staff are unused**.

   Why? These remaining 2 hours per day should be used to tutor slower students and meet with parents to coordinate learning. A "full days work for a full days wage" should apply to all educators.
5. Most Kansas schools are only open to teach 180 days per year. This is a carry over from the days when farmers needed their children home to help harvest crops. What business could afford to close down 3 months each year. **The classrooms which the tax payers are paying for through bond issues and taxes should be used to educate students 12 months per year**.

   America is competing in a world economy now. Jobs are going to those countries which can produce goods and services at lower cost for a reason. Schools in many countries are in session year around with classes starting at 8am and continuing until 5pm. Homework is standard for every subject with students expected to learn and pass tests before they are advanced. Unfortunately, in Kansas, our students only attend school a "magic" 180 days and then only from 8am till 3pm. Homework is seen as a burden by most students and parents plus teachers who have to grade the assignments, so in many classes, it is not required.

   As a result, students do not acquire the skills to learn on their own or have high expectations of success. "Getting by" without being challenged academically is creating a false impression in our students that they can "coast" into their employment years with little practical understanding of how things work or willingness to learn new skills. Such behavior is reinforced by boring and irrelevant curriculum, teachers with low expectations and a "do as little as possible" attitude from educators and students alike.
6. While enrollment in the Community Colleges and Regents Universities has stayed nearly level for 20 years, the appropriations have sky rocketed along with tuition. Yet, **over 50% of the course sections are taught with fewer than 8 students**. This means that the majority of full time, Postsecondary faculty complete their contractual requirements to teach 12 credit hours, by actually teaching only 30 to 40 students each semester. **This is 1/5th of the teaching load and instructional productivity of K-12 teachers.**
7. By implementing the 20/20 plan which was introduced in the 1991 Session of the Legislature, all Postsecondary institutions would be **required to enroll at least 20 students per course section before another section of the same course can be opened**. **Passing this one bill could save Kansas taxpayers $100 million per year**.
8. **Walk into a Postsecondary classroom building after 12 noon, and it is silent**. Not only are no classes being taught in expensive buildings which still have to be heated or cooled and construction bonds repaid, but the faculty are also gone. Some researchers are in their laboratories, but many faculty simply go home or leave campus. **Most**

classrooms are EMPTY ½ of each day. The libraries are also under utilized by students during these afternoon hours. This very expensive and wasteful silence is especially true on Fridays.

9. **So, the fact is, that by increasing the productivity of both K-12 and Postsecondary faculty and facilities plus reducing administrative costs and duplicated services—there are over $300 million dollars which can be saved EACH YEAR and put back into the General Fund to improve K-12 education and other vital programs. In Kansas, it is not necessary to "raise taxes" to equalize educational opportunity**.

STATE COLLECTION AND REDISTRIBUTION OF TAXES TO FUND EQUAL EDUCATION IN ALL DISTRICTS

It is essential, that all revenue from property, sales and income taxes be collected by the State and then redistributed back to the individual schools by the State Legislature. Allowing each school district to use a Local Option Budget to increase its income only creates greater disparity between the "haves" and "have nots". Students who attend a school in a low income neighborhood in a low property valuation district are doubly penalized since funds and resources seldom reach these schools from the district level. (See attached news article on *Brown v Board*.)

Fifty years after *Brown v. Board of Education*, schools throughout Kansas and America are still using bussing as a way to try to get lower income students a quality education. The transportation costs are tremendously expensive. Brown was granted the right to send his daughter to the school closest to where he lived in Topeka. Instead, students are now bussed out of their neighborhoods because local school boards and administrators can not be trusted to provide quality teachers and instructional resources equally to all schools within their districts.

Millions of dollars for bussing students are wasted in Kansas when those dollars could be better spent providing quality education in the neighborhood schools were students live. Changing this one failed strategy, would also allow neighbors to get better acquainted and permit the parents of students an opportunity to participate in their child's school. Parent-teacher interaction would greatly improve if the parents did not have to drive across town to participate in school functions and meetings. Putting students on a bus for up to 2 hours each day must stop.

Using busses for this purpose is a waste of public funds and in many cases, has a negative impact on learning since students can not use this time to do homework and it prevents parents from meaningful contact with their child's teachers. Furthermore, many students arrive tired, since it takes an hour or more for their bus to deliver them to school in the morning.

Since the State has the Constitutional responsibility for educating all children within its boundaries, it is very important that sources of revenue for various taxes are collected by the Kansas State Treasurer and then redistributed by the Legislature to assure that each child has an equal educational opportunity to learn in the school nearest their home. To have any credibility, these funds must be dispersed back to individual schools as the basic cost center of education.

Local school administrators and school boards have a responsibility for overseeing the use of these funds and directing the day-to-day learning process. But relying on local districts to raise significant portions of their own funds to pay for education is a major reason why there is such vast disparity in educational opportunity for children who may live just a few blocks or miles from eachother. Plus, funds currently allocated to school districts seldom are dispersed to the local school buildings which need additional resources the most.

NEW SCHOOL FINANCE FORMULA DEVELOPMENT PROCESS

Assuring an equal educational opportunity for each K-12 student in Kansas can only be achieved by first documenting what it costs to teach students in the schools they attend. The following strategy is offered to develop a new School Finance Formula for Kansas.

1. The Legislature should mandate that an Instructional Cost Study and a School Finance Computer Model be developed before the start of the 2005 Legislative Session.
2. Instructional cost data should be collected from a randomized, stratified sample of 6 large school districts, 6 medium sized school districts and 12 small school districts in Kansas.
3. To remain objective, the data analysis and computer model development should be done by educational experts who are not employees of any Kansas school district or agency.
4. The sample districts need to be in sets of 2 divided between East, Central and Western regions to reflect the geographical, logistical and demographic variations in the State.
5. Many of these costs can be collected from existing databases in the State Board of Education, Legislative Research Office and school district central office computer files.
6. As additional school based data are required to verify instructional costs, achievement and existing resources, site visits should be made to specific school buildings to collect this information. Input by teachers, administrators and district employees is essential.
7. The school based cost data from each district should then be complied into a database and spreadsheets to analyze the variations between districts, regions and instructional objectives. Aggregate achievement scores from students in each building should be entered as well to identify the relationship between costs and instructional benefits.
8. These building level instructional cost, resource and achievement data will serve as the basis for the development of a School Finance Computer Model for the State of Kansas. This Model will allow the State Legislature to simulate various options to redistribute tax dollars back to the school buildings and districts throughout the State based on student learning needs.
9. A standardized, State-wide School Based Budgeting data collection format will also be developed to allow cost and achievement data to be sent via electronic files from each school in Kansas. This process will minimize future data collection costs and assure that accurate, timely data are updating the Model on a regular basis.
10. This Study and Computer Model development will take about 7 months to complete so it is ready to pass into law during the 2005 Legislative Session. An estimate of costs to complete the work is from $200 to $300K and will depend largely on how much valid data can be found in existing databases. The contract should be done by experienced educators who know the questions to ask, which answers are reasonable and how to teach students relevant concepts and skills. The Legislative Educational Planning Committee should oversee the data collection and computer model development process.

CONCLUSION

The current School Finance Formula for the State of Kansas is unconstitutional since it does not assure each K-12 student an equal educational opportunity to learn. In addition, allocating funds based on a set amount per pupil does not take into account the wide variation of learning needs in individual school buildings throughout the State.

Debating which Court has jurisdiction to make this obvious ruling only wastes valuable time to fix the problems and prevents urgent instructional resources for reaching the students disenfranchised by the current formula. Likewise, urging the Court to force the Legislature to appropriate more money by increasing weights which have nothing to do with learning is wrong.

Furthermore, relying on Local Option Budgets to make up the differences between what is allocated by the State Legislature and the learning resources needed in each school building only makes the inequity greater, since no two districts have the same property tax base from which to raise funds. There are too many small school districts in Kansas. This simple fact automatically puts students who attend schools in these small districts at an economic disadvantage, unless they are next to a large gas reserve or nuclear power plant like Wolf Creek.

