

IN THE SUPREME COURT OF THE STATE OF KANSAS

CASE NO. 113,267

LUKE GANNON,  
By his next friends and guardians, *et al.*,

Plaintiffs/Appellees,

County Appealed From: Shawnee

v.

District Court Case No.: 10-C-1569

STATE OF KANSAS, *et al.*

Defendants/Appellants.

**MOTION TO STRIKE MISLEADING, UNSUPPORTED STATEMENTS FROM  
STATE’S RESPONSE BRIEF**

COMES NOW, Plaintiffs/Appellees, and move this Court to strike the misleading, unsupported statements in the State’s Response Brief dated July 7, 2017. Plaintiffs respectfully request that the entirety of Section II.A. of the State’s Brief (“The State Board of Education’s budget request was not based on the *Rose* standards or on the costs of providing a constitutionally adequate education.”) be stricken.

The minutes of the May 22, 2017 Senate Select Committee on Education Finance, and thus the State’s brief, are extraordinarily misleading. The State’s Brief states:

Commissioner Watson explained, “[w]hen the State Board set forth their budget, they had a premise that school districts would use such funds within the State Board model to help students be successful in line with the State Board’s ‘complex goals,’ ***not the Rose standards.***” Minutes of May 22, 2017, Senate Select Committee on Education Finance at p. 3 (emphasis added). Commissioner Watson explained that the desired “outcomes” under the BOE’s “complex goals” ***exceed the Rose capacities in many ways.*** Minutes of May 22, 2017, Senate Select Committee on Education Finance at p. 2.”

State’s 7-7-17 Response Brief, at p.7 (emphasis added). It further states:

In fact, State Commissioner of Education Dr. Randy Watson testified that the BOE's request was derived from the funding amounts specified by the panel, which incorrectly assumed LOB and other sources of revenue were not to be considered. Watson Testimony at 42; *see also* Minutes of May 22, 2017, Senate Select Committee on Education Finance at p. 3 (Dr. Watson noted “the State Board’s funding recommendation was ... **derived from funding mandates provided by the three-judge panel in the district court**”).”

*Id.* at 6 (emphasis added).

The State severely misquotes State Commissioner of Education Dr. Randy Watson and his testimony to the Legislature. The State concludes that, based on Dr. Watson’s testimony “there is no evidence [the KSBE’s] request was based on any empirical evidence or on compliance with the *Rose* standards.” State’s 7-7-17 Response Br., at p.6. Dr. Watson never made these statements at the May 22 Senate Select Committee on Education Finance Meeting. Dr. Watson specifically testified that the Board accreditation measured outcomes “are directly aligned to the *Rose* capacities.” Exhibit A: Transcript of May 22, 2017 Senate Select Committee on Education Finance Meeting, at p.52. He further testified on May 22, 2017:

If you encompass all of that you start to get to what the *Rose* capacit[ies] speak of, which is how do you help in all those capacit[ies] students to be successful later on in life? ***That’s what the *Rose* capacit[ies] speak to and I think that’s what the state board tried to put together*** after listening to Kansans as they put together their accreditation system.”

*Id.* at p.49.

He also testified:

***Everything that was built here, was built on the foundation.***

.....

**--of the Rose capacities.** So yes, if you're looking at can you tell me how we're going to measure each one of those, ***it's measured within a more complex system but it would build upon that as the foundational structure.***"

*Id.* at pp.52-53.

The State's Brief misquotes Dr. Watson as testifying, "the State Board's funding recommendation was . . . derived from funding mandates provided by the three-judge panel in the district court." Dr. Watson never made that statement. *See id.*, generally.

Instead, Dr. Watson testified that the request was based on two things:

So when the state board took a look at their proposal to the Governor and to you, they simply looked at two broad things, ***they looked at their accreditation and where they wanted to go***, and they did not have the Supreme Court decision laying in front of them at that time. So they looked at the three judge panel and said, ***based upon where we think we need to go*** and the three judge panel, this would be the recommendation that we would give as to a budget.

*Id.* at pp.54-55.

Additionally, later in the meeting Dr. Watson testified:

We simply looked at, how do we help every district reach to help every family and student be successful, and that ***what districts were telling us if we had more resources with the guidance of the State Board of Education we could get there***. So that's a really general answer but it really has been very general; and I know the last several months or weeks since the court ruled--made their decision, the focus has been on pinpointing where those dollars go. ***And we believe in general that if--if base state aid, foundational aid or whatever the name is, would increase to the levels close with [what] the state board [requested] that we could reach these complex goals***; and it would look different in each school district.

*Id.* at p.58.

In its Brief, the State cites to testimony of Dr. Watson Testimony, attached to the State's June 30, 2017 brief, stating:

In fact, State Commissioner of Education Dr. Randy Watson testified that the BOE's request was derived from the funding amounts specified by the panel, which incorrectly assumed LOB and other sources of revenue were not to be considered. Watson Testimony at 42.

State's Response 7-7-17 Response Br., at p. 42.

Dr. Watson did not make this statement either. Dr. Watson gave a presentation on the Board's accreditation model explaining that it was based on *Rose*.

You may recognize the foundational structures that underpin the accreditation model. They are often referred to as the Rose capacities or the Rose standards and those certainly are the foundational structures by which this – this accreditation model was built.

Watson Testimony, attached to State's 6-30-17 Brief, at Appendix 1, p. 12.

Later in the hearing, Dr. Watson was asked by Senator Petty about the cost of implementation. The full exchange went as follows:

SENATOR PETTY: Thank you. And then my second one is, what is the cost of implementing the state board's accountability plan?

RANDY WATSON: That's a great question. The state board wrestled with that. They put together a budget and they looked at two things. As you know, the state board is required by law to submit an annual budget to the Governor and the legislature; and when they looked at that ***they took this work that they were doing*** and they took at that time the three judge panel because the Supreme Court had not ruled on the case when they built the budget, and said -- and their message is that ***it would be about 850 million over two years to accomplish this***.

*Id.* at 49.

Dr. Watson's actual testimony completely undermines the State's argument that the KSBE request was not based on compliance with *Rose* or that it exceeded the *Rose* requirements.

Dr. Watson has made it abundantly clear that the State Board's vision, its standards, and its accreditation system are all based on and built around the *Rose* standards. In fact, in response to the statements made by the State in its brief, Dr. Watson made the following statement at the July 11, 2017 KSBE meeting:

But recently . . . the media . . . reported some things . . . . And I want to remind people . . . the accreditation model was about four to five years in the making when I came here . . . it was being worked on long in advance.

There are two things that happen with everything we do about your vision . . . I want to be clear today to anyone listening what those two things are. One, everything we do has the backbone of ESSA in it.

. . . And the second, we don't talk much about it because it's foundational about everything we do, are the *Rose* Capacities.

...It's deeply embedded, oral and written communication skills in everything we do.

***So I don't think it's extra, I think it's critical. Mission critical.*** How about this, how about these two *Rose* Capacities which I think complement each other, knowledge of economic social and political systems so students can make informed choices, and sufficient understanding of government processes so they understand how that affects their community, their state and nation. Do you remember what you did after the visiting and listening tours, after what Kansans said? You said, let's make sure civic engagement is so prominent, we'll put it as part of the definition. ***Foundational from the Rose Capacities and Rose Standards***, it was mission critical, from, for Kansans to say we want people that know how to give back and understand the system and will serve on a state school board or a local board or a volunteer commission or will help at the local Red Cross. But they will understand how laws are made and the will understand how to go about the process. Critical . . . . [C]ritical, core.

Or . . . . Mental wellness. Do you remember something called social or emotional? Can you find that on one of your result outcomes? You said, hey, Kansans say we need to pay attention to mental and physical wellness. And take a look at nutritional wellness, *very much embedded right there in our accreditation model.*

So often times, when people argue about a math score or reading score, are they taking into account the *Rose* Capacities that clearly state we ought [to] also be concerned with someone's mental and physical wellness? . . . You heard our legislature last month . . . talking about cultural heritage and how important that was to understand[, and] the arts. So are the arts an add on? Not according to the *Rose* Capacities. Not according to how we are looking at the whole child. It's not an add on. *It's essential.*

And finally, the last two *Rose* standards, sufficient training for preparation for advanced training in either academic or vocational fields. So that each child can choose where they want to go and can do so without remediation. Remember that little term you put? That they can go to KU and be in a . . . graduate program and have the skill set to be successful. That they can go to welding school and be successful. That they can . . . whatever they choose . . . that we will provide training and preparation so that they are ready to be successful.

And the last one is sufficient levels of both of those academic and vocational to enable every public school student to compete favorably with their counterparts in academics or the job market. Welcome to lead the world. *It's not fluff, it's not too ambitious, it is core to what the Rose Capacities, Kansans and your vision said.* And I just, as I read this week I thought some people are saying, well, that's nice, it's just a lot. It is a lot. And it's being demanded of us and you responded . . . and we oftentimes don't talk about the ESSA or *Rose* Capacities or Standards enough, and other people like to.

So tomorrow Brad's going to walk you through how our kids are doing in that preparation, called that *post secondary success measures*. . . *Those are the Rose Standards and Rose Capacities.*

So I just wanted to take a few minutes today to again emphasize for everyone to understand that those, that foundation that's on this sheet, that's about every part of what we design, is critical for students to be successful in what they choose to go in to."

Exhibit B: Transcript of July 11, 2017 KSBE Meeting, pp. 9-15 (emphasis added).<sup>1</sup>

The State further urges this Court to listen to the recording of the July 12, 2016 meeting, at which KSBE adopted its budget recommendation. Doing so does not leave one with the impression that the KSBE based its funding recommendation solely on the Panel's opinion. The budget discussion is not "a brief half-hour"; the full discussion is nearly 2 hours, from 1:22:50 through 3:20:48. The budget recommendation came directly on the heels of Dale Dennis recommending to the KSBE that it adopt a funding system that would meet the constitution. Throughout the two hour period, the Board and Mr. Dennis discussed how the previous law was funded, what programs were helpful, the need to account for inflation, and other aspects of how to fund education. After their discussion about base state aid, they additionally mentioned the need to keep as much funding in the base as possible throughout their discussion of other programs for their budget request. For example during their discussion of the Parents as Teachers, Jim Porter called that program a "critical element in our ability to reach our goal" (2:37:07) and there was additional discussion about whether that would come from the base.

Exhibit C: Transcript of July 12, 2017 KSBE Meeting, at p.56.<sup>2</sup> During their discussion of the Professional Development Program at 2:46:32, Sally Cauble mentioned that "We have so much change that we are asking on this new vision, that I--we just need some

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<sup>1</sup> A video of Dr. Watson's remarks are available online at:  
<https://www.youtube.com/watch?v=hciozLo8Lig>.

<sup>2</sup> The transcript was created from the video recording of the meeting available at:  
<https://www.youtube.com/watch?v=wFmyp-ao4uw&feature=youtu.be>.

money” and Jim McNiece stated at 2:49:08 “I would say from an aspirational standpoint, we are doing about these in terms of how to manage the budget, you know; but if we really believe in staff development . . . I just don’t think \$2.1 million across . . . 286 school district[s] is going to be that much money, but they have the choice to make it out of state base, but there are a lot of things to be caught up on if they did that.” *Id.* at pp. 63, 65. During the discussion of transportation funding at 2:52:56 Janet Waugh talked about the Turner school district and how they already bus all students, that she would love to lower the mileage limit, but “that by increasing the State Base aid ... districts like Turner and other districts can just continue what they’re doing... It needs to be changed, but I don’t think at this time it is a thing to do” *Id.* at p.68.

Finally, the State misquoted and mischaracterized the testimony of Board Chairman Jim McNiece. *See* Ex. C, at p.34.

And what we have here is pretty aspirational, you know, we have had a lot of discussions about tax increases and formulas[, and] what percentage of budget is, which [are] all really big questions, but in terms of where the State Board is in terms of taking a leadership role, do they agree that there should be an accrual, is what we’re saying in this motion and putting a number on it.

*Id.*

While Mr. McNiece did use the words, “pretty aspirational,” those words were taken out of context by the State. He was talking in reference to the State budget quandary, not the State Board’s program to meet *Rose*. Published media accounts support that the State’s brief is of a misleading nature. *See* Exhibit D: Angela Deines, *State Board of Education May Make Statement Regarding Gannon Briefs*, TOPEKA

CAPITAL-JOURNAL, July 11, 2017, *also available at* <http://cjonline.com/news/state-government/education/2017-07-10/state-board-education-may-make-statement-regarding-gannon>:

McNiece said his comments in July of last year regarding the “aspirational” aspects of the board’s budget recommendation were based on the fiscal realities the state of Kansas has been facing in the past several years.

It was a way for us to make a statement in support of increased and improved funding for schools,” he said, adding that the budget recommendation was on par with past years’ requests.

Should the State attempt to blame the misleading statements in its Response Brief on the legislative committee minutes, Plaintiffs remind this Court that Jeff King, Counsel to the Legislative Coordinating Committee, testified as follows:

King: During your debate I listened to, the level of thoughtfulness and reasoning and consideration of why these amendments would go on or not from a performance based standard, was very high. And the minutes will reflect that, because there was so much information. And that is very helpful and **one of my jobs is to make sure that is packaged in a way the Court accepts it**, sees it and considers it fully. . . .

Rooker: So if I may, you mentioned having listened to our marathon work session, but are you also evaluating the other 3 months of committee work? Because we’ve had hearings on specific elements of this formula over the course of this session.

King: The answer is yes, I’m still working on it. That is part of making sure that everything in the minutes reflect what’s done . . . and so that’s an ongoing process and to me **if there’s any frustration with delays and getting the minutes compiled, I will take responsibility for that**. Because I think it’s that important that we review it and make sure everything that is presented is put into those documents.

Comments from May 4, 2017 House K-12 Education Budget Committee Meeting.<sup>3</sup>

It is apparent that the legislative minutes do not accurately reflect the testimony of the hearings. The minutes have been prepared or supplemented with material to support the State's position in this case with testimony that simply did not occur. It is either extraordinarily coincidental or intentional. Regardless, the indicated arguments and portions of the State's brief should be stricken as not supported by the evidence.

