

Testimony before the Special Committee on Education

Mike O’Neal on behalf of Kansas Policy Institute (KPI)

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Building-based assessment of educational needs and allocation of sufficient funds

Madam Chair, Vice-Chair and members of the Committee

Thank you for the opportunity to address this Committee in our continuing effort to improve the quality of education for students attending the public schools of this state. We continue to express concerns over the well-documented lack of acceptable student progress, notwithstanding unprecedented amounts of additional monies being provided through federal, state and local funding.

Over the past several years, much attention has been paid to Article 6, Sec. 6 of the Kansas Constitution. That section sets forth the duty of the Legislature to make suitable provision for the finance of the educational interests of the state. Specifically, the Court has defined “adequacy” as a requirement that the finance system “through structure and implementation – be reasonably calculated to have all Kansas public education students meet or exceed the standards set out in *Rose* and as presently codified in K.S.A. 72-1127”.

Clearly, the Court acknowledged that it is not only the Legislature’s duty to provide a funding system that meets the adequacy test, it has the power to determine the allocation of that funding. Here is where power and reality diverge. The Legislature is loath to directly allocate district funds toward the objects of educational pursuits. They leave it up to the local districts to decide. But here is where the legal disconnect occurs. While the Legislature determines the structure of the finance system for schools, it does not implement that system of finance by determining the allocation of resources.

Today, the Court is not directly involved with your appropriations process. Your funding system has been found to be adequate and constitutional. Yet, how many of us really think the current funding practices at the local level are being successful in getting all of our Kansas students academically proficient and meeting statutory goals?

47% of high school students are below grade level in math, and only 20% are on track for college and career, according to the 2021 state assessment results. Results for English language arts are about as bad.

The Court in 2016 said that the fact that about one-quarter of all students tested were below grade level indicated that funding was inadequate. \$1.3B and five years later, a third are below grade level. It’s not how much is spent, but how it is spent that is important. Accountability, not more money, is what’s needed.

State of Kansas High School Results - Math			
Year	Below Grade Level	At Grade Level, Needs Remedial Training	On Track for College & Career
2016	42%	34%	23%
2017	42%	31%	23%
2018	44%	32%	24%
2019	41%	34%	25%
2021	47%	33%	20%

Source: KSDE; totals <100% due to students not tested

State of Kansas High School Results - ELA			
Year	Below Grade Level	At Grade Level, Needs Remedial Training	On Track for College & Career
2016	29%	39%	30%
2017	31%	37%	29%
2018	33%	38%	29%
2019	34%	37%	29%
2021	35%	39%	26%

Source: KSDE; totals <100% due to students not tested

State of Kansas All Students & Grades Tested: Math			
Year	Below Grade Level	At Grade Level, Needs Remedial Training	On Track for College & Career
2016	27%	38%	34%
2017	28%	38%	33%
2018	29%	38%	33%
2019	28%	39%	33%
2021	34%	38%	28%

Source: KSDE; totals <100% due to students not tested

State of Kansas All Students & Grades Tested: ELA			
Year	Below Grade Level	At Grade Level, Needs Remedial Training	On Track for College & Career
2016	24%	35%	40%
2017	27%	34%	37%
2018	29%	34%	37%
2019	29%	34%	37%
2021	30%	35%	35%

Source: KSDE; totals <100% due to students not tested

Article 6, Section 5 of the Kansas Constitution reads: “Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards...” This is, frankly, an often overlooked provision, but a vitally important one. Locally elected school boards, by law, run our schools; not the local school administration and certainly not the Kansas Department of Education.

Since at least 2003, the law has required local school boards to annually conduct an assessment of the educational needs of each attendance center in the district. Those assessments are required by law to inform the budget that the board ultimately approves for the school year. What do those needs assessments consist of? At a minimum, they include the questions that the KSDE has outlined and which appear on their website. (See attached). The law has required such needs assessments be conducted before a budget is approved. The law requires that the resulting budgets be a product of those building-based needs assessments.

How do we get boards to assume their proper role in developing budgets that meet the needs of our students and the expectations of the Court in terms of adequacy? Last session we recommended, the Legislature passed, and the Governor signed into law a provision supplementing the law requiring annual building-based needs assessments:

On and after July 1, 2021, K.S.A. 72-1163 is hereby amended to read as follows: 72-1163. (a) Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. Information obtained from such needs-assessment shall be used by the board when preparing the budget of the school district to ensure improvement in student academic performance. The budget of the school district

shall allocate sufficient moneys in a manner reasonably calculated such that all students may achieve the goal set forth in K.S.A. 72-3218(c), and amendments thereto. The board also shall prepare a summary of the budget for the school district. The budgets and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.

