



Madam Chair and Members of the Committee,

We appreciate this opportunity to testify in support of SB 362, which requires school districts to publish the findings of their annual building needs assessments and explain the budgetary adjustments they are making to remove barriers to better academic outcomes.

My colleague Mike O’Neal’s testimony covered the legislative history of building needs assessments and touched on our audit of 25 school districts’ preparation of needs assessments that were statutorily intended to form the basis for their 2022 budget process. My testimony provides in-depth analysis of our audit findings.

**Two districts completed the recommended forms but didn’t identify needs**

**Coffeyville** provided reports for each of its three buildings in response to our Open Records request, each with sections for Student Needs, Staff Needs, Curriculum Needs, and Facility Needs. But very little of the information in the Student Needs section identifies needs; it is largely demographic information and the most important element is not correct.

The assessment for Community Elementary says 36 of its 940 students enrolled last year were not proficient or roughly 4%. But 88% are not proficient according to the Kansas Department of Education state assessment results. The assessment definitions do not include the word ‘proficient’ but KSDE told the U.S. Department of Education that only students in Levels 3 and 4 are proficient; students in Levels 1 and 2 are not proficient, and on that basis, 88% of Community Elementary students were not proficient in 2021.

Coffeyville 2021 Building Needs Assessments					
School	Not Proficient per Needs Assess.			2021 State Assessment	
	No.	Enrolled	% Not Prof.	Not Prof.	Proficient
Elementary	36	940	4%	88%	12%
Middle School	41	264	16%	77%	23%
High School	64	520	12%	93%	7%

*Source: Open Records Requests; state assessment proficiency is the average of math and English language arts.*

The reports for Roosevelt Middle School and Field Kindley High School are also grossly inaccurate. The needs assessment reports say 16% and 12%, respectively, are not proficient. But the state assessment shows 77% and 93%, respectively, are not proficient.

There is little hope that these needs assessments can inform the budget process when the reports grossly understate students’ academic needs. It’s also telling that the question about disparities in student achievement among ethnic groups is left blank on each report.

**USD 500 in Kansas City** utilizes similar reports to those in Coffeyville. And like Coffeyville, USD 500 identifies very little information that could inform the budget process about improving student achievement. The Kansas City reports also grossly mispresent student achievement in the district. The report doesn’t say how many students are not proficient in math and English language arts; it merely links to the state assessment results. The comments are even more deceptive.

The math comment on the F. L. Schlegle High School report says, “10th Grade PLC has created plans to help students understand what is being asked in the math problem. They emphasize scholarly language.” The ELA section says, “10th Grade ELA has shown growth. PLC practices are improving.”

The state assessment results show 3% of Schlegle students on are track for college and career in math, and only 6% in ELA. How are students expected to understand ‘scholarly language’ when 63% of them can’t read at grade level?

USD 500 Schlegle HS		State Assessment: Math	
Year	Below Grade Level	At Grade Level, Needs Remedial Training	On Track for College & Career
2016	79%	9%	1%
2017	82%	10%	0%
2018	84%	15%	1%
2019	79%	20%	1%
2021	86%	12%	3%

*Source: KSDE; totals <100% due to students not tested*

USD 500 Schlegle HS		State Assessment: ELA	
Year	Below Grade Level	At Grade Level, Needs Remedial Training	On Track for College & Career
2016	70%	16%	3%
2017	72%	14%	1%
2018	75%	21%	4%
2019	67%	28%	5%
2021	63%	31%	6%

*Source: KSDE; totals <100% due to students not tested*

USD 500 completed an assessment for each attendance center, but each amounts to nothing more than going through the motions in terms of improving student achievement.

### Five districts defiantly ignore needs assessment requirement

At the other end of the spectrum, five districts openly defied their legal obligation.

Melissa Hillman, **Blue Valley** General Counsel, said, “Blue Valley does not maintain a document titled “Building Needs Assessment Report,” nor do I believe maintaining such a report is required.”

**Gardner-Edgerton** paid their outside legal counsel, Lathrop & Gage, to respond to our KORA request. Grant Tideman wrote, “USD 231 has no documents responsive to this request. Your request seems to assume that there is a legal requirement for a specific written form to be prepared and retained by USD 231. If so, I disagree with that assumption. There is no legal requirement for such a specific written form.”

**Garden City** Financial Officer Colleen Drees wrote, “Garden City Public Schools (USD 457) does a building needs assessment (assessment) for each attendance center, every year, as required by KSA 72-1163. The district does the assessments through meetings, committees, and updates with department heads. The assessments are then used by the Board of Education to prepare the annual budget and summary of the budget, both of which are written documents required by KSA 72-1163. The aforementioned statute does not require a written assessment document. Therefore, the requested records do not exist. USD 457 is not required under KORA to create a record that does not previously exist.”