For these reasons, Plaintiffs respectfully request that this Court strike the entirety of Section II.A. of the State's Brief.

Respectfully submitted,

**/s/ Alan L. Rupe**

Alan L. Rupe, #08914

Jessica L. Skladzien, #24178

LEWIS BRISBOIS BISGAARD & SMITH  
LLP

1605 North Waterfront Parkway, Suite 150

Wichita, KS 67206-6634

(316) 609-7900 (Telephone)

(316) 462-5746 (Facsimile)

John S. Robb, #09844

SOMERS, ROBB & ROBB

110 East Broadway

Newton, KS 67114

(316) 283-4650 (Telephone)

(316) 283-5049 (Facsimile)

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<sup>3</sup> An audio recording of this meeting is available at: [www.robbblaw.com/html/hrg.html](http://www.robbblaw.com/html/hrg.html).  
Mr. King's comments begin at 1:03:33.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of July, 2017, I electronically served the foregoing to:

Derek Schmidt  
Jeffrey A. Chanay  
Stephen R. McAllister  
M.J. Willoughby  
Memorial Building, 2nd Floor  
120 SW 10th Ave.  
Topeka, KS 66612-1597  
Derek.Schmidt@ag.ks.gov  
Jeff.Chanay@ag.ks.gov  
stevermac@fastmail.fm  
MJ.Willoughby@ag.ks.gov

Arthur S. Chalmers  
Hite, Fanning & Honeyman,  
L.L.P.  
100 North Broadway, Suite 950  
Wichita, KS 67202-2209  
chalmers@hitefanning.com  
*Attorneys for Defendant State of  
Kansas*

Steve Phillips  
Assistant Attorney General  
Office of the Attorney General  
Memorial Building, 2nd Floor  
120 S.W. 10th Ave.  
Topeka, KS 66612-1597  
Steve.Phillips@ag.ks.gov  
*Attorney for State Treasurer Ron  
Estes*

Philip R. Michael  
Daniel J. Carroll  
Kansas Dept. of Administration  
1000 SW Jackson, Suite 500  
Topeka, KS 66612  
philip.michael@da.ks.gov  
dan.carroll@da.ks.gov  
*Attorneys for Secretary of  
Administration Jim Clark*

Jeffrey R. King  
12980 Metcalf Ave., Suite 100  
Overland Park, KS 66213  
jking@collinsjones.com  
*Attorney for Amicus Curiae  
Legislative Coordinating Council*

/s/ Alan L. Rupe  
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Alan L. Rupe

# Exhibit A

Transcript of May 22, 2017 Senate Select  
Committee on Education Finance Meeting

<p style="text-align: right;">Page 1</p> <p>1 .</p> <p>2 .</p> <p>3 .</p> <p>4 .</p> <p>5       SENATE SELECT COMMITTEE ON</p> <p>6       EDUCATION AND FINANCE COMMITTEE</p> <p>7 .</p> <p>8 .</p> <p>9 .</p> <p>10       Transcription of</p> <p>11       Senate Committee Hearing</p> <p>12 .</p> <p>13       May 22, 2017</p> <p>14 .</p> <p>15 .</p> <p>16 .</p> <p>17 .</p> <p>18 .</p> <p>19 .</p> <p>20 .</p> <p>21 .</p> <p>22 .</p> <p>23 .</p> <p>24 .</p> <p>25 .</p>	<p style="text-align: right;">Page 3</p> <p>1       THE CHAIRMAN: Well, Eddy went through</p> <p>2 2410 before we amended it up and then Tamara went</p> <p>3 through it. So are you wanting her to come back</p> <p>4 and go through her memo again? She went through</p> <p>5 the -- the sections.</p> <p>6       SENATOR BOYETTE: I -- I just missed some</p> <p>7 when she went through it.</p> <p>8       THE CHAIRMAN: Okay.</p> <p>9       SENATOR BOYETTE: So I guess -- so it</p> <p>10 would be helpful I guess if Tamara could so we</p> <p>11 could go through some of this because I have some</p> <p>12 questions.</p> <p>13       THE CHAIRMAN: Sure.</p> <p>14       SENATOR BOYETTE: So --</p> <p>15       THE CHAIRMAN: Tamara, would you mind</p> <p>16 coming up and giving us a hand?</p> <p>17       MS. LAWRENCE: Thank you, Mr. Chairman.</p> <p>18 Committee. Last week you should have received a</p> <p>19 memo from my office that looks like this. The one</p> <p>20 that I would like you to pull out is dated May</p> <p>21 19th and has a little asterisk next to the word</p> <p>22 memorandum and I will just kind of walk through</p> <p>23 that. This is a description of the contents of</p> <p>24 Senate bill 251; and Senate bill 251 would enact</p> <p>25 the Kansas School Equity and Enhancement Act. It</p>
<p style="text-align: right;">Page 2</p> <p>1       (Transcribed portion starts at 00:51)</p> <p>2       THE CHAIRMAN: Committee, we can get</p> <p>3 started here in just a bit. The -- how it will</p> <p>4 play out today is that if you have any questions</p> <p>5 of -- of staff you can ask them to come up and we</p> <p>6 can ask those questions; and then when we get to</p> <p>7 the point where at least for today you've got your</p> <p>8 questions answered and if some of you have some</p> <p>9 amendments ready you can bring those or you can</p> <p>10 wait until tomorrow to bring them. I know a lot</p> <p>11 of them aren't finished yet, but we can -- we can</p> <p>12 continue with our due diligence and data gathering</p> <p>13 and questions today. Is that okay with everybody</p> <p>14 on the committee? Okay. So committee, if you</p> <p>15 have any particular staff member or data source</p> <p>16 person that you want to bring up just -- just let</p> <p>17 me know right now and we'll ask them to come to</p> <p>18 the microphone. Senator Boyette (spelled</p> <p>19 phonetically).</p> <p>20       SENATOR BOYETTE: Thank you, Mr.</p> <p>21 Chairman. Are -- are we going to do -- go through</p> <p>22 the bill with staff like we normally -- I mean, I</p> <p>23 shouldn't say -- I don't want to say normally</p> <p>24 because we've never had this committee; but in all</p> <p>25 my other committees we go through a bill.</p>	<p style="text-align: right;">Page 4</p> <p>1 is very similar in structure to the SDFQPA, and</p> <p>2 this bill is based largely in part on House bill</p> <p>3 2410, a substitute for House bill 2410 as it left</p> <p>4 the House committee.</p> <p>5       THE CHAIRMAN: Tamara, I think</p> <p>6 everybody's looking for that memo. Give those a</p> <p>7 chance to catch up with you.</p> <p>8       UNIDENTIFIED SPEAKER: What was the date</p> <p>9 on that one?</p> <p>10       THE CHAIRMAN: May -- was that May 19?</p> <p>11       MS. LAWRENCE: May 19th, yes.</p> <p>12       THE CHAIRMAN: Would (inaudible.)</p> <p>13       MS. LAWRENCE: And if we need --</p> <p>14       UNIDENTIFIED SPEAKER: (Inaudible.)</p> <p>15       MS. LAWRENCE: Okay.</p> <p>16       THE CHAIRMAN: Molly, Tamara was going to</p> <p>17 go through the -- the bill on those major sections</p> <p>18 from her prior memo for us. We'll try to run you</p> <p>19 a copy down, Molly. Go -- go ahead.</p> <p>20       MS. LAWRENCE: Thank you. So that first</p> <p>21 page, that first paragraph is just a general</p> <p>22 description of the very basic mathematic formula</p> <p>23 used to get to the total foundation aid and state</p> <p>24 foundation aid of school districts; and the first</p> <p>25 two sections of the bill are the appropriations</p>



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<p>1 sections, and the Act begins on page 17 of the 2 bill starting with section three. So I'm just 3 going to hit kind of the highlights of the big 4 sections. 5 SENATOR BOYETTE: I guess that's what my 6 challenge is, is -- is this in order like it is in 7 the bill? Does it follow the like pages and -- 8 MS. LAWRENCE: I tried to provide in the 9 memo the sections in which we talk about those 10 things and when we get to like the weightings, 11 those go in order; but it's not exactly page by 12 page in order. 13 SENATOR BOYETTE: Okay. Because my first 14 question was on page 24 of the bill. So whenever 15 you're somewhere there that's where I'll start but 16 maybe we can all -- I don't know how you want to 17 do this but -- 18 THE CHAIRMAN: (Inaudible.) 19 SENATOR BOYETTE: Oh, okay. So I -- will 20 you go through -- when it says new section 6 the 21 first paragraph, well, it's the only paragraph. 22 If you would explain that to me. 23 MS. LAWRENCE: Yeah, so this is identical 24 to the way it is worded currently and also under 25 the SDFQA, and this just states that the state</p>	<p>1 come from; and it can be confusing. We use a lot 2 of similar terms. 3 SENATOR BOYETTE: This helps. 4 MS. LAWRENCE: Thank you. 5 SENATOR BOYETTE: Okay. Thank you. 6 THE CHAIRMAN: Senator Boyette, if you 7 just want to walk through your -- 8 SENATOR BOYETTE: Other questions. 9 THE CHAIRMAN: -- sections that you'd 10 like her to address this would be a good time. 11 SENATOR BOYETTE: Okay. Got to find my 12 questions. Here we go. All right. That's not a 13 question. I'm sorry. All right, page 85, just to 14 clarify. Okay, this is section C which is lines 15 35 through 39, and this has to do with out of 16 state -- this is for students who are from outside 17 of our state, correct? 18 MS. LAWRENCE: I believe so, yes. 19 SENATOR BOYETTE: Okay. And I guess I 20 had understood that we were taking that out, but 21 maybe that's somebody bringing an amendment to do 22 so. So. 23 MS. LAWRENCE: So this is current law and 24 we're just -- all section C said is -- is if a 25 school district is receiving out of state students</p>
Page 6	Page 8
<p>1 board will determine the state foundation aid for 2 each school district for each school year. 3 SENATOR BOYETTE: Okay. And the 4 foundation aid is? 5 MS. LAWRENCE: So if you want to go back 6 to the definitions, I believe that's on page 19. 7 No, I am incorrect in that page number. It's on 8 page 22. 9 SENATOR BOYETTE: Page 20 or I have local 10 foundation -- 11 MS. LAWRENCE: Yes. 12 SENATOR BOYETTE: But that's different 13 than state foundation. 14 MS. LAWRENCE: Correct. So page 22 and 15 starting on line three is the state foundation 16 aid, and that is the amount of aid distributed to 17 a school district, it's kind of circular as 18 determined by the state board pursuant to section 19 6. 20 SENATOR BOYETTE: Yes, and I think that's 21 why I was confused. 22 MS. LAWRENCE: Yes. So if you kind of 23 look on that front page of my memo it does have 24 the like mathematical descriptions where you -- 25 what those generally look like and where those</p>	<p>1 they can enter contracts to do so. What the 2 amendment and the bill does it wouldn't count out 3 of state students in the enrollment of the 4 district, but those students could still attend; 5 but that would be up to the local district. 6 SENATOR BOYETTE: And that amendment is 7 not in this section but somewhere else? 8 MS. LAWRENCE: It's in the definitions 9 section. 10 SENATOR BOYETTE: Okay. Okay. And do we 11 know how many out of state students we have? 12 About? 13 MS. LAWRENCE: I would have to defer to 14 the department to answer that question. 15 SENATOR BOYETTE: Okay. 16 THE CHAIRMAN: Senator Goddard. 17 SENATOR GODDARD: Thank you, Mr. Chair. 18 I can just give you one example to give you an 19 idea of border school, border county, 40 of their 20 students in Altamont school district come from out 21 of state. Those children for the most part are 22 children of employees of that school district, or 23 they are children who -- whose parents either own 24 a business or work in the state of Kansas and pay 25 taxes in the state, and that was just one example.</p>