KASB has previously admitted that few board members are aware of the needs assessment law and their training of board members has not included this piece. Last session's bill was, and the new law is, intended to remedy that lapse in awareness and training. It is a fundamental constitutional local board duty to maintain and operate their schools and approve their budgets. Those must be informed decisions.

To that end, Kansas Policy Institute conducted a recent analysis of 25 of the largest school districts in Kansas and found that, at best, only two arguably complied with the long-standing needs assessment requirement. Most districts that responded didn't have information at the attendance center level, as required by law. Some answered by arguing that state law doesn't require them to document their findings at the building level.

Even with those 2 districts there is no indication that the information generated will be sufficient to inform the decision regarding allocation of sufficient resources to improve student performance. (See KPI summary attached. KPI can provide access to the more than 100 related documents upon request.)

Also lacking is any indication that the respective elected school boards review any of information the districts claim to comply with the statute in determining the approved budgets. There is currently no requirement that the results of the needs assessments be made public or available to interested parents.

Take a look at the Building Needs Assessment form provided to districts by the KSDE. There are 33 questions listed in 7 different categories. The questions are highly relevant and beg a good faith and thorough response before a budget is approved. Why wouldn't a district want to know the answers to those questions? More, importantly, why wouldn't local boards want and expect answers to those very questions before allocating funds in a manner reasonably calculated to have all their students meet the statutory guidelines?

What other guidance is available to assist in the development of a budget that should meet the needs of our students and the teachers who teach them? I have often referred lawmakers to the KSDE's *Kansas Accounting Handbook for Unified School Districts*. Account Code 1000 is Instruction. Here's what the *Accounting Handbook* has historically said about Instruction:

***"Although all other functions are important, this function acts as the most important part of the education program, the very foundation on which everything else is built. If this function fails to perform at the needed level, the whole educational program is doomed to failure regardless of how well the other functions perform. Instruction not only includes the regular face to face classroom teaching but also such things as lab sessions, independent work, and educational field trips."***

This strong statement concerning the importance of the instruction portion of the budget, coupled with the local board's constitutional and statutory directive, should result in budgets that are built from the classroom up, not the administration building down. Account code 1000 (Instruction) should be the first building block of the budget foundation. Yet, we see time and time again that it is the classroom and instruction that get short-changed. And, sadly, performance outcomes reflect this fact. How has KSDE responded to our reminder of the importance of instruction? They deleted the above-quoted language from their current version of the Accounting Handbook!

Proficiency and attainment of our statutory educational goals by all students should be the overriding consideration. Graduation does not necessarily equate to proficiency or attainment of educational goals.

We have known all along that simply providing more funding is not the answer. Now this fact has been proven beyond a shadow of a doubt in the face of unprecedented levels of additional funding and continuing decline in student performance outcomes. Local boards must get serious about their duty regarding the allocation of funds to achieve better outcomes.

To that end we recommend the following:

- Require that the needs assessments, and the results of those assessments, be made public before final budget decisions are made.
- Require three new questions on the assessments:
  1. What barriers must be overcome so that every student in this building can achieve grade level on the state assessment?
  2. What budget reallocation action should be taken to remove those barriers?
  3. How many years do you estimate it will take to get all students to grade level if the above budgetary actions are taken?
- Board minutes should be able to truthfully reflect that the board had and reviewed the building-based needs assessments and that their budget allocation decisions were based on these assessments.
- Predictably, education officials will strenuously resist the Legislature's enhanced transparency and accountability actions, so the Legislature should also expand options for students and parents to choose alternative educational venues. History shows that student achievement will remain unacceptably low without your intervention.

# BUILDING NEEDS ASSESSMENT (Academic)

This may also serve as the "DISTRICT NEEDS ASSESSMENT" required by:  
No Child Left Behind, Title II-A Teacher Quality and Title V Innovative Programs.

Below are questions which could be addressed when planning for needs at the building level.

Personnel - *such as teachers (including Title I teachers), principals, counselors, and support staff*—should be involved in determining the needs of the building and district.

## Section 1: STUDENT NEEDS

- How many students are attending classes in this attendance center?
- How many students attending this building meet the definition of at-risk?
- What is the pupil-teacher ratio?
- What is the pupil-teacher ratio necessary to meet the needs of students and the goals of the attendance center?
- How many students have an IEP, are severely handicapped, are English Language Learners, etc.?
- How many students do not meet proficiency?
- What are your targets/goals regarding percentage of students in the advanced and exemplary categories?
- Do you have disparities in student achievement among ethnic groups?

