



Opponent Testimony before the  
House K-12 Education Budget Committee  
On

**HB 2690 - Establishing the legislative award for excellence in teaching program to provide merit-based bonuses to teachers in certain school districts, establishing the every child can read act to focus on third-grade literacy proficiency and requiring the state department of education to provide summary academic achievement reports**

by  
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Chair Williams, Member of the Committee:

Thank you for the opportunity to present testimony on **HB 2690**. We appear in opposition to this bill primarily because of what we understand to be its effect on high density at-risk weighting, which is currently received by about 160 out of 286 districts. This weighting is based on the percentage of students in a school or district who are eligible for free meals, which concentrates this funding on districts with the highest need students.

The bill appears to move to a system that would replace almost \$50 million in high density at-risk funding, which can be used for multiple student interventions, with a single use: teacher bonuses based on specific student performance measures. We believe this change would make it more difficult to achieve both the improved reading goals set forth in section two of the bill and the purposes of the excellence in teaching program set forth in section four.

In KASB's 2022 resolution on legislative position, our members adopted the following statement: "KASB supports the Kansas State Board of Education's Kansans Can vision and outcomes, with the goal of leading the world in the success of each student."

In supporting the seven Kansans Can outcomes, we specifically supported the following: Academically Prepared for Postsecondary (which includes skills measured by state and local assessments).

Under that heading, our members endorsed "Support at-risk funding necessary to meet diverse needs of students" and "Support recommendations of the Legislative Task Force on Dyslexia." It appears **HB 2690** works against both of those.

#### **History of High-Density At-Risk Funding**

Kansas high-density at-risk funding began when the Legislature received recommendations of the 2006 Legislative Post Audit cost study. That study, commissioned after the Kansas Supreme Court's *Montoy* school finance decision, recognized the well-established fact there is a strong correlation between student poverty and academic achievement. That's why Kansas and most other states provided extra assistance for districts based on some measure of family income, in our case free lunch eligibility. The



LPA study recommended an at-risk weighting 0.484 - more than double the weighting at the time (0.193).

But Legislative Post Audit also found that there are even greater needs for students in districts where poverty is concentrated. Put another way, lower income students in high poverty districts have lower academic performance than low-income students in low poverty districts. These students face even deeper structural needs.

As a result, the LPA study recommended that, in addition to “regular” at-risk weighting, districts with the highest concentrations of poverty should receive an “urban poverty weight” of 0.726, which would have applied to just four districts and provided over \$50 million in 2006 dollars.

The Legislature adopted the concept, which became the high-density at-risk weighting, but made a highly significant change: it dramatically increased the number of districts eligible but did not increase total funding, which means the current “factor” is just 0.105 for the highest poverty districts - about one-seventh the LPA recommendation.

Further, because the factor is multiplied by base state aid, the value of all weightings declined as base state aid declined from \$4,400 per pupil in 2009 to \$3,852 in 2015, followed by two years of frozen funding under the block grant system, and an increase to just \$4,165 in 2019, the last year before the COVID pandemic. That does not count the impact of inflation, which rose almost 20% between 2009 and 2019 (Consumer Price Index from 214.5 to 255.7).

As a result, it should not be surprising that districts with the highest concentrations of poverty lag far behind districts with fewer high-cost children, even with the current high-density weight.

### **Impact of HB 2690 on Funding, Student Services and Teacher Compensation**

The high-density at-risk weighting is due to expire June 30, 2024, or at the end of the 2023-24 school year. According to **HB 2690**, in section 10, beginning the next year, 2024-25 (Fiscal Year 2025), the State Board would determine the amount that districts *would have received* if the weighting was still in effect, but rather than go to schools, it would go to a new fund to pay for teacher bonuses. As a result, districts would lose approximately \$50 million in dollars in state funding in 2025. Two important facts to keep in mind:

First, the loss would not be equal. According to KASB’s review of current year Legal Maximum budgets submitted to KSDE, eight districts would lose over \$300 per pupil; 27 districts would lose between \$200 and \$300 per pupil; 31 districts would lose between \$100 and \$200 per pupil; 26 districts would lose between \$50 and \$100 per pupil; 67 districts would lose between \$1 and \$50 per pupil and 127 districts do not currently receive high-density weighting.