Page 9	Page 11
<p>1 I have five districts that border on the --  2 basically on the Oklahoma border, and all five say  3 that that would really, really hurt them and that  4 the -- those children's parents are contributing  5 to the economy of the state of Kansas. I don't  6 have any particular data or charts or anything but  7 that's what they are telling me.  8 SENATOR BOYETTE: All right. But in our  9 new -- the way this is written in this bill those  10 students wouldn't be counted in (inaudible) there  11 -- there's -- they can come and there's some kind  12 of an agreement but they are not counted?  13 MS. LAWRENCE: Correct.  14 SENATOR BOYETTE: Okay. All right. Page  15 89 has to do with the race track, the Woodlands,  16 and I just didn't know why -- why is that -- I  17 thought it wasn't operating; so help me know why  18 it's in the bill.  19 MS. LAWRENCE: So all of these amendatory  20 sections, nearly all of them are just to update  21 references to the new sections that are created by  22 enacting a new school finance formula. So there's  23 no substantively amended things in these sections  24 that we're discussing. It's all current law.  25 We're just updating the reference to the</p>	<p>1 is on lines one and two they have deleted where  2 interest money goes. I don't know when -- if that  3 was from the House bill, if that's -- I don't know  4 where that comes from; and then my question was so  5 where does the interest money go if that's  6 deleted?  7 MS. LAWRENCE: Again, I'll have to look  8 into (inaudible.)  9 SENATOR BOYETTE: Okay, I'm sorry.  10 MS. LAWRENCE: (Inaudible.)  11 SENATOR BOYETTE: You can tell what I did  12 all weekend. Okay. And I think I'm understanding  13 this right, okay? I have -- I had a -- first I  14 had a question -- and I'm still on that page --  15 about paying for -- this is sections small B and  16 then -- well, basically line 17 through 37. The  17 question was so we -- I say so we pay for student  18 transfer transportation but then in 84 C I think  19 that's clarified at a later place; but can you  20 help us understand if you are a transfer student  21 how we do transportation funding?  22 MS. LAWRENCE: Again, with regard to the  23 specifics of this amendatory section, I will come  24 back and provide you a much clearer answer than I  25 would be able to give on the fly.</p>
<p>1 appropriate new section.  2 SENATOR BOYETTE: But my question is why  3 do we have a reference to the Woodlands? We've  4 just never taken it out? Basically?  5 MS. LAWRENCE: I assume. I'll double  6 check on that and just (inaudible.)  7 SENATOR BOYETTE: Okay.  8 MS. LAWRENCE: But anywhere that we  9 reference any kind of school finance we had to go  10 ahead and -- into that statute and make an update.  11 SENATOR BOYETTE: Okay. Here's this  12 thing, okay. So now I'm on page 94; and I have  13 from sections E and F and my question says, why  14 school of residence for this? So a school is  15 attending a district in a -- in a non-resident,  16 they are not a resident of the district; but what  17 it says is that -- it says that they are going to  18 -- they get a graduation diploma from where their  19 school of residence would be.  20 MS. LAWRENCE: I'll have to look into  21 that a little bit further to give you a better  22 answer on that.  23 SENATOR BOYETTE: Okay. I just -- it  24 would be nice to know because I had no idea about  25 anything like that so. Okay. Then page 96 there</p>	<p>1 SENATOR BOYETTE: Okay. I think it's  2 helpful for us all to know that.  3 UNIDENTIFIED SPEAKER: (Inaudible.)  4 THE CHAIRMAN: Yes.  5 UNIDENTIFIED SPEAKER: (inaudible.)  6 transportation so I'd like to ask a question if  7 that's okay with Senator --  8 SENATOR BOYETTE: It's fine with me. I'm  9 just --  10 UNIDENTIFIED SPEAKER: (Inaudible.)  11 SENATOR BOYETTE: Good.  12 UNIDENTIFIED SPEAKER: Help me understand  13 on page 96 the -- the two and-a-half miles limit  14 for children, how -- is that -- that new,  15 different?  16 MS. LAWRENCE: That is the same as it has  17 been. So for students living beyond that two and-  18 a-half miles the weighting would apply and  19 students living with in that two and-a-half miles  20 districts do not get to count as students who are  21 transported by the district.  22 UNIDENTIFIED SPEAKER: So that's --  23 that's not rural school or -- I mean that applies  24 to both.  25 MS. LAWRENCE: Correct.</p>



1 UNIDENTIFIED SPEAKER: Okay.  
 2 THE CHAIRMAN: Senator Pettey.  
 3 SENATOR PETTEY: And just to follow up on  
 4 that transportation question. So if a district  
 5 allows an out of district student to attend their  
 6 -- within their district, they -- they can  
 7 transport but they don't get any -- any  
 8 transportation funding even if, I mean, well, they  
 9 don't get any transportation funding for that out  
 10 of district student, is that correct?  
 11 MS. LAWRENCE: I would have to defer to  
 12 the department on how all of that is funded, I  
 13 don't know.  
 14 THE CHAIRMAN: Eddy, is that something  
 15 you can help us with? Mr. Dennis, can you give us  
 16 a hand with that one?  
 17 MR. DENNIS: Out of district students are  
 18 not reimbursed. Out of district students are not  
 19 reimbursed.  
 20 SENATOR PETTEY: So you could -- you can  
 21 transport them? You can take them to --  
 22 MR. DENNIS: You can transport them but  
 23 you don't get paid for it.  
 24 SENATOR PETTEY: Thank you.  
 25 THE CHAIRMAN: Senator Estes, did you --

1 general rule you can't ask a kindergartner or  
 2 first grader to walk two and-a-half miles along  
 3 many of our highways and even in the rural areas,  
 4 urban, rural, wherever you are, a lot of them have  
 5 no sidewalks and most communities will do that  
 6 without charge and eat it. Some of the  
 7 metropolitan areas may charge for it.  
 8 SENATOR HENSLEY: Thank you.  
 9 THE CHAIRMAN: Senator Pettey.  
 10 SENATOR PETTEY: Dale, don't go away.  
 11 This is just a follow up question to the earlier  
 12 one about out of state students. So are we -- I  
 13 know we -- are we currently counting them for  
 14 state aid?  
 15 MR. DENNIS: Yes, there's 624 students  
 16 out of state and they are counted like any others.  
 17 There's a little history to that. At one time the  
 18 legislature had adopted a law to put some -- slow  
 19 that down, restrict it, put restrictions on it and  
 20 -- and so forth. The next year they repealed that  
 21 statute before it was implemented. So it's been  
 22 that way for -- in the real world for quite some  
 23 time.  
 24 SENATOR PETTEY: And just to follow up  
 25 with that, so the currently do districts then

1 did you have something earlier on that I skipped  
 2 over you? Senator Hensley?  
 3 SENATOR HENSLEY: Dale, how long has this  
 4 two and-a-half mile provision been in the law?  
 5 MR. DENNIS: Prior to my time. That's a  
 6 long time, Senator.  
 7 SENATOR HENSLEY: Long time.  
 8 MR. DENNIS: It's been there a long time.  
 9 It's -- it's one of the -- we've looked at that  
 10 before, it's one of the higher reimbursements  
 11 mileage wise and there's a state or two at three  
 12 miles, we're about in the top five on the high  
 13 side of that. Most of them are lower than that  
 14 and the theory at that time was a little different  
 15 than it is now.  
 16 SENATOR HENSLEY: But this was all  
 17 included obviously in the 92 school finance bill  
 18 too?  
 19 MR. DENNIS: Yes, it was carried over. I  
 20 think it was adopted somewhere in the mid sixties  
 21 and it carried over and has been -- the two and-a-  
 22 half miles has been there for a long, long time.  
 23 Yes, sir. It hasn't -- it's -- many school  
 24 districts, Senator, transport students that are  
 25 two and-a-half miles, for safety purposes. It's a

1 determine the standard of whether they accept like  
 2 if they are a employee's child or --  
 3 MR. DENNIS: It varies with the school  
 4 district, but the local board decides whether to  
 5 accept them or not accept them; and some have a  
 6 policy they will only accept the students whose  
 7 parents work for the district and the parents live  
 8 out of state, and others, maybe they have parents  
 9 or family work in the district. So it depends on  
 10 board policy and the board decides that when they  
 11 review each application.  
 12 SENATOR PETTEY: Thank you.  
 13 THE CHAIRMAN: Senator Estes.  
 14 SENATOR ESTES: Thank you, Mr. Chairman.  
 15 And I was going to speak with the senator spoke a  
 16 while ago. My particular southern counties are  
 17 also right up against Oklahoma and many of our  
 18 towns are involved in that situation; and many,  
 19 many of our ranchers and farmers own ground both  
 20 sides of the border and you don't even know. I  
 21 mean, you could be on your south part of your  
 22 ranch in Oklahoma and five minutes be in the north  
 23 part in Kansas but -- so they own ground in both  
 24 sides and just -- so they pay taxes on both sides.  
 25 And so they generally send their kids to whichever



1 one happens to be closer, but it's kind of the  
 2 reasoning behind some of that. But there is cross  
 3 compliance the same way with Oklahoma kids come to  
 4 Kansas, Kansas kids sometimes go to Oklahoma, but  
 5 as far as hard numbers I'm trying to get some of  
 6 that for the committee's benefit; but I haven't  
 7 got it yet so, thank you, sir.  
 8 THE CHAIRMAN: Senator Goddard.  
 9 SENATOR GODDARD: Thank you, Mr. Chair.  
 10 My -- my -- I guess I tag on to the last question  
 11 here. Sir, did you say there were 600 and how  
 12 many --  
 13 MR. DENNIS: 624 is what's been reported  
 14 as out of state students attending Kansas schools.  
 15 SENATOR GODDARD: Do we have any numbers  
 16 as Senator Estes said on how many Kansas students  
 17 attend school in adjoining states?  
 18 MR. DENNIS: No, we do not know that. We  
 19 -- it's very difficult to nail that down, because  
 20 like in some of the border counties a student  
 21 might live in Johnson County, Wyandotte County,  
 22 they may not know that student exists. They may  
 23 go over to Missouri, probably not, but there could  
 24 -- it could and they wouldn't know it so -- and if  
 25 you call other states, we've done that before and

1 then there would be the weightings that would go  
 2 with that; but you would have to go through and  
 3 analyze each individual student and we haven't  
 4 done that but you'd be in the 3 to 3.2 million if  
 5 you counted the weightings.  
 6 THE CHAIRMAN: Okay. Thank you. Senator  
 7 Baumgardner.  
 8 SENATOR BAUMGARDNER: Thank you very  
 9 much, Mr. Chair. I think that for many of us we  
 10 are impacted in some manner on this particular  
 11 issue. It isn't just what we are establishing as  
 12 the base funding for the student, but keep in mind  
 13 a lot of these border schools are small schools;  
 14 and so they will be in that low enrollment  
 15 weighting where -- I mean, I -- I did hear from  
 16 South Haven and this year they have 195 students  
 17 but 25 of those are from out of state. And so  
 18 they happen to have that low enrollment weighting  
 19 of the 76 percent and so it is that stacking upon  
 20 stacking, it's the base plus the low enrollment  
 21 weighting, plus special education, plus any of the  
 22 other types of things, free and reduced, things  
 23 like that. So it is --  
 24 MR. DENNIS: One thing, Senator, to help  
 25 you that if you -- if you -- if they lost the 25

1 you don't get a very concrete answer how many we  
 2 have, but we do have some we know that. We even  
 3 have a special law on one case where the kids are  
 4 counted in Kansas and they could get to go -- it's  
 5 been -- it's a law Brown Burr Oak, it's been there  
 6 for years and years, before my time so --  
 7 SENATOR GODDARD: Thank you.  
 8 MR. DENNIS: We don't know exactly.  
 9 SENATOR GODDARD: Okay. Thank you.  
 10 Thank you, Mr. Chair.  
 11 THE CHAIRMAN: Dale, on -- Dale, on that  
 12 subject, if -- let's say that we didn't have any  
 13 Kansas students going the other way just out of  
 14 state students coming in, you said it was 624?  
 15 MR. DENNIS: Yes, sir.  
 16 THE CHAIRMAN: Fully weighted when we get  
 17 through all this, would that be a -- worse case  
 18 basis would that be around six million dollar  
 19 fiscal note if we just wanted to know what the  
 20 cost was?  
 21 MR. DENNIS: I don't think it would be  
 22 that high, because, see, the base on 600 would be  
 23 2.4 million; so it would be closer -- I thought  
 24 you might ask that, Senator, but if you just take  
 25 the base it's like 2.75 million, 2.8 million, and

1 and they stayed in Oklahoma, the low enrollment  
 2 weighting would go up for those that remain,  
 3 remember? It scales down. It goes down to a  
 4 hundred, you know, and so as long as they are  
 5 above a hundred it would -- it would go up, so.  
 6 SENATOR BAUMGARDNER: Well, it would but  
 7 there wouldn't be the base of those --  
 8 MR. DENNIS: That's correct.  
 9 SENATOR BAUMGARDNER: And, you know, I  
 10 think that this is a difficult issue. I think  
 11 that we do need to talk it through and think it  
 12 through; but I would like to remind my fellow  
 13 committee members that, you know, we had folks  
 14 that were here on Friday and they were requesting  
 15 short of an additional billion dollars over the  
 16 course of two years. And so is the six million  
 17 dollars of out of state tuition and weightings,  
 18 you know, is -- is that what's going to make and  
 19 break it? No, it's not; but when we were looking  
 20 at ways of funding Kansas schools and providing  
 21 that education for Kansas students, we do need to  
 22 be looking at all areas. And with regard to  
 23 Kansas kids that go to school elsewhere, we are  
 24 not sending money to those other states, are we,  
 25 sir?



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1 MR. DENNIS: Only one case. There's a  
2 special law.  
3 SENATOR BAUMGARDNER: Right.  
4 MR. DENNIS: -- up in --  
5 SENATOR BAUMGARDNER: (Inaudible.)  
6 MR. DENNIS: -- Burr Oak area which is in  
7 the Mancato School District, and that's the only  
8 one I know about where we're sending by law and we  
9 -- and the district councilman pays for it.  
10 SENATOR BAUMGARDNER: All right. So I  
11 think it's important that we maintain local  
12 control whereas local school districts can decide  
13 what policies they want for out of state students,  
14 but I think we do need to be mindful that all  
15 taxpayers of the state are paying for that.  
16 THE CHAIRMAN: Senator Hensley.  
17 SENATOR HENSLEY: Mr. Chairman, on Friday  
18 you had indicated that if we needed additional  
19 information we could ask for it?  
20 UNIDENTIFIED SPEAKER: That is correct.  
21 SENATOR HENSLEY: And I'm going to ask  
22 Mr. Dennis since he's at the microphone if he  
23 could provide us the various changes in the bill  
24 that currently suggest local property tax changes  
25 and what the potential cost of those changes are.

1 that very worksheet for us showing them what it  
2 would look like if --  
3 SENATOR HENSLEY: We haven't received  
4 that yet.  
5 THE CHAIRMAN: Have not.  
6 SENATOR HENSLEY: Okay.  
7 THE CHAIRMAN: But we will. Maybe save  
8 him a task.  
9 UNIDENTIFIED SPEAKER: We saved Dale some  
10 work here.  
11 THE CHAIRMAN: Yeah.  
12 UNIDENTIFIED SPEAKER: Thank you, Mr.  
13 Chairman.  
14 THE CHAIRMAN: Yep. Senator Boyette,  
15 would you like to continue on yours?  
16 SENATOR BOYETTE: I only had one more and  
17 it is actually for Jason Long, and could he -- if  
18 you would, Jason, help me understand -- it's  
19 section 47 which basically says this is non-  
20 severable. Help me understand why that is. Maybe  
21 its always been, but I'm trying to understand from  
22 a court perspective if not everything in this bill  
23 is right, are we then going to have to just come  
24 back? Or is there anything -- start me through  
25 that.