The State Treasurer must collect the property, sales and income taxes from all areas of Kansas. The new School Finance Formula must then redisperse these tax revenues back to individual schools based on the learning needs of the K-12 students attending each building.

The amount of money to raise and distribute back to individual schools depends on the measurable learning objectives to be learned. These stated objectives must be based on skills and understanding of concepts which are relevant to future employment and life as functional adults in a modern world. Basing these objectives on the assumption that all students are college bound is wrong. Most students know that much of what they are forced to learn is boring and not relevant to their future. So, as many as 40% simply drop out of K-12 schools before graduation. This does not mean that they are dumb or can not learn. They simply are not willing to sit in classes day after day without learning anything of use.

Spending more money on the same college bound curriculum will not keep more students in school. However, changing the curriculum to include technology, manufacturing, life skills and practical courses will excite students and provide them with the tools they need to succeed in the World economy. They need employable, competitive skills—whether they are going directly into the job market or headed for college after high school graduation. So, funds need to be spent to teach relevant, useful skills and information as a "basic" education for all students.

The Legislature should mandate that a new School Finance Computer Model be developed before the start of the 2005 Legislative Session. This will allow the new formula to be passed and implemented into law so it can be used to dispense tax revenue starting on July 1, 2005. It will take time to gather the building level cost, achievement and student needs data. So, delaying this School Finance Model development process until the Kansas Supreme Court rules only hurts those students of Kansas who currently do not have the resources they need to learn.

Determination, leadership and focus will provide each K-12 student in Kansas with an equal educational opportunity to learn relevant skills and concepts. This fundamental responsibility of State Government can be achieved. It must be taken seriously with the political will and wisdom to make the hard decisions outlined above.

Dated: April 30, 2004

Respectfully submitted,

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CERFICIATE OF MAILING

The President of Educational Management Consultants does hereby state that he has emailed a copy of this ***AMICUS CURIAE* BRIEF** to the attorneys of record in *Montoy v. Kansas* on this day, April 30, 2004.

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NO. 13-109335-S

IN THE SUPREME COURT OF THE STATE OF KANSAS

LUKE GANNON,
by his next friends and guardians, *et al*.,
Plaintiffs/Appellees/Cross-Appellants,

vs.

STATE OF KANSAS,
Defendant/Appellant/Cross-Appellee.

AMICUS CURIAE BRIEF OF EDUCATIONAL MANAGEMENT CONSULTANTS IN SUPPORT OF REAL "REMEDIES" TO ACHIEVE AN EQUAL EDUCATIONAL OPPORTUNITY FOR EACH K-12 STUDENT IN KANSAS

Appeal from the District Court of Shawnee County, Kansas,
Honorable Judges Franklin R. Theis, Robert J. Fleming, and Jack L. Burr,

Case No. 10-c-1569

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Dated: September 6th, 2013

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APPENDICES

INTEREST OF AMICI CURIAE

Educational Management Consultants is a Kansas based firm with over 40 years of K-12 and higher education classroom, administrative and budgeting experience. The firm specializes in cost-benefit analyses to increase productivity so that more instructional resources reach the classroom to improve student achievement.

EMC has also developed a state-wide, School-Based Budgeting process to assure that each K-12 student has an equal educational opportunity. This School Finance Model is included in the Amicus Brief in Vol. 39, Pg. 3945 of the Record on Appeal in *Montoy vs. State of Kansas* (District Case 99-C-1738 and Appellate Case 04-92032-S).

As a member of the Kansas State Board of Education from 2009-2012, the author has had a unique opportunity to document the impact of the Montoy decision throughout Kansas. Therefore, this "Friend of the Court" brief will hopefully provide the longitudinal data and evidence needed to reach a fact-based, balanced and just ruling.

THE AUGENBLICK AND MYERS METHODOLOGY IS FLAWED

For Kansas businesses to be financially strong and able to compete in the world economy, their workers and managers must be productive. They do not have the luxury of raising taxes when they don't want to make hard decisions. Yet, for years, some educators and their attorneys have insisted that the only way to improve student achievement is to spend more money.

They cite the Augenblick and Myers study, which used flawed methodology, to "calculate" the cost of a "suitable education" in Kansas. It is like taking a group of children into a candy store and asking, "Do you like candy?" Of course the answer is

"Yes". Then to follow by asking "How much more candy do you want in your bag?" which only leads to one conclusion. Each child wants "More candy, please!!"

There were no cost or learning needs data collected from individual schools during the A&M study. In fact, there was no actual cost data collected at all. Instead, A&M developed a questionnaire and gave it to small "professional judgment" discussion groups associated with education in Kansas who were asked what they thought about the current school finance formula and whether they thought there was enough funding provided for public schools. Then, based on these answers, the study established fictitious "Prototype" school districts to project costs for various sized districts.

To make matters worse, A&M were only provided with 2 pages of vague descriptions of a "Suitable Education" by the KSDE staff and Legislature. These definitions were too broad to be measured or taught. Yet the whole A&M study was to determine the cost of providing suitable funding for education in Kansas. Without any clear definition of what is to be taught and learned, there is no way that the cost estimates recommended by A&M have any validity.

In systems design, the axiom is GIGO which stands for "Garbage in = Garbage Out". Based on their flawed methodology, the only conclusion which A&M could predict is—that more money is needed to fund education in Kansas. Yet, without first knowing what is to be taught, analyzing the actual cost of providing a suitable education in each school or how to first increase the productivity of existing resources provided by the taxpayers to teach K-12 students, this study has given the false impression that more money is the only answer to improved learning and providing an equal educational opportunity for each Kansas student.

It is therefore wrong for good intentioned attorneys and public officials to cite A&M as justification to arbitrarily increase the weights for various factors in the current school finance formula. No data has been offered to suggest that adding more money to these artificial weights or increasing the BSAPP will produce any improvement in learning or equalize educational opportunity.

The More K-12 Funding = Higher Student Achievement Myth

It is time to **"Make it real—but compared to WHAT!!"** In each of the previous school finance court cases brought by school districts in Kansas as well as most other states, the claim for relief is "give us more money so we can improve student achievement".

However, there is no evidence that increased funding has a direct correlation with higher scores on national tests like NAEP or ACT. Likewise, the reasons that more than 25% of Kansas students drop-out before graduation or that over a third of those who attend college need remediation has nothing to do with a lack of money appropriated by the State legislature to educate our K-12 students.

The KLPA study did NOT conclude—as claimed by the Plaintiffs—that more State funding causes higher student achievement. In answering Question 3 of the audit:

What Does the Educational Research Show About the Correlation Between the Amount of Money Spent on K-12 Education and Educational Outcomes?
LPA stated:
Educational research offers mixed opinions about whether increased spending for educational inputs is related to improved student performance. Well-known researchers who have reviewed that body of research have come to opposite conclusions. Likewise, individual studies of specific educational inputs we reviewed sometimes concluded additional resources were associated with improved outcomes, and sometimes concluded they weren't. Because of perceived shortcomings in many of the studies that have been conducted in these areas, many researchers think more and better studies are needed to help determine under which circumstances additional resources actually lead to better outcomes.

As the pie-chart in **Appendix 1** shows, the FY 2012 General Fund allocation by the Kansas legislature was 50.5% of the total state budget. **Appendix 2** shows that Kansans are very generous and strongly support K-12 public education. In fact, Kansas is 4th in the nation and well above the percentage of money spent to educate our children compared to other nearby states such as Missouri @ 34.9%, Nebraska @ 30.4%, Oklahoma @ 30.4%, Colorado @ 39.1%, and Texas @ 41.7%.