Second, districts use these funds for primarily two uses. One is targeted interventions to help students who qualify for at-risk services, such as those described in Section 2 of the bill, the Every Child Can Read Act, (page 2, lines 21 to 26); to “provide targeted and tiered interventions that are designed to match a student’s individual deficiencies through additional contact hours with such student, including, but not limited to, one-on-one instruction, small group instruction, tutoring and summer school programs for all students and especially for those students who are at and below the third grade level who are identified as having a literacy deficit.”

The second use is to supplement teacher salaries based on the number of at-risk students they teach, which is consistent with the fourth goal of the program listed on page 3, line 30: to “assist such schools with recruitment and retention of excellent teachers,” such schools identified in the first goal, page 30, line 24-25: “Target the schools in school districts that have higher enrollments of students who are from low-income homes.”

*HB 2690 would remove funding from high poverty districts currently used to help students who are deficient in reading (and other subjects) and to help pay competitive salaries in those districts.*

Then, Section 5 of the bill provides that beginning in 2025-25, districts **could** begin to receive funding for teacher bonuses, but only if they met certain performance criteria over several years, after having lost funding for salaries and interventions in the immediate prior year, and such funds could only be used for teacher salary bonuses, not for any other “targeted and tiered intervention.”

Furthermore, Section 9 of the bill says the state department of education shall determine the **maximum allocation** that can be provided to each school that could qualify for an award **based upon total student enrollment** of each such school – not the low income or at-risk enrollment. That indicates the maximum amount available to any school would be the same per pupil amount as every other school, whether the school had 35 percent free lunch students or 95 percent free lunch students. If so, the highest needs schools in the state would never be able to recoup the funding lost from the expiration of high-density weighting, no matter how good their performance.

Teachers in these schools could only earn such a bonus if they have met high percentage increases over a specified period, and nothing if falling a tenth of a percentage short. It is hard to see how this bill will “assist with the recruitment and retention of excellent teachers” when such districts will have fewer funds available for on-going base salaries and benefits, fewer funds available for teacher and student support programs, and only opportunities for bonus payments that are not part of the teacher continuing compensation and dependent on student performance improvement that is only partially within the teacher’s control.

### **The challenges of at-risk students**

The bill seems to suggest the biggest challenge for districts with high percentages of low-income and at-risk students is teacher motivation. The bill offers no more resources, only at best a reallocation of funding from other programs and schools to bonus payments. But if the answer to better student performance is simply better teachers or better teaching, why are the lowest performing students so



disproportionately from low-income families in low-income schools? Why aren't "good teachers" simply randomly distributed across districts?

The fact is that low-income students bring to school issues from outside of school that schools can't solve simply through different pedagogy – although that can help. Improving instruction is part of improving outcomes, but only a part.

That is why we believe **HB 2690** would work against the third stated goal of the program: “prioritize gains in student achievement outcomes within such schools” (Page 3, line 26-27). The bill would take funding from multiple ways to address student needs and concentrate those funds exclusively on just one strategy: teacher bonuses, when we are not aware of any evidence that that is the most effective strategy.

#### **Other considerations**

Finally, as to the last goal of the program: “provide teachers within such schools a way to earn merit-based bonuses for their performance in the classroom” (lines 28-29). Teachers already have that option through the negotiated agreement between board and teachers, a process that is set out in state law. Teacher compensation is mandatorily negotiable. While hiring and retention bonuses may be paid by a local school board outside of negotiation, using this option – and this bill – takes money out of the budget which will likely cause friction within the bargaining unit.

Of course, the Legislature could provide a new pool of money for this purpose, either provided by the Legislature and or State Board, for local boards, or as an incentive for boards and teacher to develop such a system. However, this bill does not.

In conclusion, KASB believes this bill will not actually accomplish its stated goals and will have the most negative impact on the highest need students that the bill is purportedly designed to assist.

Thank you for your consideration.