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1 MR. DENNIS: Like when you say potential  
2 you want me to assume everybody goes like cost of  
3 living --  
4 SENATOR HENSLEY: Yes.  
5 MR. DENNIS: LOB, there's another one,  
6 capital outlay, everybody goes the maximum?  
7 SENATOR HENSLEY: Yes.  
8 MR. DENNIS: Okay.  
9 SENATOR HENSLEY: If you could provide us  
10 -- I presume it would be in the form of a  
11 printout.  
12 MR. DENNIS: Would you wanted a print out  
13 or just state totals?  
14 SENATOR HENSLEY: I think state totals  
15 would probably -- probably be sufficient.  
16 MR. DENNIS: Yeah, okay.  
17 SENATOR HENSLEY: Yeah.  
18 THE CHAIRMAN: Bear with me one second,  
19 Dale. Eddy, the -- the worksheet that you did for  
20 me, would that have the big total in it?  
21 MR. PENNER: Yeah, the -- that would be  
22 implicit in that spreadsheet, yeah.  
23 THE CHAIRMAN: Okay. Senator Hensley,  
24 when we get a little bit further down the road and  
25 people get their questions answered I had Eddy run

1 MR. LONG: So the prior school finance  
2 law, the STFQPA had a non-severability provision  
3 in it. It was a policy decision by the  
4 legislature, and crafting that legislation to  
5 issue its intention that all of it be considered  
6 non-severable so that if any portion were declared  
7 unconstitutional the entire Act would be rendered  
8 unconstitutional and be struck down. The non-  
9 severability provision is in House bill 2410. My  
10 understanding is it probably is for the same  
11 policy reasons but I've not heard that addressed  
12 specifically necessarily in the House K-12  
13 education budget committee. If the committee  
14 desires that certain portions of the Act be  
15 severable if found unconstitutional by the Kansas  
16 Supreme Court, then obviously the bill can be  
17 amended to adjust this provision or any particular  
18 provision of the Act to make it severable from the  
19 remainder of the Act.  
20 SENATOR BOYETTE: So if I'm hearing you  
21 right it was a matter of choice to make it that  
22 way in the past?  
23 MR. LONG: The decision to make an Act  
24 severable or non severable is a policy decision to  
25 be made by the body, yes.



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1 SENATOR BOYETTE: Okay. Thank you very  
 2 much. For the moment --  
 3 MR. LONG: Okay.  
 4 SENATOR BOYETTE: Thank you.  
 5 THE CHAIRMAN: Senator Pettey.  
 6 SENATOR PETTEY: Thank you and I'll just  
 7 go through my list if that's what -- if the Chair  
 8 agrees. So on page three it's -- who does the  
 9 teaching excellence scholarships go to and is it  
 10 -- are they still in the bill? And is it for --  
 11 or is it for national board certified?  
 12 MS. LAWRENCE: I'm going to defer the  
 13 appropriations sections questions to Mr. Penner.  
 14 SENATOR PETTEY: Sorry, Eddy. It's  
 15 page --  
 16 UNIDENTIFIED SPEAKER: Line 27.  
 17 MR. PENNER: My recollection is that that  
 18 line of appropriation is the national board  
 19 certified teachers, and off the top of my head I  
 20 can't say with any certainty whether or not  
 21 there's anything else in that line of  
 22 appropriation, that is a copied over section from  
 23 the Department of Ed section in the mega bill and  
 24 also from the Department of Ed section in the  
 25 House school finance bill.

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1 SENATOR PETTEY: So this would just be  
 2 the funding for that national board certifying me?  
 3 I know that it's spoken -- national board certify  
 4 is spoken to further in the bill, but when I read  
 5 that section I couldn't -- I wasn't -- I wasn't  
 6 sure if this was its funding source. Thank you.  
 7 Page 18 deals with kindergarten and so in as we  
 8 currently have the bill, kindergarten enrollment  
 9 would be figured on the prior year as well?  
 10 MS. LAWRENCE: Correct.  
 11 SENATOR PETTEY: But in order -- I think  
 12 we've had a discussion, in order to get a current  
 13 -- to get a accurate count we probably need to  
 14 change that.  
 15 MS. LAWRENCE: For the first year because  
 16 kindergartners currently are counted as .5 and  
 17 there is funding in this bill to go to a 1 FTE for  
 18 those kindergartners. So in the first year that  
 19 they transition from the .5 to the 1 FTE there  
 20 would need to be an amendment if that was the  
 21 desire of the committee to account for that.  
 22 SENATOR PETTEY: Right. But that doesn't  
 23 -- that doesn't necessarily -- this bill would not  
 24 necessarily dictate to every school district that  
 25 they would have to go to full time kindergarten

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1 next year because they might not have the staff or  
 2 the facility to do that.  
 3 MS. LAWRENCE: Correct. This is for  
 4 school districts that already offer full day  
 5 kindergarten and those kindergartners are only  
 6 counted currently as .5, they would be allowed to  
 7 be counted as one; but this would not dictate a  
 8 school to have an all day kindergarten program or  
 9 for kindergartners who attend kindergarten to be  
 10 all day kindergartners.  
 11 SENATOR PETTEY: Thank you. Okay. Page  
 12 29, new section 14, so it seems that all the  
 13 different fundings seem to refer back to this  
 14 section, so I just need a better understanding of  
 15 that change.  
 16 MS. LAWRENCE: This is the 20 mill tax  
 17 levy section. This is the same as it is  
 18 essentially in current law that would require  
 19 local school districts to levy a 20 mill property  
 20 tax on the property in their district.  
 21 SENATOR PETTEY: And it's referred to as  
 22 new because?  
 23 MS. LAWRENCE: Because we're repealing  
 24 the old one just so that the entire new school  
 25 finance formula sections would all come together

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1 as opposed to be spread out.  
 2 SENATOR PETTEY: And so that's why it's  
 3 repeatedly referred back to in -- I think in --  
 4 trying to think how many times I've seen new  
 5 section 14 referred back to, but any time there  
 6 was something with taxes.  
 7 MS. LAWRENCE: If we would like a little  
 8 bit of clarification I'll defer to Jason.  
 9 MR. LONG: Yes, because this is a long  
 10 standing property tax levied by school districts,  
 11 it's referred to in a number of different statutes  
 12 referring to property taxation, that's why you see  
 13 the numerous references that need to be updated to  
 14 refer to new section 14. The current 20 mill  
 15 property tax statute is actually set to expire on  
 16 June 30th of this year, along with the rest of the  
 17 class act.  
 18 SENATOR PETTEY: Thank you. And then  
 19 page 52, that new section 43. So with -- this  
 20 deals with the report that would come to the --  
 21 that would be submitted by the Department of  
 22 Education. Within that report is there -- am I  
 23 hearing a bell over and over again? Within that  
 24 report is there anything that makes sure that the  
 25 demographics of each school district is included?



1 MS. LAWRENCE: I don't see that as a  
 2 requirement in this report.  
 3 SENATOR PETTEY: It's not there?  
 4 MS. LAWRENCE: No.  
 5 SENATOR PETTEY: Okay. Thank you. And  
 6 then page 56 on the new section 47 of the -- was  
 7 that what Barbara dealt with that?  
 8 UNIDENTIFIED SPEAKER: Uh-huh.  
 9 SENATOR PETTEY: I'm sorry. If I go back  
 10 to my notes I wasn't -- I was listening to you but  
 11 now I'm -- okay, skip that, we've already answered  
 12 that question. Page 58 and 59, new section 51, so  
 13 this specifically -- this specifically deals with  
 14 the surcharge on the utilities?  
 15 MS. LAWRENCE: Section 51 is the utility  
 16 fee.  
 17 SENATOR PETTEY: And so I'm not sure if  
 18 this is a question that (inaudible) asked but on  
 19 page 59 when it talks about the -- the fee that  
 20 would be imposed about line 27, when it talks  
 21 about the fees on water rights, would -- does that  
 22 lead up to having that actually the first bill  
 23 would be 160 dollars? Because it has 120 dollars a  
 24 year but then it says the first payment shall be  
 25 due on or before March 1st but shall be prorated

1 imposed under the cash basis law shall not apply  
 2 to; and then it kind of jumps over to B,  
 3 expenditures in any month by school districts  
 4 which are in excess of current revenues and  
 5 continuing on. So it -- those expenditures, those  
 6 -- the limitations on those expenditures that are  
 7 imposed under the cash basis law would not apply  
 8 to those particular expenditures.  
 9 SENATOR PETTEY: The cash basis law would  
 10 not apply?  
 11 MS. LAWRENCE: Correct.  
 12 SENATOR PETTEY: So it wouldn't -- it  
 13 wouldn't mean if they didn't have enough money?  
 14 MS. LAWRENCE: Right. And again I'll  
 15 just -- this is current law. This is just  
 16 updating the reference to the appropriate section.  
 17 SENATOR PETTEY: Okay. Page 98 and 99  
 18 there are -- there's new language on both page 98  
 19 and 99. 98 is starting in line 12, 99 is starting  
 20 in line 8. Could you just clarify the meaning of  
 21 those two sections? It's letter C on page 98 and  
 22 it's letter D on page 99.  
 23 MS. LAWRENCE: So I think subsection C is  
 24 kind of referring back to what we were talking  
 25 about earlier in that a student if they are

1 for calendar year 2017 and shall be 40 dollars.  
 2 So is that 40 dollars tacked on to the 120 dollars  
 3 so it would actually be 160 dollars?  
 4 MS. LAWRENCE: If the utility was not  
 5 able to start on September 1st collecting that fee  
 6 then -- and it started in March of collecting that  
 7 fee, it would pick up everything from September to  
 8 March. So yes, it would be a higher fee.  
 9 SENATOR PETTEY: Kind of like it would be  
 10 a higher fee for all the other ones because they  
 11 wouldn't be able to actually reflect them on the  
 12 bills so instead of it being a 225 it would be a  
 13 13 dollar the -- I think that was right, 13  
 14 dollars the first time, that's the same thing?  
 15 MS. LAWRENCE: Yeah, it's the same idea.  
 16 SENATOR PETTEY: So -- okay, so I'll -- I  
 17 won't -- I won't delay. I won't hammer that any  
 18 longer.  
 19 On page 61 what does letter B mean?  
 20 MS. LAWRENCE: Which letter B?  
 21 SENATOR PETTEY: I'm sorry. Page 61,  
 22 letter B starting on line five.  
 23 MS. LAWRENCE: Line five. Okay, so if  
 24 you look back on page 60 kind of starting there at  
 25 line 26, it says the limitations on expenditures

1 provided transportation by their district but it's  
 2 not the student's resident school district they  
 3 would not be counted in the school district's  
 4 transportation weighting. So out of district  
 5 students would not count for that weighting.  
 6 SENATOR PETTEY: And so it's just  
 7 reflected as new -- I mean I thought that was  
 8 current policy but that is new policy?  
 9 MS. LAWRENCE: I'm going to --  
 10 MR. LONG: Under the Class Act the  
 11 transportation weightings was repealed and was not  
 12 in statute and so references to a transportation  
 13 weightings were stricken from other statutes in  
 14 existence at the time. With the implementation of  
 15 a transportation weighting, again, under the  
 16 School Finance Act and this bill that language  
 17 that used to be in the statute is being reinserted  
 18 into that statute there and also on page 99. So  
 19 it's the references to transportation weighting  
 20 that used to be in statute when there was a  
 21 transportation weighting are being reinstated  
 22 because the Act now again will use a  
 23 transportation weightings and determining state  
 24 aid for school districts.  
 25 SENATOR PETTEY: So neither of these on



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1 page 98 or 99 are new? So that reference to not  
2 being paid for transporting a student are the  
3 reference to school buses.

4 MR. LONG: They are not currently in  
5 statute and so they are being added to those  
6 statutes and would -- so they appear as new  
7 language in the bill because they are -- would be  
8 added to the statutes under Senate Bill 251.

9 SENATOR PETTEY: So is this presently  
10 just policy?

11 MR. LONG: If you remember the Class Act  
12 fixed the transportation weighting for school  
13 districts as in effect on school year 14- 15  
14 which excluded these costs from transportation  
15 weighting. And so what was in the law prior to  
16 the repeal the STFQPA has just been carried  
17 forward for two years; and now with the  
18 implementation of a new School Finance Act these  
19 provisions are being added back into the statutes  
20 to reference the transportation weighting going  
21 forward.

22 SENATOR PETTEY: Thank you. Then page  
23 102 dealing with -- it'd be the line 11, that  
24 reference to redevelopment districts, is that  
25 current? Is that --

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1 MS. LAWRENCE: That would be new.

2 SENATOR PETTEY: And could you explain  
3 that?

4 MS. LAWRENCE: I'm going to try. I am  
5 not an economic development reviser but I believe  
6 this relates to the -- sort of those tax  
7 abatements that are picked up as well for capital  
8 outlay and 20 mill, this would apply to them and  
9 this is just the date on which that would apply.

10 SENATOR PETTEY: So it would not apply to  
11 anything prior to July 1 of 2017?

12 MS. LAWRENCE: So basically after July 1,  
13 2017, they would no longer receive those  
14 abatements.

15 SENATOR PETTEY: The redevelopment  
16 district would no longer receive them?

17 MS. LAWRENCE: Correct. And I'm going to  
18 get some clarification.

19 MR. LONG: So under 251 the capital  
20 outlay taxes are being excluded from redevelopment  
21 district tax increment financing; and because that  
22 is only prospective change you see the date there  
23 on page 102 on line 12. So for redevelopment  
24 districts created after -- on and after July 1st,  
25 2017, the capital outlay tax levies would not be

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1 included for purposes of the tax increment  
2 financing in those districts.

3 SENATOR PETTEY: Okay. So it's after,  
4 nothing that was prior to that?

5 MR. LONG: That's correct.

6 SENATOR PETTEY: And then on page 103  
7 starting with line 23, so -- dealing with  
8 bilingual funding, so this basically means that  
9 once the money is in the bilingual fund it has to  
10 stay there, it can't be moved to the general fund,  
11 is that correct?