## Section 2: STAFF NEEDS

- Are all your licensed teachers highly qualified and properly assigned?
- How many teachers are needed to meet the goals of the attendance center?
- What staff development is necessary for teachers to support student achievement and meet the goals of the attendance center?
- How many qualified teachers are needed to meet the needs of students from an AYP viewpoint?
- How much planning time do teachers currently have and how much is needed to meet their teaching schedule?
- How many paraprofessionals (support staff) are currently employed and how many are needed at this attendance center?
- Do teachers and students have sufficient access to a variety of technology?
- Is staff properly trained to incorporate technology into the classroom?
- Are there adequate licensed support personnel such as counselors, librarians, nurses, etc.?
- Are principals & other key staff trained to provide instructional leadership to teachers?

## Section 3: CURRICULUM NEEDS

- Is the curriculum aligned with state standards?
- What extended learning opportunities are provided (after school programs, summer school programs, etc.)?
- Are there appropriate and adequate instructional materials?
- What technology is needed to support the curriculum?
- Is current technology appropriate?

## Section 4: FACILITY NEEDS

- Is there adequate space for student learning?
- Are there necessary repairs and/or adjustment to the existing space that need to be made?

## Section 5: PARENTAL NEEDS

- What parental involvement opportunities do you currently offer?
- How exactly do you want your parents to be involved in the school such as greater attendance, greater committee involvement, etc.?
- Are parent training programs (teaching parents how to give student help with homework, teaching parents how to use technology that student will be required to use, etc.) necessary?
- What types of communication exists with parents and community? Is it adequate?

## Section 6: HIGH SCHOOLS NEEDS

- What is the current graduation rate?
- What is the current dropout rate?

## Section 7: OTHER

- How many licensed personnel were involved in helping to determine the needs of this attendance center (teachers, principal, counselors, support staff, etc.)?
- Are Title II-A and Title V funds used to address the identified needs.

## Many schools ignore legal requirement to conduct needs assessments

A state law requires local school boards to conduct annual building needs assessments of each school as part of the budget process, but most of them seem to ignore their legal obligation. A sampling of 25 of the largest districts in Kansas shows only two districts arguably complied with K.S.A. 72-1163(a), which says, "Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. Information obtained from such needs-assessment shall be used by the board when preparing the budget of the school district."

Building Needs Survey Results	
Description	Number
Each attendance center is identified	2
Documents don't list each building	14
Buildings Listed, Minimal Needs Identified	3
Documents mailed but not received	1
Denies legal requirement to prepare reports	4
KORA complaints in progress	1
<i>Source: Open Records requests</i>	

But even though two districts listed each attendance center on the reports, there is no indication that the information generated will redirect resources to improve student achievement.

### Coffeyville is one of two districts reporting on each attendance center

Coffeyville provided reports for each of its three buildings in response to our Open Records request, each with sections for Student Needs, Staff Needs, Curriculum Needs, and Facility Needs. But very little of the information in the Student Needs section identify needs; it is largely demographic information and the most important element is not correct.

The assessment for Community Elementary says 36 of its 940 students enrolled last year were not proficient, or roughly 4%. But according to the Kansas Department of Education state assessment results, 88% are not proficient. The assessment definitions do not include the word 'proficient' but KSDE told the U.S. Department of Education that only students in Levels 3 and 4 are proficient; students in

Coffeyville 2021 Building Needs Assessments					
School	Not Proficient per Needs Assess.			2021 State Assessment	
	No.	Enrolled	% Not Prof.	Not Prof.	Proficient
Elementary	36	940	4%	88%	12%
Middle School	41	264	16%	77%	23%
High School	64	520	12%	93%	7%
<i>Source: Open Records Requests; state assessment proficiency is the average of math and English language arts.</i>					

Levels 1 and 2 are not proficient, and on that basis, 88% of Community Elementary students were not proficient in 2021.

The reports for Roosevelt Middle School and Field Kindley High School are also grossly inaccurate. The

needs assessment reports say 16% and 12%, respectively, are not proficient. But the state assessment shows 77% and 93%, respectively, are not proficient.

There is little hope that these needs assessment can inform the budget process when the reports grossly understate students' academic needs.

It's also telling that the question about disparities in student achievement among ethnic groups is left blank on each report.

### Kansas City also has reports for each attendance center

USD 500 in Kansas City utilizes similar reports to those in Coffeyville. And like Coffeyville, USD 500 identifies very little information that could inform the budget process about improving student achievement.

The Kansas City reports also grossly misrepresent student achievement in the district. The report doesn't say how many students are not proficient in math and English language arts; it merely links to the state assessment results. The comments are even more deceptive.