Appendix 3 documents the fact that since the 1997-98 school year, total taxpayer support of Kansas K-12 public education has increased from $3.1 billion per year to $5.8 billion in revenue received by local school districts in FY2011-12. Since the Montoy decision in 2005, school districts have received $1.1 billion per year more to spend.

As **Appendix 4** shows, financial support has also nearly doubled from $6,828 per pupil in 1997-98 to $12,656 per pupil in FY2011-12. The State's portion of this funding increase since Montoy has risen from $6,006 per pupil to $6,983.

School finance litigants and the general public are often fixated on the yearly Base State Aid Per Pupil (BSAPP) in the Appropriations bill passed by the Legislature. As **Appendix 5** clearly shows, when the state's KPERS contributions, bond and interest payments for local school construction and weighted formula calculations are added, the total for FY2011-12 goes from a BSAPP of $3,780 to total state funding of $6,983 per student. In fact, the average spent from all taxes in FY2012 was $12,656 per student.

Where Has All The Money Gone??

Reading the Plaintiff's briefs raises serious questions about where the substantial increases in funds received by Kansas school districts have gone since the 2005 Montoy decision. To find that answer, we must—"**Follow the Money!!"**

A key question is: **How much is enough??** Why bring another case before this Court pleading for even more money when across the State, local school districts have increased the amount of unencumbered cash balances every year since 2005.

If $450 million in unencumber balances was sufficient for Kansas school districts to have in their bank accounts on July 1st of 2005, why did they carry forward nearly double that amount as of July 1, 2012 for a total of $888.7 million? As the graph in **Appendix 6** shows, each year since the Montoy decision, Kansas school districts have not spent millions of tax dollars already received and held in various operating accounts. This is an increase of 94% in just six years and far more than the Legislature has been able to carry forward for all other functions of state government.

Even though the Great Recession which started in 2008 forced legislators in nearly every state to cut funding for all services—including K-12 education—the attorneys for the Plaintiffs began to solicit funds in 2009 from 57 Kansas school districts to pay them again to file this case. The four Plaintiff districts are a front for this group called "Schools For Fair Funding".

The data in **Appendix 7** is very enlightening. It shows that three of these four districts already receive and spend more than the State average per pupil of $12,656. Plus, all four of these districts received and spent more State aid than the average yet they keep demanding **MORE!!** With the exception of Kansas City, the other three hired more teachers and administrators than the rest of the State. And, between these four districts, they carried forward $179 million in cash accounts as of July 1, 2012.

Even with the post-Montoy billion dollar increase in State funding, over 6,000 newly hired personnel plus nearly $900 million in operating cash reserves, student test

scores are still below average in all but a few categories. These poor scores are due to many factors such as the larger number of ELL, low income and minority students in these districts but will not be improved with increased funding.

Take Curtis Middle School in Wichita as an example. It has been "On Improvement" for 8 years. The KSDE received a $6 million dollar Federal grant and gave USD259 $2 million per year for 3 years to improve student achievement. The district hired 11 more teachers and 6 more instructional coaches, yet after spending all of this $6 million for this one school, it is still "On Improvement".

Most of the schools in the four Plaintiff districts with low student achievement scores in reading and math have large subgroups of Hispanic students who do not speak, read or understand English or come from single parent homes where education is not a priority. Yet, these students are given tests written in English.

There is no surprise why they fail. But the NCLB waiver and KSDE staff first penalize the teachers, then lawyers for these districts come back to this Court to demand more money as if increased funding is the answer. No other nation in the world allows students who do not read, speak and understand their language into K-12 classrooms.

The itemized list of personnel hired by Kansas schools districts since the Montoy decision in **Appendix 8** shows were most of the $1.1 billion in increased funding per year has gone. Education is a labor intensive service. So, over 80% of the budgets for local schools goes to pay teachers, administrators and non-instructional staff.

What **Appendix 8** documents is the fact that after they got more money from the State, school districts hired 6,402 new employees between 2004 and 2008. Only 41% or 2,613 of these new hires were teachers. The rest were administrators and non-

instructional staff. Yet after the budget reductions in 2009 and 2010, only 774 teachers were laid off due to budget cuts. Most have now been rehired.

What Has Happened to Student Achievement?

All across America, student achievement scores on national tests have remained **FLAT!!** Billions in increased funding has been added by local, state and Federal taxes—yet according to the National Assessment of Education Progress (NAEP) and the ACT college admissions tests given to high school Juniors, only 1 in 3 students are "proficient" and ready for college.

In **Appendix 9**, the Kansas National Assessment of Educational Progress (NAEP) scores from 1998 through 2012 are compared to spending per pupil. These data show the massive increase in funding for Kansas schools but no improvement in student test scores for 4th grade reading, 8th grade reading, 4th grade math and 8th grade math.

The same low scores holds true in **Appendix 10**. The ACT composite score of 21 or better is used by most universities as their minimum criteria for admissions. Yet only 29% of the 24,000 Kansas Juniors in high schools who took the ACT last year reached this score. In the 10 years between 2002 and 2012, Kansas school districts spent $2 billion dollars more, yet ACT scores for each of these years still remains flat.

Appendix 11 shows the Kansas performance on 4th grade and 8th grade reading from 1998 through 2011. As these longitudinal data show, scale scores and % proficient in both grade levels and in each subgroup remain basically unchanged—no matter how much money is appropriated by the Legislature or paid by taxpayers.

The same flat scores are true for the NAEP 4th and 8th grade math tests given to Kansas students shown in **Appendix 12**. Most of the slight changes up-or-down from

year-to-year are not statistically significant. However, the good news is that Kansas students perform better on the NAEP math tests than they do on the reading assessments.

Why Do State Test Scores Appear to Improve?

Under the Federal No Child Left Behind (NCLB), each student in every state was to be 100% proficient in reading and math by 2014. This was an impossible goal which no reasonable person believed was achievable, yet federal bureaucrats insisted it had to be met—"or else".

So, like most states, the Kansas Department of Education staff lowered the state assessment cut-scores and definition of a "proficient" student. They have done this three times since 2001. The most recent attempt to make Kansas students appear to be reaching the 100% proficient goal was in 2005.

Consequently, both the Plaintiffs and Defendants refer to changes in state assessment scores in hopes of persuading this Court that their arguments have merit. However, as **Appendix 13** shows, the 2005 lowering of cut scores and the inclusion of "Meets Standard" in the definition of which students are "proficient" makes a mockery out of any analysis which concludes that Kansas students are performing better now than 10 years ago. In fact, all of the increased billions of dollars in State, local and Federal funding since the Montoy decision has had little impact on Kansas student achievement.

For example, please refer to the % correct in the Meets Standard column for "Recommended Performance Level Scores" in reading and math in **Appendix 13**. Notice that according to the KSDE staff, 8th grade students with 64% correct answers on the state reading test are supposedly "proficient". Likewise, a high school Junior is supposedly "proficient" with 50% of their math answers correct.

The KSDE staff also got the State Board of Education to approve the cut scores in **Appendix 14** for History/Government and Science in 2005. It is beyond belief that any reasonable person would agree that high school students with 44% of their answers correct on the History/Government state test are "proficient" and knowledgeable about the world in which they live. Likewise, how can anyone conclude that a high school student who gets 40% of their answers correct on the state science test is "proficient" and ready to go out into a world which depends on understanding science and technology?

The author earned his Ph.D. in Instructional Systems Design from Michigan State University. He helped design the curriculum for the Medical School at MSU and later served as Coordinator of Medical Instructional Services overseeing 22 basic science and clinical medicine departments at the Un. of Iowa. He has also developed, validated and administered a K-12 instrument used to screen over 700,000 students in 16 states.

So, when the false "proficiency" claims kept being made by KSDE staff, it was obvious that there was a massive effort underway to mislead Kansas legislators, the Courts, parents, teachers, local school boards and the Federal Department of Education. But, as an elected Kansas State Board of Education member, it still took the author nearly four years of questioning KSDE staff and filing a Kansas Open Records Act request before he was finally given the two sheets of paper with these bogus cut scores.