12 MS. LAWRENCE: I believe what this is  
13 saying is that the expenses of the school district  
14 that are for those bilingual education programs  
15 must be paid from the bilingual education fund,  
16 and money that's deposited in or put into that  
17 fund shall only be expended for those purposes.  
18 And I believe there is a funds transfer section  
19 earlier in the bill that I will have to double  
20 check to see exactly what it says; but I do  
21 believe it goes back to the prior STFQPA setup of  
22 how funds could be transferred in and out or  
23 monies could be transferred to and from funds.

24 SENATOR PETTEY: Well, you know, there is  
25 stricken language there. It appears that maybe

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1 the money could have originally been put in  
2 general fund but this says it can't. Is that  
3 correct?

4 MS. LAWRENCE: So I believe the stricken  
5 language says, money deposited in that fund may be  
6 used for the payment directly attributable to  
7 bilingual education or may be transferred to the  
8 general fund. So this one requires that it shall  
9 only be expended for those purposes, and again, I  
10 would have to double check those funds transfer  
11 sections just to clarify exactly for you.

12 SENATOR PETTEY: Okay, thanks. And then  
13 page 105, letter K, so this -- this just goes back  
14 to the definition of what a school year is, is  
15 that correct?

16 MS. LAWRENCE: Correct.

17 SENATOR PETTEY: Okay. Page 108, there's  
18 again a new section from lines 10 to 16.

19 MS. LAWRENCE: Yes. So this would limit  
20 -- we're in the tax credit scholarship program  
21 section and this would limit a scholarship  
22 granting organization. It would have to award at  
23 least 50 percent of those scholarships to students  
24 who are certified by the Department of Children  
25 and Families. So I believe currently it's just



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1 students who -- an eligible student is one who is  
2 just an at risk student. It doesn't have the  
3 specific requirement of being directly certified  
4 by the department.

5 SENATOR PETTEY: When you say certified  
6 does that mean it's actually been a client under  
7 Children and Families, is that what that means?

8 MS. LAWRENCE: Yes.

9 SENATOR PETTEY: Okay. Thank you. And  
10 then page 111, the -- I think that's -- it's the  
11 term real property and that's -- I think you've  
12 already clarified that. Let me see. I think for  
13 the moment that may have covered it. Thank you,  
14 Mr. Chairman.

15 THE CHAIRMAN: Senator Estes.

16 SENATOR ESTES: Thank you, Mr. Chair. I  
17 have some questions. First one I would like to  
18 address would be when it comes to the sunsets. We  
19 had talked about making it so that that gets  
20 studied the year before so as not to get the  
21 schools into a fix. Is that -- did we actually  
22 change that or is that just an idea that we has to  
23 help it out or how did we end up with that?

24 THE CHAIRMAN: Yeah, I believe that was a  
25 conceptual idea that Senator Baumgardner threw

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1 gathered, but --

2 UNIDENTIFIED SPEAKER: Great. Then I  
3 won't bring up the -- the amendments at this  
4 point. And by the way, the amendments, the Chair  
5 is aware of them, I'm not pulling any fast ones  
6 here, but one thing I kind of wonder if we  
7 shouldn't be doing is eliminating that ten percent  
8 floor deal. It's only school districts that --  
9 there's only two school districts it even effects.

10 I'm not sure that is something we need to be  
11 putting in there. I've heard this from lots of  
12 different people, school people, and there's  
13 thought -- my thinking is maybe we should keep the  
14 Special Ed money the same and call for a  
15 legislative study for next year before we launch  
16 into the changing the special ed allocation  
17 process. And I also want to -- I would like to  
18 see the -- the scholarship -- tax scholarship  
19 thing remain currently as it is in current law. I  
20 don't think there's a need to change this. That's  
21 my feeling on it. I will in fact be bringing an  
22 amendment later on that effect; but just to give  
23 you a heads-up on that, folks, in case you want to  
24 discuss it. Severability clause, I think the way  
25 it's always been or the way it's been lately is if

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1 out. The sunsets are in this bill; she was  
2 talking about having a pre-sunset so we don't have  
3 an issue like we're having with Star Bonds as  
4 we --

5 SENATOR ESTES: Right.

6 UNIDENTIFIED SPEAKER: There is a lot of  
7 concern from a lot of different parties about the  
8 sunset. It's scaring a lot of folks to death  
9 because they don't understand the theory behind  
10 it, and even those that do when you've heard it,  
11 it puts it up right up against them again. And I  
12 thought our idea -- her idea of doing it the year  
13 before was fine but I would assume we would need  
14 to get that somewhere written down so that  
15 actually happens rather than, you know, that's one  
16 of my concerns. Now we won't be -- this  
17 conversation, do you expect us to introduce  
18 amendments now or later on, how do you want to  
19 handle things like that?

20 THE CHAIRMAN: What I would like to do,  
21 Committee, on amendments I'd like to continue with  
22 this due diligence data gathering; and then once  
23 we get to the point and we may reach it today, but  
24 if we don't then I would like the amendments to  
25 start coming after we've got all of our data

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1 one part's unconstitutional that piece can be  
2 fixed, it's not the whole thing gets thrown out.  
3 I think in this -- in our proposal, is it not,  
4 that if one part's unconstitutional the whole  
5 thing is unconstitutional? Is that good -- give  
6 me some upgrade on this, folks, is that a good  
7 idea or is it not?

8 THE CHAIRMAN: Senator King, do you want  
9 to weigh in on that for us?

10 SENATOR KING: The only extent to which I  
11 feel comfortable weighing in is just looking at  
12 what the court did in the Montoy litigation. This  
13 non-severability provision is not new for this  
14 bill. My understanding is a similar provision was  
15 in the legislation, I should say the multiple  
16 iterations of legislation that were considered by  
17 the court in Montoy. In that case in the next to  
18 last Gannon opinion notwithstanding the non-  
19 severability provision, the Court actually took  
20 certain pieces of the legislation and stayed those  
21 pieces and allowed the rest of the legislation to  
22 move forward, but first on a temporary basis, then  
23 permanently. As well to the opposite extent in  
24 the equity suit that we just went through, there  
25 was a severability clause in that legislation and



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1 the Court declared the entire structure of it  
2 unconstitutional as a whole. It elected not to  
3 sever certain portions. So a long way of saying  
4 the existence of a severability or a non-  
5 severability clause is a factor considered by a  
6 Court but as has been shown many times  
7 particularly in school finance, litigation, the  
8 Courts don't always follow that suggestion.

9 UNIDENTIFIED SPEAKER: Okay. One other  
10 point, in talking about the utility bill part of  
11 this, I've done some research on the thing and the  
12 irrigation part of it actually, it really isn't  
13 even germane to what we were trying to do with the  
14 utility part, and that got put in there. So it  
15 has nothing to do with utility bills or anything  
16 else, as far as relating to the idea of the fee  
17 for utility bills. So I will in fact have a -- an  
18 amendment to propose to remove that part of it.  
19 Also there will be one that will clarify to  
20 everybody, hopefully, just exactly how this  
21 applies to each individual homeowner whether  
22 you're a farmer, whether you're a -- whoever you  
23 are, whether you've gotten multiple hook-ups in  
24 town or what, but just to make it very, very clear  
25 to everyone that -- how that was actually intended

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1 of the CPI for the midwest region for the three  
2 immediately preceding school years. So I'd ask  
3 him to do a calculation for maybe the next three  
4 years using that formula, because we had that  
5 calculation in the House bill for the five years.  
6 So could you do that for us, Eddy? I mean, you  
7 don't have to do it right now but just --

8 MR. PENNER: I would just need clarity on  
9 what you would want me to assume as the rate of  
10 inflation for --

11 SENATOR HENSLEY: The 1.5.

12 MR. PENNER: The 1.5, same as the House?

13 SENATOR HENSLEY: Yeah, the 1.5 percent  
14 just like you did with the House calculation.

15 MR. PENNER: I can do that.

16 SENATOR HENSLEY: Okay, thank you.  
17 Because I don't think we've seen that type of a  
18 projection yet I don't believe.

19 THE CHAIRMAN: Senator Hensley, we have  
20 not. The Kansas Association of School Boards did  
21 put that calculation up for two or three years on  
22 their website, but Eddy can do it for us as well.  
23 It's sitting out there on their website.

24 SENATOR HENSLEY: I didn't see it but I'd  
25 prefer that we get it from legislative research.

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1 to happen. So at the appropriate time we'll bring  
2 that up for -- as well. Thank you, Mr. Chair.

3 THE CHAIRMAN: Senator Estes, on the  
4 special education I know we had the presentation  
5 by Senator Givens. The special ed sets somewhat  
6 out of the formula so we weren't talking about  
7 changing that up inside any legislation; is that  
8 correct, Tamara?

9 MS. LAWRENCE: I believe what I  
10 understood from the senator when he was discussing  
11 it is that his proposal at least for this year was  
12 for the additional 12 million in special education  
13 funding, not the current levels of special  
14 education funding.

15 THE CHAIRMAN: Okay. Committee, any  
16 other questions for staff? Senator Hensley.

17 SENATOR HENSLEY: Mr. Chairman, I was  
18 going to ask Eddy to do a calculation for us on  
19 page 2 of Tamara's memo at the top is the base  
20 aid. And we had gone through this exercise the  
21 other day when we were talking about the House  
22 bill, and I would ask Eddy to -- well, the bill  
23 provides in 17- 18 a base aid of \$4,006 and then  
24 in 2018- 19 it's 4,080, and then each school year  
25 thereafter we would increase the base the average

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1 THE CHAIRMAN: Sure, yeah. So,  
2 Committee, if it's all right with you I had --  
3 Senator Baumgardner, did you have something?

4 SENATOR BAUMGARDNER: (Inaudible.)

5 THE CHAIRMAN: Okay. Let's -- let's go  
6 with the commissioner and then we'll circle back  
7 around with Eddy and these numbers. Senator  
8 Baumgardner.

9 SENATOR BAUMGARDNER: Thank you, Mr.  
10 Chair, and thank you for being here and you're  
11 welcome for me calling you up there. Actually, we  
12 have a couple of things that I would like you to  
13 address, if you would. One of them is to start  
14 off with talk to us about at-risk -- four year old  
15 at risk, four year old at risk pre-K. On the  
16 House side they were setting aside two million  
17 this next year and an additional two million the  
18 year after that so what was that two million based  
19 on and is that really appropriate for the need?  
20 What do you gauge the need being for that -- that  
21 four K -- or four year old at risk?

22 DR. WATSON: Thank you, Sandra. They  
23 base recap of the House did 0.2 million dollars a  
24 year and add two million dollars each year for  
25 five years for a total of two million dollars. I



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1 do not -- I do not know basis for why they came up  
2 with that specific number. I know we had  
3 conversations about four year old at risk  
4 (inaudible) it would seem and I'm  
5 going to -- I'm going to defer to Dale if I say  
6 this inappropriately, but I think about -- if you  
7 were to serve all of the at risk in those  
8 communities (inaudible.)

9 Now, I want to -- I want to clarify those back  
10 to the board's original vision which came out of  
11 what Kansans said. Kansans said we ought to look  
12 at every community and that's the chain of  
13 resources that you'd be working with now deliver  
14 those (inaudible) discussion. So in some  
15 communities it would be -- I'll use my home town  
16 of Coffeyville to scale that up because that  
17 community asked for that. In other communities  
18 you may have (inaudible) providers that are doing  
19 (inaudible) home base provides mom and dad  
20 (inaudible) so the model may look a little  
21 different (inaudible.)

22 SENATOR BAUMGARDNER: So it isn't your  
23 position as commissioner that all at risk four  
24 year old needs to come from the public schools?

25 DR. WATSON: No, that's -- that's

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1 title programs, and those monies then flow  
2 directly in what we call Title I, Title II  
3 schools; and those monies must be allocated in on  
4 a rational basis to go help students that  
5 primarily are not doing well in reading and  
6 mathematics. Now there's some other provisions  
7 within accreditation that also talked about low  
8 graduation rates and how money must be spent if  
9 you're not graduating two-thirds of your students.  
10 There's also provisions in that talk about you  
11 must identify the lowest five percent of schools  
12 academically and provide them even more technical  
13 assistance. The other large part of money that I  
14 think generally by its very definition go to at  
15 risk students that would be students of  
16 disabilities, and that of course is funded in a  
17 whole different program of special education  
18 through IDA. I don't know, I would defer to Mr.  
19 King or others as to what happens to federal  
20 sources of funding if schools are not open.

21 SENATOR BAUMGARDNER: Talk to us about  
22 row standards and, you know, when we kind of go  
23 through that list of row standards some folks say,  
24 well, how is that really quantifiable? And so how  
25 is it that the Department of Education is going to

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1 (inaudible.)

2 SENATOR BAUMGARDNER: Thank you.

3 DR. WATSON: That is not what Kansans  
4 said.

5 SENATOR BAUMGARDNER: Okay. Okay. Thank  
6 you, I appreciate that. We're going to move on to  
7 the next question and that has to do with, you  
8 know, kind of what we all know is that the courts  
9 are expecting a reasonable funding formula to get  
10 to them before the June 30th. So talk to us about  
11 what is at risk other than parents being concerned  
12 about what are we -- where our kids going to be  
13 and teachers being concerned do I have a job, but  
14 talk to us about what's at risk with regard to  
15 federal funds and federal obligations if the  
16 courts don't give us the okay for -- by July 1 and  
17 if in fact they say, no, we're going to close  
18 schools until it meets our expectations. So from  
19 that federal standpoint.

20 DR. WATSON: Well I can -- I can review  
21 with you the sources of -- of federal money that  
22 go toward at risk populations. I don't know I  
23 would need a scholar well above my pay grade to  
24 tell you what happens to that if schools were not  
25 -- not to be opened. Primarily, those fall on the

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1 quantify some of those what seems sometimes a  
2 little esoteric, some of those row standards.

