



## Schools for Quality Education

345 Bluemont Hall, 1114 Mid-Campus Drive North, Manhattan, KS 66506 • (785) 532-5886 • [www.schoolsforqualityeducation.com](http://www.schoolsforqualityeducation.com)

### House K-12 Education Budget Committee

#### House Bill 2395

Submitted by

**Dr. Kelly Arnberger, Superintendent/Elementary Principal, USD 482  
Dighton, a member of Schools for Quality Education**

Honorable Chair Williams and committee members. Thank you for the opportunity to provide written only testimony on **House Bill 2395**. I am Dr. Kelly Arnberger, Superintendent of USD 482, and a board member of Schools for Quality Education, an organization of 105 rural school districts. I represent both entities in opposition to **House Bill 2395**. There are many issues facing our citizens who reside in rural Kansas and it goes without saying that the future of our local schools is at the top of the list. We appreciate your efforts during the last legislative session to rectify the inequity and inadequacy of the school finance formula. That legislation resolved all equity issues with the Kansas Supreme Court. The court further determined that the legislature could resolve the remaining adequacy component if it provided the needed cost of living adjustment during the five-year phase-in to meet the state's proffered "Montoy safe harbor" and make the funding of our schools constitutional, thereby ending what many call the "cycle of litigation."

Unfortunately, **House Bill 2395** in its current form appears to not resolve the Gannon litigation and would probably cause additional law suits to be filed if some of its other new provisions become law. We feel that legislation to resolve the Gannon case should be targeted and not cluttered with other matters, particularly if they raise new equity concerns. The new policy provisions contained within **House Bill 2395** should be dealt with separately and then stand or fall on their own merits. We in fact would support several of those initiatives, such as exempting from the school district bonding authority limit those projects related to compliance with the American

*"Rural is Quality"*

Disabilities Act. We would also support providing to students at no charge the ACT college entrance exam and the three ACT workkeys assessments, as well as the repeal of the statute that funded non-residents of Kansas on a different basis than resident students.

We do have other major concerns. We object to the one-size fits all approach to the setting of cash balance limits that ignores local needs. Many of our schools build up balances for major purchases such as for technology and related materials. Both the Governor's School Efficiency Task Force and the Governor's School Efficiency Task force reviewed school district cash balances and did not recommend a "use-it-or-lose-it" approach.

Bullying is a concern of all our schools and we applaud Commissioner Watson's recent appointment of a select task force on bullying, patterned after last year's successful dyslexia task force, as a way to move forward with all concerned parties working collaboratively to find better common ground solutions. We strongly suggest that any bullying legislation, as contained in this bill, be delayed until that task force issues its report. We also strongly oppose the sections of **House Bill 2395** that would set up a voucher system based upon the misconception that bullying is less frequent in non-public schools and that the removal of the victim solves the bullying problem. This section is also fraught with potential legal challenges based upon the Kansas Constitution's "Art. 6, Sec. 6(c) *No religious sect or sects shall control any part of the public education funds.*" The use of the school district's state foundation aid to pay for a student to attend a religious non-profit school would appear to violate our constitution.

As a rural school we note that a new 0.5 behavioral health intervention team weighting is created that would go to qualifying school districts who are able to meet strict requirements by hiring liaisons certified as master's level behavioral health professionals for the program. We also understand that the weighting is funded by taking those dollars from what would otherwise be part of our BASE aid. Consequently, the many rural districts who cannot support a behavioral health program (It is no secret that health care professionals are harder to find in rural Kansas) will receive less BASE aid and thereby have fewer resources with which to deal with students who exhibit the same problems as those in the districts who are able to provide their students with the behavioral health intervention program. This would appear to create equity problems.

The loss of the bilingual weighting after 4 years creates unintended consequences because each child is unique in the specific language they bring to our schools. Previous legislative committees chose not to go down this route when presented with evidence of how certain languages are more difficult to work with while helping the students keep up in their classroom instruction while learning English. Decades ago the U.S. Supreme Court in the Lau case ruled that our schools are under a constitutional obligation to provide bilingual education, regardless of state support.

We note additional concerns with the removal of the special education 92 percent target. Unfortunately, we have not had ample time to analyze any legal ramifications or unintended consequences that may result. This is also true regarding other provisions contained in **House Bill 2395** that we have just now only been able to briefly review for the first time.

Our final, but most critical concern, is the elimination of both the five-year phase-in of the BASE funding and the Midwest CPI that was to be used to keep school funding constitutional going forward. Quite frankly, this seems to fly in the face of what the legislature proffered to the court and what the court then accepted, with the caveat that only an inflation adjustment needed to be made to end the Gannon case. We would urge the committee to consider a simple clean fix in response to the Gannon VI ruling and amend **House Bill 2395** so that it only includes the amount of funding and BASE aid increases requested by the Kansas State Board of Education and recommended by the Governor that the Senate Select Committee on School Finance currently has recommended in **Senate Bill 142**. The Attorney General should then be able to prepare his brief and meet the state's deadline with the court. We feel that this is the best approach to keep our schools open next year.

Thank you for the opportunity to provide written opponent testimony to you and your committee.

Respectfully submitted,

Dr. Kelly Arnberger  
Superintendent/Elementary Principal  
USD 482 Dighton