Appendix 15 confirms these conclusions about inflated Kansas state test scores. The National Center for Education Statistics found that Kansas cut scores and its definition of "proficient" are 42nd lowest in the nation when compared to equivalent NAEP 4th grade reading cut scores and 37th lowest on Kansas 8th grade reading cut scores.

With the "proficient" bar set so low, KSDE staff have been giving the misleading impression that 85 to 90% of Kansas students are now proficient. And, with the 2005 lowering of both the cut scores and definition at the same time as the Montoy decision, it has given the false conclusion that the increased funding by the State legislature in compliance with this Court's Order must have produced such dramatic results. Obviously, nothing could be further from the truth.

"A Penny Saved Is A Penny Earned"

Ben Franklin is quoted as sharing this bit of wisdom which every business, farmer or family uses to balance their income and expenses. Only school districts come knocking at the door of the Courts to demand that taxpayers be forced to increase their funding. Rather than increase their productivity and lower non-instructional costs, they have been able to hire lawyers to plead their case and—until now—have been successful. However, below are some ways for Kansas schools to be run more efficiently and put the money saved into local classrooms without raising taxes or appropriating more funds.

Reorganize School District Boundaries To Save $500 Million

One main reason government services cost so much in Kansas is because there are too many taxing units with the authority to increase taxes and fees rather than operate efficiently. This is especially true in Kansas K-12 school districts.

Each year, over $300 million can be saved in Kansas by merging the 286 school districts into (+/- 40) Regional Education Districts of 10,000 students or more. There are only 7 districts in Kansas with more than 10,000 students. But, there are 252 school districts or 85% which have less than 2,000 students. This is not cost-effective.

In addition to saving $300 million per year in state general fund expenditures, by reorganizing districts, the tax base in each district will increase which will help equalize the educational opportunity for each Kansas student—no matter where they attend school. Increasing the tax base will also help districts raise local dollars through their LOB while lowering the amount of property tax paid by each taxpayer. Most of the savings will come from the elimination of duplicate transportation, administrative, operational and non-instructional personnel costs.

Article 6 of the Kansas Constitution gives the Legislature the responsibility and authority to reorganize school districts. It states:

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.**

School district reorganization will establish **"Regional Education Districts". It is NOT about closing schools or eliminating Friday night football or basketball in hundreds of small Kansas towns.** Instead, Regional Education Districts will make more efficient use of administrators, teachers, transportation, maintenance, and purchasing power. The economy-of-scale will also allow much better use of existing facilities. And, once the Low-Enrollment Weighting is eliminated for districts with less than 1,600 students, the State will be able to reinvest the $200 million per year it currently spends to prop-up these financially unsustainable districts. The combined savings of School District Reorganization will be at least $500 million per year.

This proposal was first made by two Kansas Superintendents back in 2003. Given the increased hiring and inflation, the savings to the State and local taxpayers will be even more than the estimated $500 million per year.

Increase the Productivity of K-12 Teachers To Save Millions

This management strategy is used by profitable businesses throughout the world and must be applied to education as well.

After the Montoy case was settled, an extra billion dollars was pumped into Kansas K-12 school districts by the State. Instead of targeting At Risk students, most of these new dollars were used to hire 6,000 more teachers, paraprofessionals and non-instructional staff. The majority of these added positions are not needed or sustainable. (See the attached itemization in **Appendix 8** of new employees hired.)

The following **amendment to KSA 72-5413(1)** will give local boards of education the statutory authority to expect and receive a "**Full Day's Work for a Full Day's Pay**". Since the State Legislature has the Constitutional responsibility to provide "suitable funding" for all K-12 students, they have the responsibility and authority to define what is expected of the teachers who receive tax dollars in return for their services.

By increasing productivity of the 34,075 Kansas teachers, local school boards will have the statutory authority they need to substantially reduce instructional costs, make better use of existing classrooms, lower student/teacher ratios, improve student achievement and reduce the number of teacher in-service days when students are not in school. Hundreds of millions of dollars will be saved each year by this one suggested amendment to the Statutes.

To receive a full-time salary, each Kansas K-12 teacher must be in the school building not less than eight hours per day. While students are attending school, each K-12 certified teacher must teach at least six, 50 minute class periods or five hours per day. After the students are dismissed from classes at the end of each school day, the teachers shall remain in the building to grade papers, hold parent-teacher conferences, collaborate with other teachers, attend in-service training, tutor students, sponsor after school clubs or supervise other activities.

This increased productivity will not only make better use of teachers and classrooms, but it will also limit the need to take class time for teacher In-Service. These paid days off for teachers cost the taxpayers millions of dollars with questionable improvement in instruction plus are very expensive for parents who must find a way to care for their children while they are at work.

We often hear that smaller class sizes are the key to improved learning. In Kansas, the current ratio is 13.4 students per teacher. Because of the MTSS experiment being recommended by KSDE staff, many regular education classrooms have one teacher plus three paras for 15 students. But, research reported by Dr. John Richard Schrock, a teacher educator from Emporia State University, shows that assumption is not correct and is very costly. The student to teacher ratio should go back to 30:1 like in the 1980's.

"There is research that in elementary classrooms, smaller class sizes do give the teacher more time to provide individualized attention to children. However, as we move into middle and high school levels and shift away from basic math and reading skill classes, there is no significant research that supports smaller classes always providing better outcomes.

The question is: how many students are too many for involvement in classroom discussion and teacher interaction? A teacher can read eyes and faces in the first five to six seats in a row; that means a classroom of 30–36 students. With more students than that, a teacher has difficulty detecting who is following the topic, who understands, and who doesn't.

In the 1980s, my secondary student teachers often had class loads of about 150 students per year; about six thousand students per 40-year career. Today, most of my student teachers will take positions where they teach fewer than 100 students per year, over one-third less "production" per career."

The Center for American Progress has published a landmark study on the $175 billion dollars per year which can be saved by American taxpayers plus student achievement increased by improving productivity in public schools. This study is posted online @ **http://www.americanprogress.org/issues/education/news/2011/01/19/8879/return-on-educational-investment-findings/** Their findings conclude that:

"If school systems spent their dollars more productively, many would see large gains in student achievement. Consider California, where a low-productivity school district could see as much as a 25 percent boost in achievement if it increased its efficiency from the lowest level to the highest, all else being equal. In Arizona, that jump in achievement could be more than 36 percent, according to our analysis.

Our data show that 41 states show the potential for double-digit percentage increases in achievement without necessarily spending additional funds. Such growth in student learning will not come without significant reform since the programs and policies that cause low productivity are often systemic. But at a time of sagging revenues and pending budget cuts, these results should inspire states and districts to tackle productivity head-on and consider reforms that boost achievement without incurring significant costs."

Part of the savings from this increased productivity should be used to increase the salaries of Kansas teachers. Increased pay is especially needed to attract qualified math, science and technology teachers. If Kansans are going to compete in the global economy, our students need the best teachers we can find. It is time to pay extra for these highly skilled technical educators.

CHANGE THE DEFINITION OF AN AT-RISK STUDENT

Basing the At-Risk weighting in the School Finance Formula on whether a parent's low income qualifies their child for free or reduced school lunch has nothing to do with that child's ability to learn. This is an artificial weighting which greatly pads the budgets of school districts with large numbers of low income families and deprives

school districts which have families with higher incomes of the funds needed to keep their low achieving students from dropping out before graduation. Some Kansas districts are even advertising "free lunch" on the radio or recruiting Hispanic parents to sign up so they receive more FTE weighted funding from the State.

Obviously, this weighting in the formula is not serving At-Risk students and must be changed. Once corrected, $106 million in State General Fund tax dollars can be saved each year. Funds can then be used to teach students who are two grade levels below and actually need extra resources to catch up. Furthermore, all school districts across the state will benefit based on criteria that are reflective of learning needs of potential drop-outs instead of the income level of each student's parents.