3 DR. WATSON: We refer to those as Rose  
4 capacities and that's just our terminology between  
5 a standard and a capacity; but they are the  
6 underpinnings of the accreditation system. And so  
7 what we're looking at as we move forward is the  
8 state board has identified five areas that make up  
9 what a successful high school graduate should look  
10 like, and those are academic skills which has been  
11 our primary focus entirely over the last 15 years  
12 or so. We've just been solely focused on that.  
13 But then cognitive, technical, employability and  
14 civic engagement. They have also said based upon  
15 feedback that we received that social emotional  
16 growth should be present as should an individual  
17 plan of study or a thought to the future. The  
18 Rose capacity spoke a lot to that vocational and  
19 technical and that thought to the future. I  
20 shared with the committee previously how we're  
21 taking a look at graduation with post-secondary  
22 success. That measure in noting that's it's about  
23 46 percent of our five year average right now  
24 speaks to us as to what should happen as we  
25 backward map that all the way down into pre-K and



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1 early childhood, and speaks then to look at those  
 2 what we call those seven domain areas and say  
 3 where is Randy Watson strong and weak? Where is  
 4 Senator Baumgardner strong and weak? And then how  
 5 do we adjust the system to make sure that they are  
 6 ready when they leave us for whatever they choose  
 7 to be their plan of study. If you encompass all  
 8 of that you start to get to what the Rose capacity  
 9 speak of, which is how do you help in all those  
 10 capacity students to be successful later on in  
 11 life? That's what the Rose capacity speak to and  
 12 I think that's what the state board tried to put  
 13 together after listening to Kansans as they put  
 14 together their accreditation system.

15 SENATOR BAUMGARDNER: My next question  
 16 has to do with, you know, the -- the courts talked  
 17 about making sure that we were addressing the very  
 18 different but specific needs of that lower 25  
 19 percent students, and one of the things that is  
 20 definitely in Senate Bill 2151 is that aspect of  
 21 the all day kindergarten funding, the one FTE for  
 22 kindergarten, to free up at risk funding that was  
 23 often being used to kind of offset that all day  
 24 kindergarten cost. So when we looking at other  
 25 weightings they are pretty easy to verify or to

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1 audit as far as transportation and things like  
 2 that, but when we swing into that at risk  
 3 weighting going toward the needs of -- of kids,  
 4 what is going to be in place so that we can audit  
 5 that spending for the child if they are -- if it's  
 6 a child with a disability, we have the IEP but we  
 7 don't have that tool or document, if you will, for  
 8 at risk. So what do you foresee is going to be  
 9 available to audit or to verify when we broaden  
 10 that scope for the at risk funding?

11 DR. WATSON: Prior to the last two years  
 12 where we set aside the old formula and we had the  
 13 bought formula, we had in the old law by statute  
 14 that the state board would enact a system of how  
 15 at risk money and where at risk money could be  
 16 spent, and then that would be audited. We would  
 17 continue to do so. What's interesting and I was  
 18 just having this conversation with Representative  
 19 (inaudible) on the way here is that students come  
 20 in and out of that what we call at risk. Now some  
 21 stay there longer than we would like and some move  
 22 in and out, and I was -- I was just smiling as  
 23 before I came up because of tweeted out a picture  
 24 of a young lady that I helped tremendously in  
 25 McPherson who just walked across the stage at

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1 University of Kansas with her degree in  
 2 psychology, and she was an at risk student by --  
 3 not by academics but by many other factors. And  
 4 so what we would -- what we would do is we would  
 5 look at those -- those at risk programing, at risk  
 6 functions that -- that state board would define  
 7 and then we would audit those students that go in  
 8 and out of those programs of need. That's what we  
 9 did in the past. We asked for, you know, in that  
 10 case who was -- who was in all day kindergarten,  
 11 you know, because it was being used, but if you're  
 12 in a remedial reading or maybe you're seeing a  
 13 counselor because of social emotional help in  
 14 addition to regular counseling procedures, so with  
 15 at risk you have some things that are preventative  
 16 in order to get students there and then you have  
 17 some things that we would call additional help or  
 18 remedial to assist.

19 SENATOR BAUMGARDNER: If you don't mind  
 20 could we go back to the Rose capacities just for a  
 21 minute?

22 DR. WATSON: Yes, ma'am.

23 SENATOR BAUMGARDNER: Do you envision, is  
 24 it possible potentially that a school district  
 25 might lose accreditation based on their failure to

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1 meet the Rose capacities in one or more of their  
 2 buildings? Is that even possible?

3 DR. WATSON: Well, the accreditation's by  
 4 district.

5 SENATOR BAUMGARDNER: Right.

6 DR. WATSON: And the district will have  
 7 to prove that all of their buildings are reaching  
 8 appropriate gains. I would refer you again back  
 9 to this page. Here are the Rose capacities and  
 10 the underpinnings of it. We're measuring this  
 11 whole -- excuse me, this half so we're -- we're  
 12 not attempting to measure specifically the Rose  
 13 capacities, we're doing it through the board  
 14 outcomes moving forward. And it is -- it is  
 15 possible that school districts could either be  
 16 conditionally accredited or not reach their  
 17 accreditation based upon these board outcomes  
 18 which are directly aligned to the Rose capacities.

19 SENATOR BAUMGARDNER: Okay. And I  
 20 guess --

21 DR. WATSON: Everything that was built  
 22 here was built on the foundation.

23 SENATOR BAUMGARDNER: On that foundation  
 24 of --

25 DR. WATSON: -- of the Rose capacities.



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1 So yes, if you're looking at can you tell me how  
 2 we're going to measure each one of those, it's  
 3 measured within a more complex system but it would  
 4 build upon that as the foundational structure.  
 5 SENATOR BAUMGARDNER: Okay. And one last  
 6 thing. You heard me speak to a little bit earlier  
 7 today but, you know, we did have several districts  
 8 that came forward and they were roughly, they were  
 9 asking for roughly over the course of two years  
 10 nearly an additional billion dollars. So talk to  
 11 us about -- because I know in meetings and  
 12 conversations with you before you have shared  
 13 that, you know, some districts are going to kind  
 14 of be spinning and wondering how exactly with this  
 15 increase in funding how are we going to use it  
 16 well, use it appropriately for the needs of our  
 17 students. So what's the down side of suddenly  
 18 here's a half a billion dollars to spread out  
 19 there, and what's the up side of kind of pacing it  
 20 over the course of a couple years?  
 21 DR. WATSON: Well, the up side to  
 22 additional funding is many of the programs that  
 23 either have been postponed or put aside, have been  
 24 cut, can be reinstated. So when we talked, one of  
 25 the things that I hear from teachers a great deal

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1 is class size has risen in some cases what they  
 2 would proceed to be extremely too high, and I hear  
 3 that from parents. Excuse me. So there may be --  
 4 we're going to hire back some additional teachers  
 5 in order to lower class size.  
 6 As you know the public said we'd like to have  
 7 counselors and social workers and school psychs  
 8 working directly with students instead of scaling  
 9 that up. If you infused all of that money in one  
 10 year we don't have enough people in the pipeline  
 11 to actually put that in place. So by -- by moving  
 12 that over two years which was the state board's  
 13 recommendation or even, you know, longer that  
 14 would be something that you and the courts would  
 15 have to decide, allows for more of a stage-in of  
 16 that, also allows hopefully the pipeline to get  
 17 caught back up as to what we'll need. It's going  
 18 to be interesting because I know as -- sitting as  
 19 superintendent we spent a lot of years worrying  
 20 about how we were cutting the budget. It would be  
 21 a different aspect as we learn -- look at how they  
 22 are going to -- to raise those budgets including  
 23 raising salaries, et cetera. So when the state  
 24 board took a look at their proposal to the  
 25 governor and to you, they simply looked at two

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1 broad things, they looked at their accreditation  
 2 and where they wanted to go, and they did not have  
 3 the Supreme Court decision laying in front of them  
 4 at that time. So they looked at the three judge  
 5 panel and said, based upon where we think we need  
 6 to go and the three judge panel, this would be the  
 7 recommendation that we would give as to a budget,  
 8 And it was a multiple year budget.  
 9 SENATOR BAUMGARDNER: Thank you very  
 10 much.  
 11 DR. WATSON: Thank you.  
 12 THE CHAIRMAN: Thank you, Randy.  
 13 DR. WATSON: Thank you.  
 14 THE CHAIRMAN: Senator Boyette.  
 15 SENATOR BOYETTE: Thank you. I thought  
 16 you understood my signals. Thank you, Madam, or  
 17 Mr. Chairman. This chart is wonderful to me and  
 18 really sets out a plan for the state; and my -- I  
 19 don't know if it's a question or comment and I  
 20 need your input to this. When we look at this  
 21 bill 251 as written, it puts down a definition of  
 22 success to establish adequate funding based on  
 23 four outcomes, of which they are only part of one  
 24 in this plan. And so it would be helpful for me  
 25 to hear from you how you picture the board

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1 participating in what makes a successful school  
 2 and what you would like to see us doing as we move  
 3 forward to ensure that.  
 4 DR. WATSON: Well, we have embarked  
 5 outside of thinking about funding on how do we  
 6 help each student be successful? That's been our  
 7 sole focus, and it's been our focus and as we went  
 8 around and listened to Kansans talk about how to  
 9 do that that's been how we built this system. So  
 10 when we look at that we're saying that most  
 11 students are going to need to move beyond high  
 12 school and have some preparation beyond high  
 13 school, not all. Those that do not need to have a  
 14 really good plan of what they are going to do, but  
 15 most do. And so when we look at that and say  
 16 right now that's about 46 percent of our students  
 17 are going on -- graduating high school and going  
 18 on to be successful, we need to raise that number  
 19 to meet the economic demands to about 70 to 75.  
 20 The big question is why aren't they going on  
 21 to that next level? That's a multitude of answers  
 22 that just don't rely on academic success. So  
 23 we're trying to help people understand as valuable  
 24 as academic success is, if it were all that we  
 25 needed to do, we would see the results that we



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1 want by simply focusing on reading and math. We  
 2 have not. We've spent over 15 years solely  
 3 focused on reading and math at the exclusion of  
 4 other things. So not only did Kansans say we  
 5 balance this system, get us balanced back, we know  
 6 that students need much more than just knowing how  
 7 to do reading and mathematics to be successful  
 8 when they leave us. That's the complexity of what  
 9 we look at.

10 Now to get to the funding question, so we --  
 11 we continue to spend all of our efforts along how  
 12 to do that we will get more sophisticated in  
 13 learning about -- about those things as we move  
 14 into future years. We -- I think when the state  
 15 board set forth their budget I think there was a  
 16 premise and it was never said, Senator Boyette, so  
 17 I'm a little bit out on a limb here, I think I'm  
 18 reading what they were saying is, if there were  
 19 increased funding school districts locally in  
 20 conjunction with this accreditation model would  
 21 move toward having those kids be successful,  
 22 wouldn't have to be pinpointed in statute on how  
 23 to do it, it would be done through this model, if  
 24 that makes sense. That's difficult if you're  
 25 looking at accord and, saying where should we pin

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1 my understanding that we use low -- or poverty  
 2 levels essentially as a proxy for at risk for the  
 3 amount we need, but really students who are at  
 4 risk, I mean, if you used something like the Aces  
 5 criteria or there are -- would -- could be a lot  
 6 of ways to identify. And this has been one that  
 7 has worked and we're -- seem to be comfortable  
 8 with, but it doesn't mean that there aren't  
 9 students as risk in a place that maybe doesn't  
 10 meet the ten percent, would that be a correct  
 11 statement from your perspective?

12 DR. WATSON: Yes, free lunch has been the  
 13 mechanism, as you said, the proxy by which to  
 14 deliver the funds. The delivery of who receives  
 15 those funds have been those students -- and I'll  
 16 go back historically -- that have been under-  
 17 performing academically. We are saying because  
 18 the Rose capacities and because of the focus of  
 19 what Kansans said to the state board we need to  
 20 focus on, that at risk is a broader definition  
 21 today than what -- than what it was in that era  
 22 because we know that students are academically  
 23 prepared and not going on to be successful, that  
 24 there's more to it. So -- so we will use --  
 25 school will use that money in order to make those

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1 point money?  
 2 I think we looked at it a lot differently. We  
 3 simply looked at, how do we help every district  
 4 reach to help every family and student be  
 5 successful, and that what districts were telling  
 6 us if we had more resources with the guidance of  
 7 the State Board of Education we could get there.  
 8 So that's a really general answer but it really  
 9 has been very general; and I know the last several  
 10 months or weeks since the court ruled -- made  
 11 their decision, the focus has been on pinpointing  
 12 where those dollars go. And we believe in general  
 13 that if -- if base state aid, foundational aid or  
 14 whatever the name is, would increase to the levels  
 15 close with the state board that we could reach  
 16 these complex goals; and it would look different  
 17 in each school district. I hope that answers your  
 18 question because it's just.

19 SENATOR BOYETTE: It does. I just  
 20 need --

21 DR. WATSON: It's different than Senator  
 22 Baumgardner had asked about the focus so.

23 SENATOR BOYETTE: Right. And another  
 24 question it just has to do with an amendment I  
 25 hear is coming relative to at risk funding. It's

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1 decisions on how to best help students reach their  
 2 potential.

3 SENATOR BOYETTE: Thank you.

4 THE CHAIRMAN: Senator Pettey.

5 SENATOR PETTEY: Thank you. And I'll  
 6 just -- I just want to follow up on a couple of --  
 7 you responded about the four year old at risk and  
 8 saying that -- that the State Board of Education  
 9 doesn't necessarily believe that -- that at risk  
 10 four year olds have to all be dealt with through  
 11 the public school system, is that correct?

12 DR. WATSON: That is what Kansans said to  
 13 the State Board of Education, correct.

14 SENATOR PETTEY: But -- but when it comes  
 15 to preschool there -- it is part of the policy  
 16 that it has to be high quality.