Drees said the assessments were discussed at the board meetings on July 12, July 26, and August 23, but there is no mention of that taking place on the agendas and meeting minutes on any of those dates.

**Shawnee Mission** also takes the position that state law does not require any written report to be produced and claims the information was shared verbally with board members. But like Garden City, there is no documentation to substantiate that claim.

**Iola** compelled us to file Open Records complaint with the county attorney for demanding \$377 to have several administrators search their records to see if they have the reports requested. The attorney handling KORA complaints for Allen County has not responded.

## **18 Districts send documents that ignore barriers to closing achievement gaps**

The remaining 18 districts sent a variety of documents but nothing indicating that they conducted the statutorily-required building needs assessment.

**Hays** sent a single Word document containing some of the information from the needs assessment form, but file properties show it was created on October 4, long after the budget was finalized. Most telling, the document says no disparities in student achievement among ethnic groups were noted. But the 2021 state assessment shows quite large gaps. Among all students tested, 39% of White students are on track for college and career in math, but only 16% of Hispanic students. The disparity is worse for high school students, at 36% and 7%, respectively.

**Andover** sent a document showing how at risk funding was budgeted, but nothing shows that students needs were considered. Several districts – **Auburn-Washburn, Derby, De Soto, Dodge City, Emporia, Geary County, Goddard, Hutchinson, Lawrence, Olathe and Salina** – sent a variety of attendance records, district strategic plans, and other statistics.

**Maize** provided a summary of a staff retreat that summarized student achievement for the district and a list of things they discussed, but nothing indicating specific actions at the building level.

**Manhattan-Ogden** sent a document for each building (not the KSDE form) with enrollment and demographics, but no indication of achievement barriers to be addressed. Diversity and inclusion efforts, however, were highlighted.

**Pittsburg** sent a family needs report from 2018.

**Topeka** provided facility needs for each building, but nothing about students.

**Wichita** sent state assessment report cards and a list showing how staff proposed spending ESSER funds.

Results of Building Needs Assessment Audit				
District	Provided Docs	Each Building Listed	Students Needs Identified	Material Provided
Andover	x	yes	no	At Risk budgets
Auburn-Washburn	x	no	no	strategic plan, attendance records
Blue Valley	x	no	no	enrollment reports, budget requests, district goals
Coffeyville	x	yes	yes	KSDE recommended needs assessment forms
Derby	x	no	no	staff budget priorities
DeSoto	x	no	no	statistics, action plan
Dodge City	x	no	no	strategic plan update
Emporia	x	no	no	power point presentations
Gardner-Edgerton	none	no	no	nothing
Garden City	none	no	no	nothing
Geary County	x	yes	no	school improvement plan for accreditation
Goddard	x	no	no	various reports
Hays	x	no	no	filed created Oct. 4; attendance, no achiev gaps
Hutchinson	x	yes	no	action plan
Iola	KORA complaint filed for excess charges; county counselor won't respond			
Kansas City	x	yes	yes	KSDE recommended needs assessment forms
Lawrence	x	no	no	report cards
Maize	x	no	no	staff retreat summary
Manhattan-Ogden	x	yes	minimal	actions listed, not needs; diversity first
Olathe	x	no	no	strategic plan; doesn't do building reports
Pittsburg	x	no	no	family needs 2018
Salina	x	yes	minimal	backward looking
Shawnee Mission	KORA complaint files for not providing material			
Topeka	x	yes	no	facility needs; nothing about students
Wichita	x	no	no	report cards, ESSER staff priorities

## Conclusions

We conclude that this audit indicates general disregard for the purpose of the building needs assessment. That may be partly due to the KSDE recommended form not asking to identify specific barriers and budgetary actions to be taken to remove barriers.

The State Supreme Court in 2016 cited the fact that about a quarter of students were below grade level on the state assessment somehow ‘proved’ that schools were underfunded. Now, about a third are below grade level despite large funding increases, and that disturbing situation isn’t addressed in the documents we reviewed.

There is nothing to indicate that this sad state of affairs will change without legislative intervention. That’s why these provisions of SB 362 are necessary to give kids a fighting chance:

- In the minutes of the meeting at which the board approves its annual budget, the board shall include that such needs assessment was provided to the board, the board evaluated such assessment and how the board used such assessment in the preparation of the school district's budget.

- Each year, the board of education of a school district shall review state assessment results and, as part of such review, shall document the following:
  - (A) The barriers that must be overcome to have each student achieve grade level proficiency on such assessments;
  - (B) any budget actions, including, but not limited to, recommendations on reallocation of resources that should be taken to address and remove such barriers; and
  - (C) the amount of time the board estimates it will take for each student to achieve grade level proficiency on the state assessments if such budget actions are implemented.

Requiring publication of building needs assessments with this information will allow parents to see if local school boards and administrators are taking appropriate action to provide students with the education they deserve.

We support the much-needed changes in SB 362 and we encourage the Committee to recommend it for passage.