CONCLUSIONS

Rather than decide that more tax dollars must be appropriated by the State for K-12 education, it is recommended that this Court rule that the Legislature shall (1) set a limit on the cash reserves local districts can carry forward, (2) increase the productivity of Kansas teachers and staff, (3) change the definition of At-Risk students, (4) reorganize school district boundaries, plus (5) stop the unfunded Common Core, MTSS and data collection State and Federal mandates. These changes in how tax dollars are spent will more than offset the $809 million funding increase requested by the Plaintiffs.

Respectfully submitted,

Dated: September 6th, 2013

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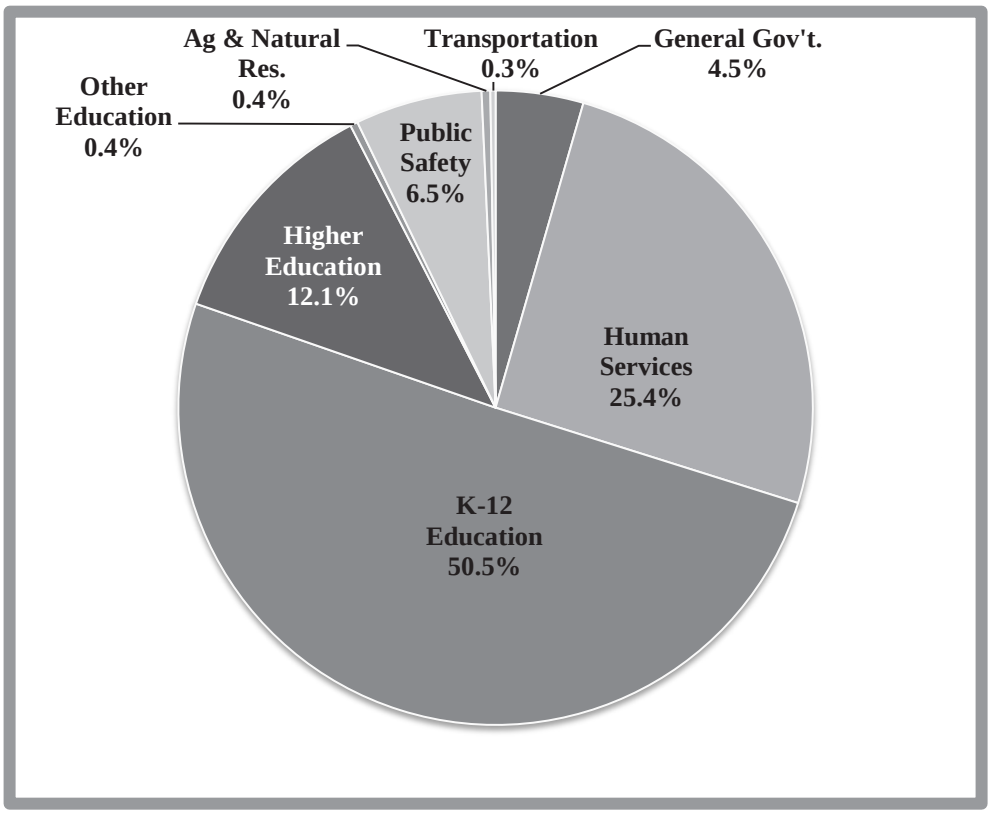
Kansas General Fund Allocations FY 2012 Actual



Source: Kansas Division of the Budget, FY 2014 Governor's Budget Report Schedule 2.2

National General Fund Allocation to K-12 Education -- FY 2012 Budget

Alabama	55.1%	New Jersey	35.8%
Indiana	53.6%	Montana	35.7%
Utah	50.8%	Missouri	34.9%
Kansas	**50.3%**	**US Average**	**34.7%**
Idaho	48.7%	Pennsylvania	34.1%
Mississippi	46.4%	Maine	33.9%
Washington	44.9%	Tennessee	33.7%
Iowa	44.8%	New York	32.8%
West Virginia	44.3%	Delaware	32.2%
New Mexico	44.2%	Nebraska	30.4%
Kentucky	44.0%	Oklahoma	30.4%
Arkansas	43.7%	South Dakota	29.5%
Arizona	42.4%	Ohio	26.7%
Texas	41.7%	Hawaii	26.4%
North Carolina	40.1%	Illinois	23.1%
Nevada	39.7%	Massachusetts	18.3%
Colorado	39.1%	Connecticut	14.7%
Florida	38.1%	Vermont	9.7%

Source: National Association of State Budget Officers, State Expenditure Report

State, Federal and Local Taxpayer Support (millions of dollars)

School Year	State	Federal	Local	Total
1997-98	1,815.7	189.1	1,058.4	3,063.2
1998-99	2,035.2	202.6	1,004.7	3,242.5
1999-00	2,110.5	220.8	1,071.4	3,402.7
2000-01	2,152.6	261.0	1,172.9	3,586.6
2001-02	2,200.5	310.1	1,269.9	3,780.6
2002-03	2,277.8	340.7	1,335.2	3,953.7
2003-04	2,124.6	376.9	1,592.6	4,094.1
2004-05	2,362.2	398.7	1,528.5	4,289.4
2005-06	2,658.0	382.8	1,648.5	4,689.3
2006-07	2,889.0	385.4	1,867.7	5,142.1
2007-08	3,131.5	377.0	1,937.9	5,446.4
2008-09	3,287.2	413.6	1,965.9	5,666.7
2009-10	2,867.8	726.6	1,995.1	5,589.5
2010-11	2,961.8	666.6	1,958.7	5,587.0
2011-12	3,184.2	447.4	2,139.4	5,771.0

Source: Kansas Department of Education

State, Federal and Local Taxpayer Support (Per-Pupil, Full Time Equivalent Enrollment)

School Year	State	Federal	Local	Total
1997-98	4,047	422	2,359	6,828
1998-99	4,533	451	2,238	7,222
1999-00	4,704	492	2,388	7,584
2000-01	4,816	584	2,624	8,024
2001-02	4,941	696	2,851	8,488
2002-03	5,124	766	3,004	8,894
2003-04	4,793	850	3,593	9,236
2004-05	5,346	902	3,459	9,707
2005-06	6,006	865	3,725	10,596
2006-07	6,494	866	4,198	11,558
2007-08	7,008	844	4,336	12,188
2008-09	7,344	924	4,392	12,660
2009-10	6,326	1,603	4,401	12,330
2010-11	6,511	1,465	4,306	12,283
2011-12	6,983	981	4,692	12,656

