

## MINUTES

### 2015 SPECIAL COMMITTEE ON K-12 STUDENT SUCCESS

January 19, 2016  
Room 112-N—Statehouse

#### Members Present

Representative Ron Highland, Chairperson  
Senator Steve Abrams, Vice-chairperson  
Senator Tom Arpke  
Senator Molly Baumgardner  
Senator Jim Denning  
Senator Anthony Hensley  
Senator Ty Masterson  
Representative Tony Barton  
Representative Sue Boldra  
Representative Larry Campbell  
Representative Dennis Hedke  
Representative Jerry Lunn  
Representative Ron Ryckman  
Representative Ed Trimmer  
Representative Valdenia Winn

#### Staff Present

Sharon Wenger, Kansas Legislative Research Department  
Lauren Douglass, Kansas Legislative Research Department  
Jason Long, Office of Revisor of Statutes  
Tamera Lawrence, Office of Revisor of Statutes  
Nick Myers, Office of Revisor of Statutes  
Sue Mollenkamp, Committee Assistant

#### Others Attending

[See Attached List.](#)

#### Morning Session

#### Welcome and Approval of Minutes

Chairperson Highland opened the meeting. *Senator Abrams moved and Senator Arpke seconded the approval of the minutes for January 5, 2016. The motion passed.*

## Kansas Legislative Research Department Committee Report

Chairperson Highland asked if there was a motion to remove the Interim Committee Report from the table. *Representative Ryckman moved and Senator Baumgardner seconded the Interim Committee Report be removed from the table. The motion passed.*

Chairperson Highland opened the Committee to action on the Interim Committee Report ([Attachment 1](#)).

Senator Hensley offered amendments to the Kansas Legislative Research Department (KLRD) draft Report, requested copies of his amendments be distributed, and explained the underlined and italicized language in the amendments indicated new language being added to the Report; stricken language indicated language that would be deleted from the Report ([Attachment 2](#)).

*Senator Hensley moved and Representative Winn seconded the approval of the amendments to the General section of the KLRD draft Report.* Discussion took place on the amendments to the General section.

Senator Masterson asked for clarification of the intent of the second item of the amendments to the General section. He referred to a characteristic of the old school formula, which created unpredictability in the budgeting process; Senator Hensley responded the intent was to avoid the annual adjustments typically made by the Legislature by creating a new, self-adjusting mechanism. Senator Masterson reiterated the old formula had that characteristic and stated his belief the Legislature could take the characteristic into account when creating a new mechanism. He expressed his opposition to the second item.

*Representative Ryckman offered a substitute motion including items one and three of the amendments in the General section offered by Senator Hensley and excluding item two; Senator Masterson seconded the motion.* Discussion took place on the substitute motion.

Representative Lunn asked for clarification of item three. Representative Ryckman explained his understanding that the phrase “a similar effort” did not refer to a dollar amount but to the percentage of a mill levy. Senator Hensley stated item three goes to the heart of the school funding case currently before the Kansas Supreme Court and expressed his belief it is important to make a statement in support of equity in the arena of school funding. Representative Lunn responded that he had no problem with the intent of equity; he wanted to understand what was meant by “a similar tax effort” and found Representative Ryckman’s explanation acceptable.

Representative Trimmer opposed the substitute motion expressing that item two was important. He commented the old funding became complicated with annual adjustments by the Legislature and he did not understand the consternation with the second item.

There being no further discussion, *Chairperson Highland asked for a vote on the substitute motion of deleting item two of the amendments in the General section and approving items one and three. The substitute motion on the amendments to the General section passed.*

*Senator Hensley offered his amendment to the state level portion of the Accountability and Assessments section of the KLRD draft Report and moved the amendment be approved; Representative Trimmer seconded the motion.* Discussion took place on the amendment.

Representative Boldra stated the *Rose Standards* are not measurable because they relate to soft skills; she believes it will be difficult to come up with a test to measure them. She commented further on her concern that the *Rose Standards* do not identify STEM subjects (Science, Technology, Engineering and Mathematics).

