SB 423 – Eliminating 10% at-risk floor
Senate Select Committee on Education Finance
Testimony in support
Mike O'Neal on behalf of Kansas Policy Institute

March 12, 2018

Madam Chairman and members of the Committee

Thank you for the opportunity to appear in favor of the provisions of SB 423 eliminating the 10% at-risk minimum. The proposal comes in response to language in Gannon V that criticized the current minimum funding on both adequacy and equity grounds. According to the Court, the current provision helps only two specific districts and there is nothing to suggest it is reasonably calculated to address the needs of actual at-risk students. The Court's analysis aside, the current law provides funds to a couple of districts in excess of the method for determining aid to other districts.

While the fiscal note correctly states that "under current law, if a school district has 10.0 percent or less of its students qualifying for the at-risk weighting in the school finance formula, the formula would authorize an at-risk weighting for the district as if 10.0 percent of students qualified, the KSDE portrays the proposal as reducing the number of students qualifying for the at-risk weighting. This, of course, is not the case. Qualifications are not based on funding but rather the proxy of free and reduced lunches. In this regard, the Court also criticized the current law on equity grounds.

If the proxy of free and reduced lunches is not the proper criteria for determining the student count for purposes of a weighting, then the Legislature needs to say so, rather than creating potentially dis-equalizing carve-outs for certain districts. At-risk funds should be used for bona-fide at-risk programs that produce results. At-risk funds, therefor, need to be strategically targeted to accomplish their intended purpose. In the past, proposals to convert to a so-called "proficiency at-risk" method of identifying at-risk students has been suggested. Now is as good a time as any to determine the best method. In the meantime, this exception to the current method for the benefit of but two districts should be eliminated.

We take no position on the provisions of SB 423 dealing with expenses permitted to be paid from capital outlay funds, except to acknowledge that the Court found the current provision to be potentially dis-equalizing. This, in our view, is an unnecessary degree of meddling and micromanagement by the Court, but this proposal does represent a direct response to the Court.