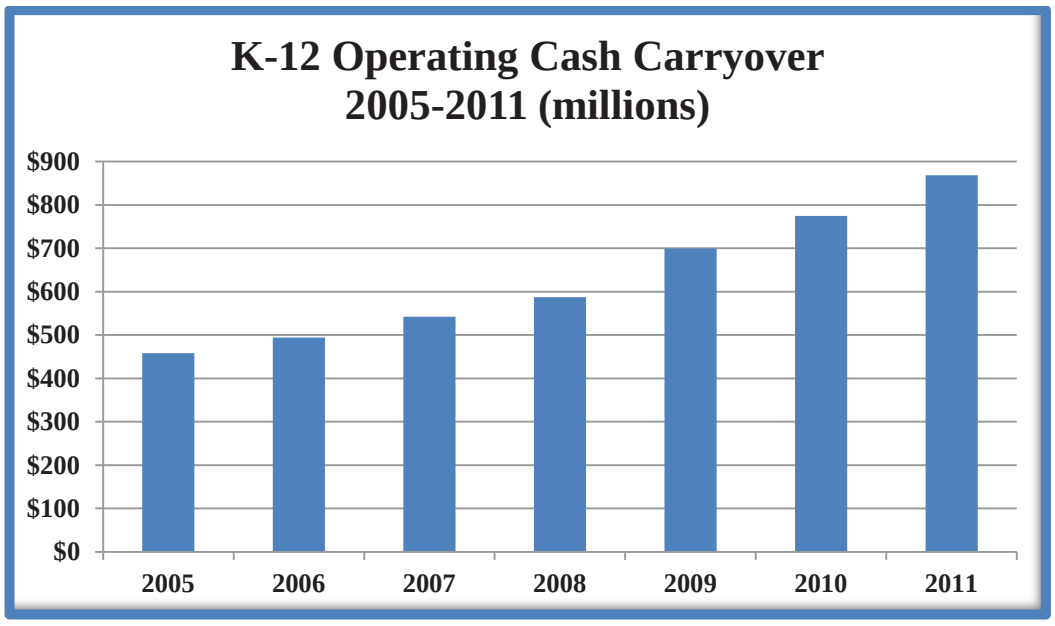
Source: Kansas Department of Education

Kansas State Aid Per Pupil 1997-2012

School Year	Base	KPERS	Bond and Interest	All Other (Weightings)	Total
1997-98	3,670	157	42	178	4,047
1998-99	3,720	173	50	590	4,533
1999-00	3,770	182	58	694	4,704
2000-01	3,820	184	69	744	4,816
2001-02	3,870	205	90	776	4,941
2002-03	3,863	234	106	921	5,124
2003-04	3,863	250	113	567	4,793
2004-05	3,863	274	118	1,091	5,346
2005-06	4,257	320	130	1,299	6,006
2006-07	4,316	379	144	1,655	6,494
2007-08	4,374	434	156	2,045	7,008
2008-09	4,400	477	170	2,297	7,344
2009-10	4,012	477	194	1,643	6,326
2010-11	3,937	409	212	1,953	6,511
2011-12	3,780	797	230	2,176	6,983

Source: Kansas Department of Education

Editor's Note: Functions such as Special Education and At Risk formerly were formerly paid out of Base State Aid. Over time, those and other weightings have been provided in addition to Base State Aid, rendering simple comparisons of Base State Aid invalid.



Plaintiff Districts % Change 2005-2012

District Name	FY 2012 Spending Per Pupil							FY 2012 Aid Per Pupil						FTE Enrollment	
	Total	% Chg. '05-'12	Instruct.	% Chg. '05-'12	Instruct. % of Total	Admin.	% Chg. '05-'12	State	% Chg. '05-'12	Fed.	% Chg. '05-'12	Local	% Chg. '05-'12	FY 2012	% Chg. '05-'12
Dodge City	13,320	34%	6,404	15%	48%	1,262	45%	9,093	48%	1,362	-8%	2,865	24%	6,068	7%
Hutchinson	11,654	30%	6,453	44%	55%	1,133	16%	7,560	50%	1,789	14%	2,305	-3%	4,855	5%
Wichita	12,734	35%	6,402	37%	50%	1,286	18%	7,501	42%	1,531	15%	3,702	30%	46,513	3%
Kansas City	14,706	47%	8,514	66%	58%	1,223	8%	8,852	57%	1,806	4%	4,048	55%	18,952	-1%
Kansas Avg.	12,656	30%	6,824	32%	54%	1,152	18%	6,983	31%	981	9%	4,692	36%	456,684	3%

FTE Employment FY 2012				Unencumbered Carryover Cash (millions)				2012 State Assessment - Reading Meets Standard and Full Comprehension of Grade-Appropriate Material							
								White		Hispanic		African American		Low Income	
Teachers	% Chg. '05-'12	All Other	% Chg. '05-'12	Current Oper.	% Chg. '05-'12	Capital and Debt	% Chg. '05-'12	Meets Standard	Full Comp.	Meets Standard	Full Comp.	Meets Standard	Full Comp.	Meets Standard	Full Comp.
382	9%	460	16%	10.2	136%	5.8	40%	83%	60%	76%	42%	70%	36%	75%	41%
346	5%	394	11%	18.3	117%	9.5	47%	88%	62%	83%	49%	73%	39%	83%	51%
3,448	11%	2,797	9%	100.8	36%	51.0	26%	82%	56%	67%	35%	63%	30%	68%	36%
1,478	0%	1,321	1%	49.4	97%	59.2	287%	56%	30%	52%	24%	49%	20%	50%	22%
34,075	4%	33,785	8%	888.7	94%	830.8	37%	91%	69%	77%	45%	71%	37%	79%	47%

Source: Kansas Department of Education. Total Spending as calculated by KSDE, which is the sum of State, Federal and Local Aid. Instruction and Administration spending comes from the KSDE Comparative Performance & Fiscal System and reflects current operating spending (no allocation of capital or debt). Spending categories as defined by KSDE accounting manual; total includes capital and debt service. FTE = full time equivalent. KSDE accounting procedures require districts that host Special Education Co-ops to record all related expenditures of the Co-Op as expenditures of the host district; those expenditures are reimbursed by participating districts, which appears as Local Aid on the books of the host district. Unencumbered Carryover Cash balances exclude all federal funds; current operating funds include all except Capital Outlay, Debt Service and Federal. KSDE does not require students to read grade-appropriate material with full comprehension (as defined by KSDE) to qualify as Proficient / Meets Standard. KSDE considers full comprehension to be Advanced / Exceeds Standard.

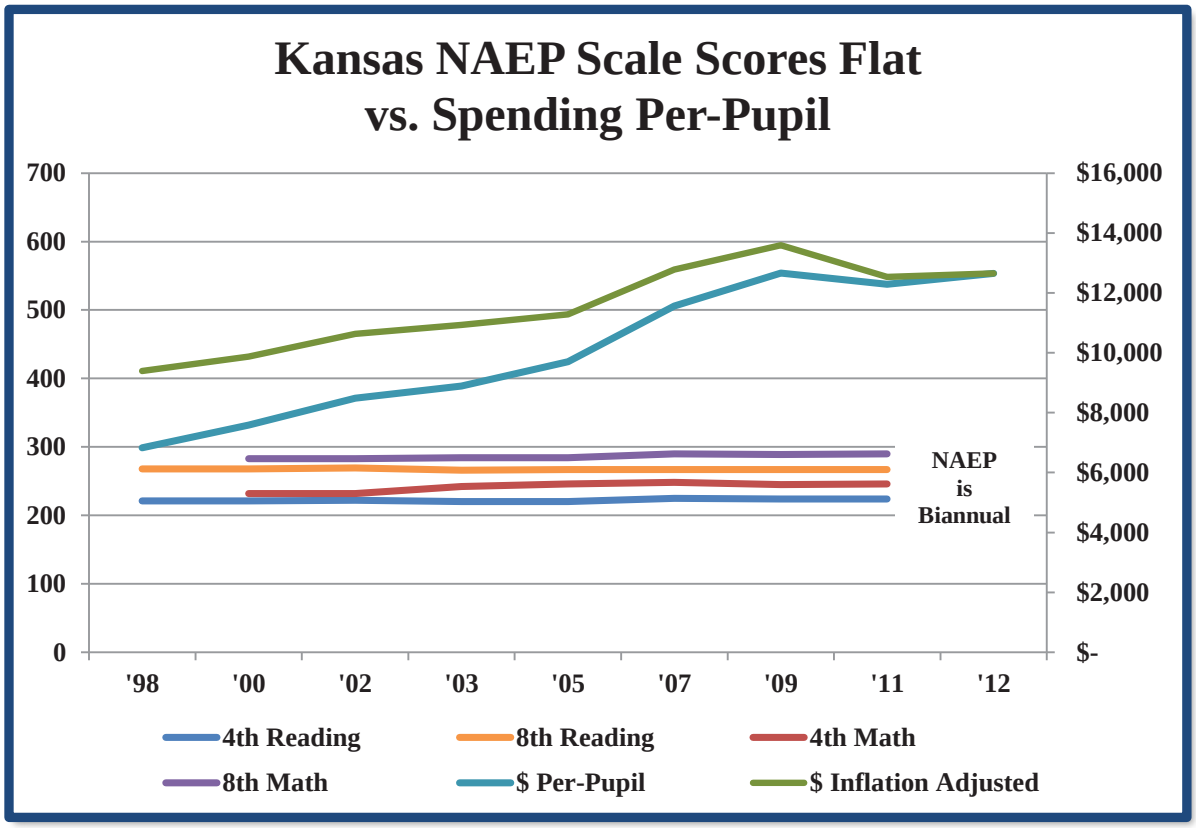
Kansas Education Personnel Increases Since Montoy