Senator Abrams asked for clarification of item one recommended by Senator Hensley in the Accountability and Assessment section. Senator Hensley responded that the issue in the language for him is with the word “each”; he is not certain the ACT is appropriate for all students. Senator Abrams accepted this as true, but went on to comment that the Kansas state assessment changes every few years due to its alignment with state standards that are revised every seven years. This lack of continuity keeps this assessment from providing longitudinal information that he believes could be provided by a test such as the ACT.

Representative Trimmer expressed his agreement with the amendment because he finds the Accountability and Assessment section of the draft Report to be contradictory, and he believes requiring all students to take the ACT will continue to cause the element of teaching to the test. He also expressed his concern about removing the responsibility for creating a state assessment from the elected body of the Kansas State Board of Education and placing it in the hands of a third party vendor.

Representative Boldra commented that the ACT is aligned with Common Core; if the state moves away from Common Core, it may not be a good test to use except for those students who are college-bound.

Senator Hensley questioned whether excluding the Department of Education from the creation of the state assessment could be considered unconstitutional based upon his understanding of the self-executing powers of the Kansas State Board of Education. He also expressed concern about the cost of paying for every student to take the ACT.

Senator Baumgardner expressed parents of high school students would be thankful to have the cost of the ACT paid by state funding. She also commented that some students who do not take the test because they do not expect to attend college, later make a change in their plans and then have to take the test. Referring to a presentation by the Commissioner of Education, Dr. Randy Watson, in which he spoke of all high school graduates being college ready, Senator Baumgardner expressed her belief that the ACT could provide this. She also thanked Representative Boldra for pointing out that the *Rose Standards* relate to soft skills; an exam for that would be inappropriate. She believes the language should indicate an assessment that aligns with the *Rose Standards*.

Senator Abrams agreed that the cost of administering the ACT to all students is not known and needs to be researched. He also agreed the *Rose Standards* relate to soft skills and suggested the possibility of the Department of Education using the *Rose Standards* as part of the accreditation process for school districts rather than administering an assessment to each student.

*There being no further discussion, the Chairperson called for a vote on the amendment. The motion to approve the amendment to the state level portion of the Accountability and Assessment section failed.*

*Senator Hensley offered his amendment to the district level portion of the Accountability and Assessment section of the KLRD draft report and moved that it be accepted; Representative Trimmer seconded the motion. Discussion took place on the amendment.*

Representative Lunn commented that this amendment would be inconsistent because the state level amendments were not approved.

*Senator Hensley recognized the inconsistency and withdrew his motion to amend the district level portion of the Accountability and Assessment section; Representative Trimmer, as the second, approved the withdrawal of the amendment.*

*Senator Hensley explained his amendment to the At-Risk section of the KLRD draft Report and moved that it be approved; Representative Trimmer seconded the motion. Discussion took place on the amendment.*

Representative Trimmer expressed his concern that item one would create situations in which money would be removed from a school district because a student begins to perform at the required level; this would provide a disincentive to better achievement for a district.

Representative Ryckman asked for clarification of the language referring to the high rate of absenteeism as a basis for at-risk designation. Senator Hensley commented on the effects of absenteeism in the school setting.

Senator Masterson continued the discussion on absenteeism asking whether schools should get more money if more students are absent, expressing his view that removing the stricken language would be taking the focus away from a student's ability to learn, and noting that item two acknowledges the potential influence of poverty on a student's ability to learn. He also commented that the language added by the amendment included topics not discussed by the Committee. Senator Hensley responded that he was not contending that the more kids are absent, the more money a school district should receive; he was trying to recognize at-risk factors. Senator Masterson expressed his view that this section of amendments was doing what Senator Hensley accused the Chairperson of doing in the draft report he offered at the previous meeting by including items not discussed in the Committee. He opposed the motion.

*There being no further discussion, the Chairperson called for a vote on the amendment. The vote on the motion to approve the amendment to the At-Risk section of the KLRD draft report failed. Division was called. The motion failed on a vote of 4 to 8.*

*Senator Hensley offered an amendment to the section on Bonding by School Districts commenting he believed it would be a help to preserving local control of school districts. The Senator moved the amendment; Representative Trimmer seconded the motion. Discussion took place on the amendment.*

Senator Abrams expressed his view that districts retain local control under the recommendations of the draft Report because districts are able to proceed with bonding issues as they choose if they are not seeking state dollars. Districts wanting state aid would need to recognize the responsibility of the legislature in evaluating the necessity of the expenditure.