17 DR. WATSON: Oh, absolutely.

18 SENATOR PETTEY: That can be just, oh, it  
 19 just be can't be assumed because --

20 DR. WATSON: No, it can't.

21 SENATOR PETTEY: -- it has some big  
 22 factor.

23 DR. WATSON: There's -- so I'm -- I was  
 24 asking a very specific question that Senator  
 25 Baumgardner asked which was the -- the -- the --



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<p>1 the stakeholders in Kansas said get the community 2 together to ascertain where are the kids, why are 3 they coming to school not ready. If you asked 4 then how do you scale that in many communities, 5 the biggest bang for the dollar happens in early 6 birth to five years old. And so in many of our 7 communities, go back to Coffeyville, they said, we 8 have two people working, we can't do this. We 9 need daycare on either side. And so they have 10 scaled universal three and four year old preschool 11 7:00 in the morning to 7:00 at night with daycare 12 all through the summer. That's what that 13 community asked for. If you were in a more highly 14 affluent school district for example, they may say 15 most of our kids are at home. What we need are 16 parents with better skills and maybe you'd want to 17 scale up parents as teachers in those communities. 18 So how you move the funding in early childhood 19 is -- is necessary for -- for communities to be 20 different, but no doubt they have to be quality 21 pre-K experiences for you to see that gain. For 22 example, you can have a student who arrives with a 23 summer birthday, a young man, this happens 24 frequently; and a kindergarten teacher or someone 25 could say, have you thought about keeping the</p>	<p>1 that we have in Kansas each year? Do -- 2 DR. WATSON: I would have to look that 3 up, Senator Pettey. 4 SENATOR PETTEY: But this actually could 5 only provide for about 800 teachers which is under 6 that number I'm sure. 7 DR. WATSON: Yes. 8 SENATOR PETTEY: And when you hear -- 9 when you saw within this bill the -- that funding 10 tool for the surcharge on utilities bills, would 11 it be your assumption that schools would be paying 12 that and has there been any discussion about how 13 much that would be? 14 DR. WATSON: I have not been a part of 15 any discussion with that. It may have come 16 through Craig and Dale's office but I have not 17 been a part of any discussion on -- on whether 18 schools would be charged that. 19 SENATOR PETTEY: Okay. So you haven't 20 had any discussions -- 21 DR. WATSON: I have not been a part of 22 any discussion. 23 SENATOR PETTEY: So maybe Eddy could 24 provide for us what that could cost our school 25 districts if they are paying that surcharge for</p>
Page 62	Page 64
<p>1 student home? They are just not quite ready. 2 Well, if nothing intervenes in that year they 3 would -- they need to be in school and take that 4 student where they are. But if we have proper 5 interventions coming forward, again, whether 6 that's at home, whether it's in a faith base, 7 whether it's at school, with appropriate, you 8 know, training then that's -- that's where the 9 magic would lie in making that happen. 10 SENATOR PETTEY: Because the state board 11 has high quality standards for the four year at 12 risk -- 13 DR. WATSON: Yes. 14 SENATOR PETTEY: -- program as it is? 15 DR. WATSON: Yes. 16 SENATOR PETTEY: So since I got the mic 17 I'm going to follow up with a couple other 18 questions if that's okay with the chairman. 19 THE CHAIRMAN: Just don't make us too 20 late. 21 SENATOR PETTEY: Okay. Because I think 22 they are ones that you can answer. So there's 23 funding in this bill for mentoring. It's 24 \$800,000, but so how many -- what's the average 25 number -- what's the usual number of new teachers</p>	<p>1 water, gas and electric; because I didn't see any 2 place in this bill where they are exempt. 3 MR. PENNER: We can look into it. 4 SENATOR PETTEY: Thank you. And my last 5 question was about section 6, page 24 -- no, I 6 think that's page 24. There's driver's ed spoken 7 to in this bill but we don't fund driver's ed. 8 Anybody? 9 UNIDENTIFIED SPEAKER: (Inaudible.) 10 SENATOR PETTEY: I know it's in here but 11 we don't fund it. 12 THE CHAIRMAN: Would you ask Tamara that 13 question? 14 SENATOR PETTEY: So I think it's page -- 15 I'll look again, section 6 page 24, it speaks to 16 driver's ed but we don't -- is this just carry 17 over language? We don't fund driver's ed. Might 18 be on the wrong page. 19 UNIDENTIFIED SPEAKER: (Inaudible.) 20 SENATOR PETTEY: It's not the right -- 21 maybe it's page 49, sorry. It's line 7. 22 MS. LAWRENCE: Yes, so that just 23 establishes that expenditure fund for school 24 districts. And I believe they already have that 25 fund, but again, we're just re-putting in the</p>



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1 language in this school finance formula.  
 2 SENATOR PETTEY: Even -- so they could  
 3 have a fund from private funds, because we don't  
 4 have any weighting of any type for driver's ed. I  
 5 think Eddy can answer it.  
 6 THE CHAIRMAN: Yeah, Eddy, could you take  
 7 care of that for us?  
 8 MR. PENNER: We actually -- the state  
 9 does have transfers from the -- there's a state  
 10 safety fund and I believe also a motorcycle safety  
 11 fund that -- that the department does distribute  
 12 to the district to go into those funds.  
 13 SENATOR PETTEY: Right. Thank you okay.  
 14 Appreciate that.  
 15 THE CHAIRMAN: Okay, Committee, we need  
 16 to stop for today. We need to be on the floor  
 17 three minutes ago. What we'll do is I know that  
 18 the House is -- has called another conference  
 19 committee on tax but we're more than likely going  
 20 to have some committee work. So we're going to  
 21 stop our education work today and start back up at  
 22 1:30 tomorrow; but we're going to work around  
 23 everybody's schedule, that is to say if we have to  
 24 go back on the floor and if we can escape and come  
 25 back here we're going to work most of the

1 afternoon, because I'd like to get most of this  
 2 bill in pretty good shape by the end of the day  
 3 tomorrow. So get ready for a longer day tomorrow.  
 4 We'll be back here at 1:30. Thank you.  
 5 (THEREUPON, the recording ended.)  
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1 CERTIFICATE  
 2 STATE OF KANSAS  
 3 SS:  
 4 COUNTY OF SHAWNEE  
 5 I, Annette S. Droste, a Certified Court  
 6 Reporter, Commissioned as such by the  
 7 Supreme Court of the State of Kansas, and  
 8 authorized to take depositions and  
 9 administer oaths within said State pursuant  
 10 to K.S.A 60-228, certify that the foregoing  
 11 was transcribed from audio CD, and that the  
 12 foregoing constitutes a true and accurate  
 13 transcript of the same.  
 14 I further certify that I am not related  
 15 to any of the parties, nor am I an employee  
 16 of or related to any of the attorneys  
 17 representing the parties, and I have no  
 18 financial interest in the outcome of this  
 19 matter.  
 20 Given under my hand and seal this  
 21 13th day of July, 2017.  
 22 .  
 23 Annette S. Droste, C.C.R No. 1301  
 24 .  
 25 .



# Exhibit B

Transcript of July 11, 2017  
KSBE Meeting

STATE OF KANSAS

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The following is a partial transcript  
of the proceedings of the Kansas State Board of  
Education Meeting held on July 11, 2017,  
transcribed from an MP3 file.

1 MR. CHAIRMAN: And now it is time for  
2 the Commissioner's Report, what we have waited  
3 the entire month to hear, sir. So it's all  
4 yours.

5 COMMISSIONER WATSON: Everyone came this  
6 morning. Good. Got here to get a good seat.

7 MR. CHAIRMAN: Jim, did you have a  
8 question or just signing in?

9 JIM: Just signing in.

10 MR. CHAIRMAN: Sorry I interrupted you.

11 COMMISSIONER WATSON: That's all right.  
12 Thank you. Thank you, Mr. Chairman. Good  
13 morning, everyone. It is mid July and summer  
14 has arrived in Kansas, if you didn't notice.  
15 It's that early morning when you walk out, or  
16 late at night, either one, and it just kind of  
17 takes your breath away. Welcome to the sauna.

18 So there are three things that I want  
19 to share with you this morning. Some of what we  
20 are doing in the agency, a little bit about the  
21 redesign, and then some things I think that have  
22 been reported that I want to make sure that  
23 everyone understands. So first of all, you may  
24 or may not remember this, but a little bit over  
25 a year ago I asked CCSSO, that's the

1 organization of the Chief State Officers, to  
2 come in and do a capacity review of our agencies  
3 to tell us where we were strong, where we were  
4 weak and give us recommendations about where to  
5 go for the future. They gave a nice report,  
6 they were here several days.

7 This is one of the summary charts of  
8 that. It said these areas in green they thought  
9 we were doing really well, and this is over a  
10 year ago. Those areas in kind of light green  
11 were really good. Areas in red were where we  
12 had the greatest need. And if you think about  
13 where the red is, primarily it's plan and  
14 deliver. Plan and deliver, right? We had this  
15 vision and this mission we had to plan and  
16 deliver.

17 So we then worked with the  
18 Comprehensive Center and kind of put that, you  
19 know what that is, we are served through the  
20 U.S. Department of Ed in kind of regional  
21 centers, one of those you probably recognize,  
22 it's called RAIL, or when I was still in the  
23 field it was MCRAIL, but RAILS are branches of,  
24 they are areas throughout the country that serve  
25 states in order to do research about best

1 practices and how to help states scale up. We  
2 also are served, maybe lesser known to people in  
3 the field, by what's called the Comprehensive  
4 Center, and those again are regionalized, and we  
5 are part of the Southern Comprehensive Center,  
6 including Oklahoma, Louisiana. And Ken's on  
7 that.

8 VOICE: Central.

9 COMMISSIONER WATSON: Yes, Central  
10 Comprehensive Center. We'll be meeting in Santa  
11 Fe in a month or so. So we asked them, as part  
12 of their grant, would they please come in and  
13 work with us on doing just that, deliver, plan  
14 and deliver your vision in operational terms  
15 within our agency. And so I am not going to go  
16 over this in detail, but we have spent the  
17 entire year in something called Strategic  
18 Performance Management. And if you talk to any  
19 of our people internally they will simply say,  
20 we are going through an SMP process, and you  
21 will go another acronym, don't have no idea what  
22 it means. Strategic performance management is  
23 the system we have been learning about and are  
24 going to be engaged in.

25 And I know this is, but it's taking

1           your vision and mission, we attached some values  
2           of who we are as an agency, the goals, the  
3           strategies, the milestones and all of that are  
4           our operational deadlines and management to make  
5           that happen. And this is just some flow of when  
6           we sent the direction, this is the planning and  
7           more where we are now.

8                         We are at the assigned personnel to the  
9           structure phase and coordinate and make  
10          assignments. And we are in that last two phases  
11          and then we just continue to reevaluate. So  
12          guess what's happening this week? We are  
13          aligning our agency to your vision. And that  
14          always is when we get to that stage, you know, I  
15          have been here now two years, we needed to go  
16          out and learned what Kansas wanted us to do,  
17          make sure we got that done right, how you wanted  
18          to do it and talk about it, and now it's time to  
19          really align to do that work. It's a new era,  
20          it is not a no child left behind era, it's a new  
21          era for us. And so you will be seeing over the  
22          next several weeks people who will have  
23          different titles, moved to better suit what they  
24          do really, really well. We have lots of really  
25          competent people in the agency and you will also

1 see over the next several months some new  
2 people, too.

3 I wanted to let you know this is where  
4 we are at. A lot of internal work that you will  
5 really never see on a daily basis, it's work  
6 that we will make sure we are doing what's best  
7 for your vision and continue to have updates as  
8 we go through it with you.

9 Well, there were seven guys in funny  
10 looking space suits, right? Those mercury,  
11 those kind of look like the Lost In Space suits.  
12 If some of you remember Lost In Space days. I  
13 was trying to remember lost, were they on mars?  
14 Where were they at? What planet were they  
15 stranded on? We'll have to go back, it wasn't  
16 the moon, I don't think, but the robot and they  
17 were lost, they were Lost In Space.

18 Well, these seven astronauts certainly  
19 weren't. They were very brave gentleman and we  
20 are, as of July 11th, just short of one month  
21 out from the August 1 deadline of getting seven  
22 school districts to volunteer for your vision to  
23 spend a year and redesign with some of our  
24 agency in their community, making it their's and  
25 then launching for them a new elementary school

1 and a new secondary school with existing staff,  
2 existing principals, existing school board, no  
3 new money and the existing building that they  
4 are in in the fall of '18.

5 I will tell you that as of this  
6 morning, at least when I came downstairs, we had  
7 four completed applications, and Brad and I have  
8 been on the phone a lot because a lot of votes  
9 were taken last night at Board Meetings, and I  
10 think we'll see several more; but we always  
11 encourage, and this is what we do every time.  
12 We talk to staff and superintendent, school  
13 board members, we would encourage everyone who  
14 has an interest is to go do this.

15 What you have to be, those seven are a  
16 little bit crazy, a little bit okay with the  
17 unknown and a deep desire that we can do this  
18 with your community and with the teachers and  
19 really make this happen. So I want to thank all  
20 the organizations that have participated so far,  
21 and we'll be announcing the seven at this board  
22 meeting next month. So it will be an exciting  
23 time.

24 This never gets old, I say it I think  
25 every time we put it up, and Jim so eloquently

1 read that poem this morning that talked about  
2 children. The very reason all of us are here,  
3 and the very reason that we serve. And Steve  
4 and I were having a brief conversation before,  
5 why we go in to this profession, if you are in  
6 it like I am, you get the opportunity, in fact,  
7 last night, you know, old people on Facebook  
8 hanging out, one of my former students, which I  
9 still, I still call students, Kathy, you  
10 probably do, too; and this one happened to be  
11 52, so I don't know that she enjoyed that, but  
12 she was deciding to go through a new workout  
13 regimen in Wichita. And she had posted, last  
14 time I worked this hard I was, Randy Watson had  
15 done, killed us in volleyball practice in  
16 Andover 30 years ago. So you never, never get  
17 disconnected from the kids that you have in the  
18 classroom or in coaching.