	2004-05	2008-09	Change
Certified Personnel Positions			
Superintendants	268.7	264.9	(3.8)
Associate/Assistant Superintendents	83.8	91.0	7.2
Administrative Assistants	44.2	62.5	18.3
Principals	1,225.6	1,248.7	23.1
Assistant Principals	491.7	543.7	52.0
Directors/Supervisors of Special Education	120.1	120.8	0.7
Directors/Supervisors of Health	10.0	11.6	1.6
Directors/Supervisors of Vocational Education	15.2	13.9	(1.3)
Instructional Coordinators/Supervisors	109.7	178.4	68.7
Other Directors/Supervisors	195.2	202.1	6.9
Other Curriculum Specialist	101.5	164.8	63.3
Practical Arts/ Vocational Education Teachers	1,144.4	1,282.1	137.7
Special Education Teachers	3,542.6	3,958.2	415.6
Pre-Kindergarten Teachers	380.4	461.8	81.4
Kindergarten Teachers	1,325.7	1,776.2	450.5
Other Teachers	25,743.0	27,130.4	1,387.4
Library Media Specialists	924.4	903.1	(21.3)
School Counselors	1,111.3	1,169.9	58.6
Clinical/School Psychologists	358.3	387.0	28.7
Nurses	430.0	530.9	100.9
Speech Pathologists	530.9	559.7	28.8
Audiologists	9.6	12.7	3.1
Social Work Services	273.5	341.1	67.6
Reading Specialists/Teachers	688.5	829.3	140.8
Others	352.8	292.7	(60.1)
Certified Total	**39,481.1**	**42,537.5**	**3,056.4**
Certified Teachers Only Total	**32,824.6**	**35,438.0**	**2,613.4**

Non-Certified Personnel Positions			
Assistant Superintendents	4.0	4.4	0.4
Business Managers	76.8	94.2	17.4
Business Directors/Coordinators/ Supervisors	93.5	104.5	11.0
Other Business Personnel	567.9	464.8	(103.1)
Directors/Coordinators/ Supervisors	358.0	394.2	36.2
Other Maintenance and Operation Personnel	5,111.8	5,148.6	36.8
Food Service Directors/Coordinators/ Supervisors	280.7	311.4	30.7
Other Food Service Personnel	3,019.6	3,139.1	119.5

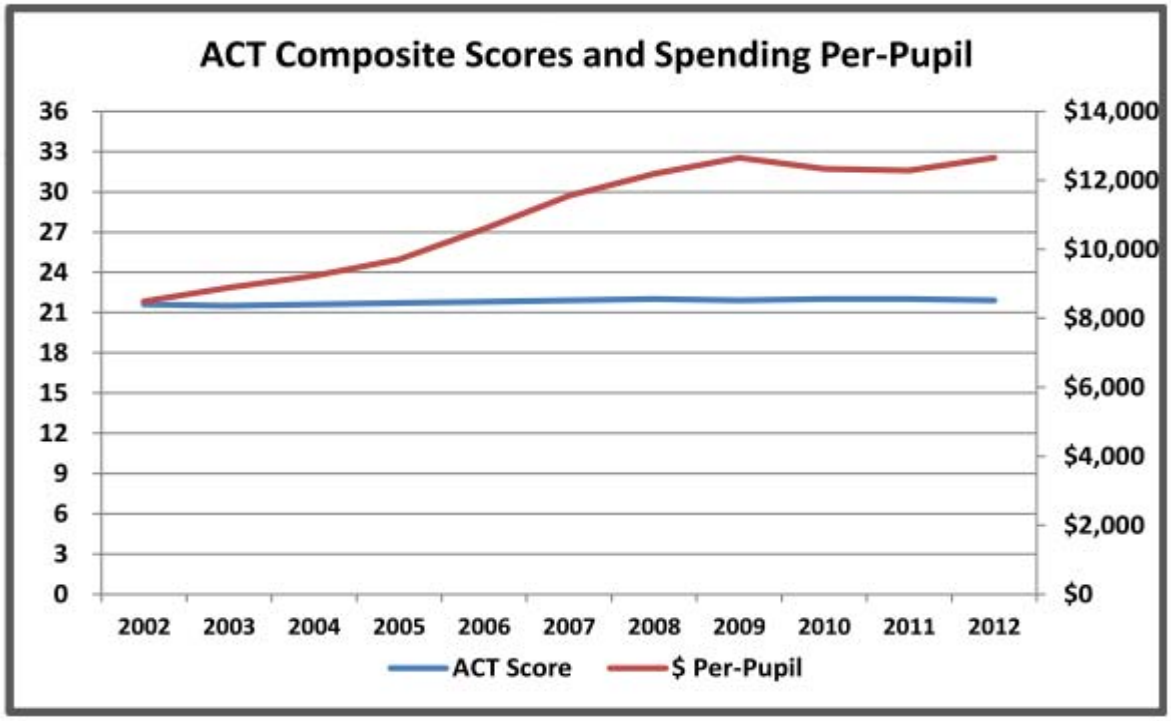
Transportation Directors/Coordinators/ Supervisors	175.9	166.6	(9.3)
Other Transportation Personnel	1,633.3	1,717.6	84.3
Technology Director	0.0	203.0	203.0
Other Technology Personnel	0.0	719.9	719.9
Other Directors/Coordinators/ Supervisors	267.8	184.6	(83.2)
Attendance Services Staff	92.5	76.1	(16.4)
Library Media Aides	562.1	615.4	53.3
LPN Nurses	194.5	170.4	(24.1)
Security Officers	156.1	157.0	0.9
Social Services Staff	36.9	79.2	42.3
Regular Education Teacher Aides	2,377.4	2,944.0	566.6
Coaching Assistant	405.6	455.7	50.1
Central Administration Clerical Staff	850.2	826.8	(23.4)
School Administration Clerical Staff	2,078.3	2,194.3	116.0
Student Services Clerical Staff	516.4	521.2	4.8
Special Education Paraprofessionals	4,730.7	6,266.8	1,536.1
Parents as Teachers	0.0	219.5	219.5
School Resource Officer	0.0	42.0	42.0
Others	935.9	650.6	(285.3)
Non-Certified Total	**24,525.9**	**27,871.9**	**3,346.0**
Total of Certified and Non-Certified Personnel	**64,007.0**	**70,409.4**	**6,402.4**
FTE Enrollment	441,867.6	447,705.6	5,838.0

Source: Kansas Department of Education



Source: National Assessment of Education Progress (NAEP), Kansas Dept. of Education, Bureau of Labor Statistics

Kansans Spent $2 Billion More in 10 Years = ACT Scores Flat



Kansas Performance NAEP - Reading

	Year	White		Hispanic		African American		Low Income		All Students	
		Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.
4th Grade Reading	1998	227	37%	201	22%	197	15%	206	22%	221	34%
	2002	226	38%	205	15%	206	17%	211	21%	222	34%
	2003	225	37%	207	19%	197	14%	206	18%	220	33%
	2005	225	37%	203	14%	196	10%	208	20%	220	32%
	2007	229	41%	209	19%	208	18%	212	21%	225	36%
	2009	229	40%	210	20%	210	20%	213	22%	224	35%
	2011	229	42%	209	19%	204	18%	212	23%	224	36%