Representative Campbell agreed with both the language to be stricken by the amendment and the new language it would add, not seeing them as being in conflict. His preference would be to include both items in the recommendations.

*Senator Abrams offered a substitute motion deleting the new language offered in the amendment offered by Senator Hensley and retaining the original language but adding to the end of it a phrase similar to “if the local district wants state dollars.” Senator Baumgardner seconded the substitute motion. Discussion took place on the substitute motion.*

Representative Campbell and Senator Hensley asked for clarification on whether the new language in item two would remain in the amendment; it would not.

Senator Hensley opposed the substitute amendment stating it is very important to ensure that property-poor districts are treated equitably.

Representative Ryckman commented the reason a local district would seek state aid would be to ensure equitable funding. He believed the phrase inserted by the substitute amendment would accomplish the intent of maintaining equity while allowing the oversight needed to manage funding properly.

Senator Abrams agreed with Representative Ryckman’s assessment.

Representative Trimmer opposed the substitute motion expressing his views that a special Committee is not needed but a charge to include equity in a new funding mechanism is needed.

Representative Winn opposed the substitute amendment stating the two bullet points do not accomplish the same thing.

Senator Hensley expressed his view that item one requires a property-poor district to appeal to the Special Committee while item two would build into the new funding mechanism an assurance that property-poor districts receive equitable funds. While equity may be implied in item one, it is not stated as it is in item two.

Senator Masterson disagreed with Senator Hensley referring to circumstances under the old school formula that allowed money from property-poor districts to be used in property-rich districts. He expressed his belief that equity would be better served by implementation of the Special Committee. He supported the substitute motion.

*There being no further discussion, the Chairperson called for a vote on the substitute motion. The substitute motion to amend the section on Bonding by Local School Districts passed. Senator Hensley and Representative’s Winn and Trimmer requested their votes against the substitute motion be recorded.*

Senator Hensley offered a minority report and asked that copies of it be distributed to the Committee. The Chairperson agreed that it would submitted ([Attachment 3](#)).

*Senator Denning offered recommendations to be added to the amended Report and moved that they be approved. Senator Baumgardner seconded the motion ([Attachment 4](#)).* Discussion took place on the recommendations.

Referring to item one of the recommendations offered by Senator Denning, Representative Trimmer expressed his concerns about the determination of an average daily attendance.

Representative Winn asked how the amendment would impact the student count at military installations. Senator Denning suggested the current policy could remain in place. Representative Winn offered that it should be specified that these exceptions would be made. Senator Denning expressed his belief that the issue would be sorted out in the process of developing the new funding mechanism, and he recommended maintaining the language of the recommendation.

Representative Campbell commented on the feasibility studies that accompany a tax increment financing (TIF) project and opposed the amendment as written.

Senator Abrams asked if the recommendations offered by Senator Denning would be included in the Report as the Committee's recommendations or included at the end of the Report as an individual member's recommendations. Chairman Highland stated they would be included at the end of the Report as "other considerations." Senator Denning agreed.

*There being no further discussion, Chairperson called for a vote on the motion. The motion to add the recommendations offered by Senator Denning as an addendum to the amended Committee report passed.*

*Chairperson Highland asked for a motion to pass the Report out of Committee as amended. Senator Abrams moved and Senator Arpke seconded the Committee Report be approved, as amended. There was discussion on the motion.*

Representative Trimmer stated he would vote no on approval of the passage of the Report, commenting that, while he did not object to the information provided by KLRD, he believed the Report was fraught with contradictions and that it would drive a wedge between the Legislature and the educational community. He also stated his opposition to the recommendations relating to state assessments.

*There being no further discussion, the Chairperson called for a vote on the motion. The motion to approve the Committee Report, as amended, passed.*

Senator Hensley and Representative's Winn and Trimmer requested their votes against approval of the Committee Report be recorded.

The meeting adjourned at 9:00 a.m.

Prepared by Sue Mollenkamp  
Edited by Sharon Wenger

Approved by the Committee on:

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February 1, 2016  
(Date)