

**March 14, 2019**

**Written Testimony to House K-12 Education Budget Committee**

**Honorable Chair, Representative Kristey Williams**

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Room 286-N, State Capitol Building

**Oppose [House Bill 2395](#) – Amending the Kansas school equity and enhancement act.**

Hearing: Thursday, March 14, 2019, 3:30 PM Room 546-S

Honorable Chairman Williams and Committee Members,

The Kansas PTA is a non-partisan, volunteer organization, whose mission is to make every child's potential a reality by engaging and empowering families and communities to advocate for all children. It is with great regret that a member of the Kansas Parent Teacher Association (PTA) leadership is not available to share our concerns in person today on this fast-tracked and very complex bill, that addresses the critical issue of school finance. We appreciate the opportunity to submit written-only testimony to express our opposition to House Bill 2395.

As we noted previously when the Kansas PTA testified in this committee on HB 2150, our first legislative priority states that the "Kansas PTA supports efforts to strengthen and improve the Kansas public school finance system, which includes legislation and policies that uphold the state's constitutional obligations to make suitable provision for the finance of the Kansas public schools, achieving both equitable and adequate funding, as informed by actual costs ..." ([Legislative Priority 1](#)).

The Kansas PTA respectfully asks that this committee and the 2019 Kansas legislature vote NO on HB 2395 and re-focus on the clear path to resolving the adequacy component of the current school funding formula. We urge a timely resolution of the Gannon school finance lawsuit, accounting for inflation through an appropriate increase to base state aid. We ask that committee members support a school finance resolution that meets constitutional expectations as outlined by the Kansas Supreme Court July 2018 ruling, the State Board of Education recommendations, the Governor's Plan and in keeping with the State's own argument to return to good standing under the *Montoy Safe Harbor*.

**The Kansas PTA opposes this bill for many reasons, several of which we highlight here:**

- **Fails to Achieve 2009 Pre-Recession Purchasing Power.** Our public schools are yet again shorted the resources needed to help our children achieve the ever-rising state education standards. In 2018, the state and the courts agreed a reasonable estimate of an adequate school funding level is the *Montoy Safe Harbor* which refers to the last time funding for public schools was found to be

constitutionally adequate. Thus, the working definition of adequacy in Kansas currently is the amount of money that should have been appropriated in 2010 based on the statutory settlement in the Montoy case, adjusted for inflation. The Governor's Plan comes reasonably close to achieving this funding level, reaching \$4,484 million by 2023 in funding for major state aid programs (foundation aid, special education aid and local option budget state aid), compared to the equivalent purchasing power in 2009 of \$4,591 million ([KASB, 2019](#)). However, House Bill 2395 does not reach for safe harbor and repeals the automatic base state aid adjustment indexed to the Midwest consumer price index following the phase-in period.