The math comment says, "10<sup>th</sup> Grade PLC has created plans to help students understand what is being asked in the math problem. They emphasize scholarly language." The ELA section says, "10<sup>th</sup> Grade ELA has shown growth. PLC practices are improving."

The state assessment results show 3% of Schlagle students on are track for college and career in math, and only 6% in ELA. How are students expected to understand scholarly language when 63% of them can't read at grade level?

USD 500 Schlagle HS		State Assessment: Math	
Year	Below Grade Level	At Grade Level, Needs Remedial Training	On Track for College & Career
2016	79%	9%	1%
2017	82%	10%	0%
2018	84%	15%	1%
2019	79%	20%	1%
2021	86%	12%	3%

*Source: KSDE; totals <100% due to students not tested*

USD 500 Schlagle HS		State Assessment: ELA	
Year	Below Grade Level	At Grade Level, Needs Remedial Training	On Track for College & Career
2016	70%	16%	3%
2017	72%	14%	1%
2018	75%	21%	4%
2019	67%	28%	5%
2021	63%	31%	6%

*Source: KSDE; totals <100% due to students not tested*

USD 500 completed an assessment for each attendance center, but each amounts to nothing more than going through the motions in terms of improving student achievement.

**The bad, the ugly, and the defiantly oppositional**

None of the 25 districts we surveyed provided what might be considered 'good' in terms of allocating resources to improve student achievement. It's more of a 'bad, ugly, and defiantly oppositional' situation.

Coffeyville and Kansas City would be labeled 'bad.' Eighteen others are in the 'ugly' category, and five districts- Blue Valley, Gardner-Edgerton, Garden City, Shawnee Mission, and Iola – are 'defiantly oppositional.'

USD 229 Blue Valley, USD 231 Gardner Edgerton, USD 457 Garden City, and Shawnee Mission claim school boards are not legally obligated to produce needs assessment reports.

Melissa Hillman, Blue Valley General Counsel, said, " Blue Valley does not maintain a document titled "Building Needs Assessment Report," nor do I believe maintaining such a report is required."

Gardner-Edgerton paid their outside legal counsel, Lathrop & Gage, to respond to our KORA request. Grant Tideman wrote, "USD 231 has no documents responsive to this request. Your request seems to assume that there is a legal requirement for a specific written form to be prepared and retained by USD

231. If so, I disagree with that assumption. There is no legal requirement for such a specific written form.”

Garden City Financial Officer Colleen Drees wrote, “Garden City Public Schools (USD 457) does a building needs assessment (assessment) for each attendance center, every year, as required by KSA 72-1163. The district does the assessments through meetings, committees, and updates with department heads. The assessments are then used by the Board of Education to prepare the annual budget and summary of the budget, both of which are written documents required by KSA 72-1163. The aforementioned statute does not require a written assessment document. Therefore the requested records do not exist. USD 457 is not required under KORA to create a record that does not previously exist.”

Drees said the assessment were discussed at the board meetings on July 12, July 26, and August 23, but there is no mention of that taking place on the agendas and meeting minutes on any of those dates.

Shawnee Mission also takes the position that state law does not require any written report to be produced and claims the information was shared verbally with board members. But like Garden City, there is no documentation to substantiate that claim.

The other district – lola – compelled us to file Open Records complaint with the county attorney for demanding \$377 to have several administrators search their records to see if they have the reports requested. The attorney handling KORA complaints for Allen County has not responded.

Responses from the 18 other districts – the ‘ugly’ – are summarized in the table below.

Other District Responses to Needs Assessment KORA Survey		
Distirct	Needs Identified by Building	Majority of Material Provided
Andover	no	At Risk budgets
Auburn-Washburn	no	mailed, not received; wouldn't resend
Derby	no	staff budget priorities
DeSoto	no	enrollment & achievement stats, strategic plan
Dodge City	no	strategic plan update
Emporia	no	enrollment, achievement, and funding info
Geary County	no	school improvement plan for accreditation
Goddard	no	2020 spending by building; capital request form
Hays	no	enrollment & inaccurate achievement stats*
Hutchinson	no	action plan
Lawrence	no	report cards
Maize	no	staff retreat summary
Manhattan-Ogden	no	actions listed, not needs; diversity prioritized
Olathe	no	strategic plan; doesn't do building reports
Pittsburg	no	family needs 2018
Salina	no	backward looking
Topeka	no	salaries, enrollment, building capital projects
Wichita	no	report cards, ESSER staff priorities

*Source: KORA requests; \*also noted more SPED employees needed*