	Year	White		Hispanic		African American		Low Income		All Students	
		Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.
8th Grade Reading	1998	272	40%	241	11%	249	20%	254	21%	268	36%
	2002	273	42%	253	23%	244	12%	251	19%	269	38%
	2003	271	40%	245	17%	243	10%	253	22%	266	35%
	2005	271	39%	249	14%	247	15%	254	21%	267	35%
	2007	272	40%	248	17%	246	12%	253	20%	267	35%
	2009	272	39%	250	16%	248	14%	255	19%	267	33%
	2011	272	41%	254	19%	248	15%	256	22%	267	35%

Source: USDE, National Center for Education Statistics; scale score range is 0 to 500

Kansas Performance on NAEP - Math

	Year	White		Hispanic		African American		Low Income		All Students	
		Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.
4th Grade Math	2000	237	34%	213	13%	208	4%	218	13%	232	29%
	2003	246	47%	230	19%	217	13%	231	24%	242	41%
	2005	249	52%	234	30%	228	24%	235	30%	246	47%
	2007	252	58%	234	29%	226	21%	237	34%	248	51%
	2009	251	55%	233	24%	224	18%	236	32%	245	46%
	2011	251	56%	235	26%	227	18%	238	33%	246	48%

	Year	White		Hispanic		African American		Low Income		All Students	
		Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.
8th Grade Math	2000	287	36%	263	12%	245	10%	265	17%	283	34%
	2003	290	39%	263	16%	252	8%	270	19%	284	34%
	2005	289	39%	266	14%	256	12%	270	19%	284	34%
	2007	295	46%	269	16%	267	16%	275	23%	290	40%
	2009	294	45%	274	22%	264	15%	276	24%	289	39%
	2011	295	47%	274	22%	269	16%	276	24%	290	41%

Source: USDE, National Center for Education Statistics; scale score range is 0 to 500

Kansas Assessments
Recommended Performance Level Scores

General Reading Assessment
% correct

Grade	Academic Warning	Approaches Standard	Meets Standard	Exceeds Standard	Exemplary
3rd	0-54	55-66	67-79	80-88	89-100
4th	0-56	57-67	68-80	81-88	89-100
5th	0-56	57-67	68-79	80-87	88-100
6th	0-51	52-63	64-78	79-87	88-100
7th	0-49	50-62	63-76	77-86	87-100
8th	0-49	50-63	64-78	79-88	89-100
High School	0-53	54-67	68-80	81-88	89-100

General Mathematics
% correct

Grade	Academic Warning	Approaches Standard	Meets Standard	Exceeds Standard	Exemplary
3rd	0-57	58-69	70-84	85-92	93-100
4th	0-53	54-62	63-79	80-88	89-100
5th	0-53	54-61	62-77	78-87	88-100
6th	0-52	53-62	63-78	79-89	90-100
7th	0-43	44-55	56-70	71-83	84-100
8th	0-44	45-57	58-72	73-85	86-100
High School	0-37	38-49	50-67	68-81	82-100

Cut Scores for Science and History-Government Assessments

The following table presents the Kansas State Board of Education approved equated cut score ranges for each Kansas performance category for the General, KAMM, and Alternate versions of the History-Government and Science assessments.

Subject	Assessment Type	Grade	Academic Warning	Approaches Standard	Meets Standard	Exceeds Standard	Exemplary
History-Government	General	6	0-27	28-45	46-64	65-79	80-100
	General	8	0-26	27-41	42-66	67-79	80-100
	General	HS*	0-27	28-43	44-66	67-80	81-100
	KAMM	6	0-33	34-43	44-57	58-71	72-100
	KAMM	8	0-29	30-39	40-55	56-67	68-100
	KAMM	HS*	0-34	35-42	43-59	60-72	73-100
	Alternate	All	0.00-2.99	3.00-3.74	3.75-4.24	4.25-4.79	4.80-5.00
Science	General	4	0-31	32-50	51-73	74-88	89-100
	General	7	0-30	31-45	46-66	67-81	82-100
	General	HS**	0-25	26-39	40-65	66-80	81-100
	KAMM	4	0-40	41-62	63-79	80-90	91-100
	KAMM	7	0-30	31-43	44-55	56-67	68-100
	KAMM	HS**	0-27	28-40	41-53	54-65	66-100
	Alternate	All	0.00-2.99	3.00-3.74	3.75-4.24	4.25-4.79	4.80-5.00

* Cohort group for all versions (General, KAMM, and Alternate) of the history-government assessment is Grade 12.

** Cohort group for all versions (General, KAMM and Alternate) of the science assessment is Grade 11.

NAEP-Equivalent Scale Score for Proficient 4th Grade Reading

State	NAEP-Equiv.	Rank	State	NAEP-Equiv.	Rank
NAEP Minimum for Proficient is 238					
Massachusetts	234	1	Arkansas	200	26
Missouri	229	2	New York	200	26
New Jersey	221	3	Delaware	199	28
Vermont	214	4	South Dakota	199	28
New Hampshire	211	5	Illinois	198	30
Oklahoma	211	5	Montana	198	30
Mississippi	210	7	Utah	196	32
Rhode Island	209	8	Iowa	194	33
NAEP Minimum for Basic is 208			Michigan	194	33
Connecticut	208	9	South Carolina	194	33
Wyoming	208	9	Arizona	193	36
Maine	207	11	Louisiana	192	37
New Mexico	207	11	Ohio	192	37
Florida	206	13	Wisconsin	189	39
Pennsylvania	206	13	Texas	188	40
West Virginia	206	13	Maryland	187	41
Dist. of Columbia	205	16	Idaho	186	42
Kentucky	205	16	**Kansas**	**186**	**42**
Washington	205	16	Virginia	186	42
Minnesota	204	19	Alaska	183	45
North Carolina	204	19	Colorado	183	45
Hawaii	203	21	Alabama	179	47
Indiana	203	21	Georgia	178	48
North Dakota	203	21	Oregon	177	49
California	202	24	Tennessee	170	50
Nevada	202	24	Nebraska	Data not available	

Source: U.S. Department of Education, National Center for Education Statistics. A 2009 state mapping study by NCES found that most states have set their cut scores for Proficient below what is considered Basic on NAEP.

NAEP-Equivalent Scale Score for Proficient 8th Grade Reading

State	NAEP-Equiv.	Rank	State	NAEP-Equiv.	Rank
NAEP Minimum for Proficient is 281					
Missouri	267	1	Pennsylvania	245	27
Florida	262	2	South Carolina	245	27
Vermont	259	3	New Jersey	244	29
Wyoming	259	3	Dist. of Columbia	244	29
Minnesota	259	3	Connecticut	243	31
California	259	3	Louisiana	243	31
New Hampshire	256	7	**NAEP Minimum for Basic is 243**		
Indiana	255	8	Hawaii	241	33
Mississippi	254	**9**	Arkansas	241	33
South Dakota	254	9	Arizona	241	33
Maine	253	11	Maryland	237	36
Kentucky	253	11	Delaware	236	37
Washington	253	11	Michigan	236	37
North Dakota	253	11	**Kansas**	**236**	**37**
Rhode Island	252	15	Utah	235	40
Ohio	251	16	Illinois	234	41
Oregon	250	17	Alabama	234	41
Massachusetts	249	18	Wisconsin	232	43
Oklahoma	249	18	Alaska	231	44
West Virginia	249	18	Virginia	229	45
Iowa	248	21	Colorado	228	46
New York	247	22	Idaho	218	47
New Mexico	246	23	Tennessee	211	48
North Carolina	246	23	Georgia	209	49
Nevada	246	23	Texas	201	50
Montana	246	23	Nebraska	Data not available	

Source: U.S. Department of Education, National Center for Education Statistics. A 2009 state mapping study by NCES found that most states have set their cut scores for Proficient below what is considered Basic on NAEP.