- **Fails Students with Disabilities.** The special educational needs of our children with disabilities are seriously jeopardized, driven by a policy change that is in violation of the Individuals with Disabilities Education Act. This bill eliminates the statutory target of funding special education state aid at 92% of excess cost. Essentially, the legislature is giving itself permission to underfund special education and to determine funding levels based on the politics of tax policy rather than actual costs of providing every child with equitable opportunity to become college and career ready. Kansas PTA advocates for “solutions to fully fund state and federal educational mandates, including special education...” ([Legislative Priority 1b](#)) and opposes this effort to repeal the 92% target.
- **Fails English Language Learners.** This bill cuts off aid to English language learners at the end of four years, regardless of students' learning needs to achieve state education standards. Again, the legislature is giving itself permission to underfund learners with special needs and to determine funding levels based on self-determined availability of dollars rather than actual costs of providing every child with equitable opportunity to become college and career ready. Foundational to the KS PTA legislative platform is the commitment to “equitable access to quality education that provides all Kansas children the opportunity to make significant growth toward and to achieve the state education standards” ([Legislative Platform & Priorities, 2018-2019](#)).
- **Authorizes Vouchers.** Even with the changes made from HB 2150, requiring a principal's report of bullying, this section of the bill is still problematic. First and foremost, this remains a voucher program. Kansas PTA “opposes the use of vouchers, scholarships, or tax credits toward the tuition of non-public schools, with the authority to discriminate in admissions, provide sectarian religious instruction using public funds and operate under different rules of transparency and accountability than public schools” ([Legislative Priority 4](#)). Vouchers give choice to private non-public schools, not to parents and students. Private/non-public schools by definition can be selective about who they choose to admit and to reject. This bill would allow for taxpayer dollars to be re-routed to schools which are not required to serve all Kansas children. Non-public schools' can exclude those bullied youth whose educational needs are most resource intensive or who do not meet specific ethnic, religious, academic, athletic or other expectations. Further, this program allows the bully to continue victimizing peers, while putting the burden of change onto the victim. If someone is compelled to leave their school, why would the bullied be the one to go? As parents, we expect our legislators to provide our public schools with the resources needed to help all children learn to resolve conflict constructively and respectfully. We do not expect our legislators to establish policy that empowers bullies to push our children out of their neighborhood schools and *essentially teach our children* to instead run away from their problems.
- **Undermines Meaningful Accountability.** This bill fails to recognize the accountability models established by the State Board of Education and the Department of Education. Under the

leadership for Commissioner Watson, Kansas has developed and implemented the new Kansas Education Systems Accreditation (KESA) model that holds school districts accountable for strategic planning and informed decision-making. Local outcome measures must align with statewide Kansans Can education goals for our schools and our students. As parents, vested in the strategic plans and goals of our local districts, we value the vision of the State Board of Education and urge the legislature to support these efforts. This bill appears only to add meaningless or duplicate requirements that at best increase district's workload and at worst confuse parents rather than provide clarity.

- **Infringes on Authority of State and Local Boards of Education.** Multiple amendments in this bill seek to regulate decisions by legislative statute, whose constitutional oversight resides more directly with the state and local boards of education. Some examples include policy that directs changes to high school graduation requirements, to development of new education standards, to establishment and oversight of politically appointed task force groups, as well as to prescriptive directives on roofing bids contracts. The PTA supports “efforts to preserve the Kansas Constitutional infrastructure for education...” ([Legislative Priority 9](#)) and opposes those that undermine this intentional division of power.
- **Unfunded Mandates.** Again, Kansas PTA advocates for “solutions to fully fund state and federal educational mandates...” ([Legislative Priority 1b](#)). Expanding transportation services, for example, to students who live within the 2.5 mile boundary of school and whose walking route is unsafe, would be welcomed by many parents. However, this mandate comes without additional funding and would compete with district's operational budget otherwise used to maximize student learning. If the legislature does not value a policy enough to meet its associated fiscal note, it should not become a statutory requirement.

While some elements of this bill may have merit, such as the expansion of supports for students with mental health challenges, we encourage this policy exploration under separate bills to allow for proper committee review and apart from the very critical need to resolve Gannon. On behalf of the parents, teachers, and patrons of the Kansas PTA, we respectfully **oppose** these amendments to the Kansas school equity and enhancement act. For the past ten years, parents and educators alike have been asking the legislature to fulfill their constitutional obligation to our children's educational needs and the future of our state. Please make the school finance inflation fix your education policy priority this session and keep our school doors open. Thank you for your time and consideration.

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Cc: Lauri DeNooy, President-Elect  
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#### ***THE PTA POSITION***

*Kansas PTA is a [nonpartisan](#) association that promotes the welfare of children and youth. The PTA does not endorse any candidate or political party. Rather, we advocate for policies and legislation that affect Kansas youth in alignment with our legislative platform and priorities. [PTA mission and purpose](#) have remained the same since our inception over 100 years ago, focused on facilitating every child's potential and empowering families and communities to advocate for all children.*