19 And so if anything more, lead the world  
20 I say is nice, it's about the success of each  
21 student, and when you get up in the morning you  
22 ought to know that what you are putting forth,  
23 is that we look at each kid and each family and  
24 try to navigate this really complex journey to  
25 help them in whatever they choose and how they

1 choose to do it and how they choose to go.

2 But recently in the media, and I am not  
3 here to bash the media, I think they do a great  
4 job, I am here to talk about what the media has  
5 been reporting, not the media itself, but the  
6 media reported some things related to your  
7 vision and mission as maybe far reaching, really  
8 out there. And I want to remind people, and  
9 it's the chart that you have in front of you,  
10 and you have many copies of this now. The  
11 accreditation model was about four to five years  
12 in the making when I came here. You know that.  
13 It was long, we made some modifications and  
14 tweaks before we launched, but you know it was  
15 being worked on long in advance.

16 The top part of this was successful  
17 high school graduate, your definition,  
18 established with the Kansas superintendents  
19 maybe four years ago now with a tweak after we  
20 went through the listening tours about civic  
21 engagement and those results are where that  
22 vision took us. The middle part, or the bottom  
23 part, are where school districts and schools are  
24 going to spend their time, that evidence based  
25 practices. And maybe not talked about very

1 much, maybe to my fault, are the foundational  
2 structures.

3 There are two things that happen with  
4 everything that we do about your vision. And  
5 when I am out talking to schools I rarely talk  
6 about it, because I want to talk about where  
7 they live, which is in the classroom and how it  
8 make it happen, but there are two things I want  
9 to be clear today to anyone listening what those  
10 two things are. One, everything we do has the  
11 backbone of ESSA in it. There is not anything  
12 that we are doing that isn't supportive by the  
13 plan that we will submit to the federal  
14 government.

15 But we are not just not reacting to  
16 what the federal government did, we have our own  
17 plan, but the ESSA is embedded in everything we  
18 do, it's foundational. And the second, we don't  
19 talk much about it because it's foundational  
20 about everything we do, are the Rose Capacities.  
21 The Rose Capacities are often called the Rose  
22 Standards, where, as you know, it is discussed  
23 for the first time in Kansas in a lawsuit, but  
24 they are foundational. We don't really identify  
25 the Rose Structures, they are foundational, as

1           are some other things. But I would like for you  
2           to just take a second, and over the next several  
3           months we'll talk about ESSA, but today I would  
4           like you to think about the Rose Capacities and  
5           the Rose Standards. They are not very many.

6                     Here's one, sufficient oral and written  
7           communication skills to engage students in a  
8           complex and rapidly changing civilization. Oral  
9           and written communication skills. Do you see  
10          that anywhere on here in your accreditation  
11          model? Do we ever talk about academics and  
12          cognitive skills that are necessary to go  
13          forward? Do we ever talk about kids that maybe  
14          ought to get speech credit because they are in  
15          FFA, and they are giving speeches all the time,  
16          and that is a communication credit? It's deeply  
17          embedded, oral and written communication skills  
18          in everything we do.

19                    So I don't think it's extra, I think  
20          it's critical. Mission critical. How about  
21          this, how about these two Rose Capacities, which  
22          I think compliment each other, knowledge of  
23          economic social and political systems so  
24          students can make informed choices, and  
25          sufficient understanding of government processes

1           so they understand how that affects their  
2           community, their state and nation. Do you  
3           remember what you did after the visiting and  
4           listening tours after what Kansans said? You  
5           said, let's make sure civic engagement is so  
6           prominent, we'll put it as part of the  
7           definition. Foundational from the Rose  
8           Capacities and Rose Standards, it was mission  
9           critical, from, for Kansans to say we want  
10          people that know how to give back and understand  
11          the system and will serve on a state school  
12          board or a local board or a volunteer commission  
13          or will help at the local Red Cross. But they  
14          will understand how laws are made and they will  
15          understand how to go about the process.  
16          Critical. Not rough, but critical, core.

17                   Or how about this Rose Capacity, the  
18          self knowledge of his or her, let's talk about  
19          the first one. Mental wellness. Do you  
20          remember something called social or emotional?  
21          Can you find that on one of your result  
22          outcomes? You said, hey, Kansans say we need to  
23          pay attention to mental and medical wellness.  
24          And take a look at nutritional wellness, very  
25          much embedded right there in our accreditation

1 model.

2 So often times when people argue about  
3 a math score or a reading score, are they taking  
4 into account the Rose Capacities that clearly  
5 state we ought also be concerned with someone's  
6 mental and physical wellness? Because I will  
7 tell you, we have, even though it's a small,  
8 small percent, any student that takes his or her  
9 life is one too many. And you know in Kansas  
10 this spring we lost three students to suicide.  
11 And everyone takes that very personal if you are  
12 in this business.

13 How about sufficient grounding in the  
14 arts? So that someone can appreciate their own  
15 culture and their own heritage. You heard our  
16 legislature last month, I believe it's last  
17 month, or the month before, talking about  
18 cultural heritage and how important that was to  
19 understand the arts. So are the arts an add on?  
20 Not according to the Rose Capacities. Not  
21 according to how we are looking at the whole  
22 child. It's not an add on. It's essential.

23 And finally, the last two Rose  
24 Standards, sufficient training for preparation  
25 for advanced training in either academic or

1           vocational fields. So that each child can  
2           choose where they want to go and can do so  
3           without remediation. Remember that little term  
4           you put? That they can go to KU and be in a,  
5           you know, in a graduate program and have the  
6           skill set to be successful. That they can go to  
7           welding school and be successful. That they  
8           can, that they, whatever they choose that they  
9           will, that we will provide training and  
10          preparation so that they are ready to be  
11          successful.

12                         And the last one is, sufficient levels  
13          of both of those academic and vocational to  
14          enable every public school student to compete  
15          favorably with their counterparts in academics  
16          or the job market. Welcome to lead the world.  
17          It's not fluff, it's not too ambitious, it is  
18          core to what the Rose Capacities, Kansans and  
19          your vision said. And I just, as I read this  
20          week I thought some people are saying, well,  
21          that's nice, it's just a lot. It is a lot. And  
22          it's being demanded of us and you responded,  
23          probably, I like you, spend our time talking in  
24          teacher language and principal language about  
25          what it means, and how to do it, and we

1 oftentimes don't talk about the ESSA or Rose  
2 Capacities or Standards enough, and other people  
3 like to.

4 So tomorrow Brad's going to walk you  
5 through how our kids are doing in that  
6 preparation, called that post secondary success  
7 measures, he will walk you through and show you  
8 your own school districts that you represent.  
9 Those are the Rose Standards and Rose  
10 Capacities.

11 So I just want to take a few minutes  
12 today, to again emphasize for everyone to  
13 understand that those, that foundation that's on  
14 this sheet, that's about every part of what we  
15 design, is critical for students to be  
16 successful in what they choose to go in to.

17 Mr. Chairman, I would stand for any  
18 questions that you have.

19 MR. CHAIRMAN: I want to go back to the  
20 redesign. I am assuming that we are going to  
21 have more than seven applications. Can you kind  
22 of walk us through the process of choosing the  
23 things you are looking for.

24 COMMISSIONER WATSON: We are looking  
25 for, let's talk about the core requirements.

1           It's August 1 is the deadline, and in the  
2           application the school district's minimal have  
3           to meet these three minimum criteria. They have  
4           to have a public vote by their local board  
5           that's affirmative. So at minimum 4-3, say we  
6           want to do this. So there is a discussion with  
7           the school board.

8                        They have to have an 80 percent vote of  
9           the faculty in the building that they are  
10          proposing for the redesign, not the entire  
11          district if you are a large district like  
12          Wichita, but the specific buildings. Some  
13          cases, many of you know that will be the entire  
14          district, but 80 percent vote. We don't, we  
15          just say have it, school board can validate  
16          that, we don't validate that. And then a letter  
17          of support by a conversation with their local  
18          teacher association, generally that is KMEN. We  
19          need those three things to occur.

20                       And then the application is very  
21          simple. It's described why you want to do this  
22          and what preparation in your community you have  
23          engaged in doing that. We have a small group of  
24          people led by our two redesign people, Jay and  
25          Tammy, a couple of outside people that will

1 review those on August 2nd and that next week  
2 we'll announce them. So we would love to have  
3 15 or 20. At this point we have four.

4 So I was listening to a New York Times  
5 reporter this morning who said, I want to make  
6 sure that what I do is report what we know and  
7 not what we don't know. We have a lot of  
8 interest, Mr. Chairman, we have four completed  
9 applications. So I always say, interest is not  
10 commitment, and we are looking for some people  
11 that are committed and are wanting to do it.  
12 Does that help?

13 MR. CHAIRMAN: Sure. The next one is  
14 not a question, but a statement to the members  
15 of the board. Randy brought up some perhaps  
16 misinterpretations of our vision, and we have a  
17 workshop scheduled for 11:00 o'clock tomorrow  
18 and we are going to expand on that at that time.  
19 That will be the start of that conversation to  
20 see if we want to respond in any way to that,  
21 and that's our decision, you know; but, well, if  
22 that discussion is not very long then the next  
23 thing that we'll discuss is basically how we  
24 each respond to complaints, and how we can maybe  
25 talk about how we can support each other and

1 better ways to do that. Thank you very much. I  
2 see no other questions.

3 COMMISSIONER WATSON: Thank you.

4 MR. CHAIRMAN: I now declare the  
5 citizens open forum of the Kansas State Board of  
6 Education meeting over at 10:26 a.m. The State  
7 Board provides this opportunity for citizens to  
8 share the use of topics of interest or issues  
9 currently being considered by the State Board.  
10 The State Board asks that speakers identify  
11 themselves by name and the name of the group  
12 they represent, if applicable. The State Board  
13 also asks that each speaker focus their remarks  
14 on issues or topics. Personal attacks will not  
15 be tolerated. Each speaker is limited to three  
16 minutes. Any Board questions will be for  
17 clarification only.

18 Our first speaker is Mark Tomlin  
19 followed by Kelly Peace.

20 Mr. Tomlin, welcome to the State Board  
21 of Education.



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# Exhibit C

Transcript of July 12, 2016  
KSBE Meeting

STATE OF KANSAS

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The following is a partial transcript  
of the proceedings of the Kansas State Board of  
Education Meeting held on July 12, 2016,  
transcribed from a youtube link.

1 MR. DENNIS: Okay, Mr. Chairman, are we  
2 ready?

3 MR. CHAIRMAN: Moving on.

4 MR. DENNIS: Moving on. As we go  
5 through this, the only thing I might say as we  
6 go through this, I think this is a very, very  
7 difficult decision you have to make; but a very,  
8 very important decision. Your goal, I would  
9 assume would be is to come up with a  
10 recommendation that would meet the Constitution.  
11 And I will leave that in your eyes as to what  
12 that is, and I will go through that; but the  
13 Supreme Court scheduled hearings September 21st.  
14 They will probably come down with a decision, I  
15 don't know, three to four months later, say four  
16 months later, of January sometime maybe, along  
17 in there, whenever they decide to. But anyway,  
18 it would sure be nice if the recommendations met  
19 the Constitution, whatever that is. And  
20 somebody suggested, and it may be Randy, well,  
21 put in there whatever the Constitution requires,  
22 but you can't do that, you have to put in  
23 numbers.

24 So anyway we'll walk through it and see  
25 where we are. Okay. This is a little history,

1           won't spend much time, this is the Base State  
2           Aid Per Pupil. A little history on that. And  
3           the highest we ever got was 2008-9 as \$4,400.  
4           And they could change the formula and go  
5           altogether different, but whatever they do it's  
6           got to be tied somehow to kids. And probably  
7           there will be a basic amount of so much per  
8           student. \$4,400 that year started out at \$4,433  
9           and cut it to \$4,400. This is what it's been  
10          since then.

11                         BOARD MEMBER: Hold on, last year was --  
12                         (inaudible.)

13                         MR. DENNIS: Correct. Good memory. And  
14           we followed the three year plan until the spring  
15           of '09 when we had a little financial problems  
16           and kept \$4,433 and ended up with \$4,400. Okay?  
17           Here's what it's been since that date, right now  
18           in '14-'15, and it's the same for this year. We  
19           froze it at \$3,852 on the block grant. And  
20           here's some history. We added another year to  
21           it, same thing, just to show the history. Now,  
22           here's, Mr. Chairman, we may want to go through  
23           this and then come back and make decisions, if  
24           that's okay.

25                         MR. CHAIRMAN: Yes, please.

1 MR. DENNIS: All right, now, the  
2 question arises in '17, so this is a two year  
3 budget, '18-'19, fiscal year '18 and fiscal year  
4 '19, not next year, next year was taken care of  
5 with the legislature. So if you go to \$3,852  
6 and you can see the numbers going through, those  
7 numbers have all gotten a little background  
8 behind it.

9 Like last year remember you did a phase  
10 in of 4,420, then went to 41, that's what we had  
11 one time, 43 is what it started the year out,  
12 \$4,492 was in the law and \$4,650 came out of the  
13 Court opinion, the District Court opinion in  
14 December of, what, '14. I believe it was. Page  
15 101 and 105, right in there is where it is.  
16 Anyway, so that's what the cost is. Okay?

17 One more. Now, '18-'19 if you do some  
18 kind of index and say, well, we'll go this  
19 amount this year and another amount next year,  
20 then it shows you there in \$100 increments what  
21 it costs in the second year, '18-'19. I  
22 couldn't do it like I did the first year because  
23 I didn't know what the answer was for the first  
24 year. All right.

25 Supplemental General, the Court just

1 approved going back to the old formula funding  
2 on the equity basis and they funded 466.9  
3 million dollars and that ain't going to go up  
4 very much, that's going to stay, if the base is  
5 frozen. That isn't going it to go up very much  
6 at all. So if you look at the next sheet in  
7 '17-'18-'19 we are only talking a few million  
8 dollars there, that is not big, 466 to 470 to  
9 480. And if you -- this gets a little sticky.  
10 If you raise the base big time, this won't go up  
11 at all, could even go down. Are you with me?  
12 There are some boards if you raise the base  
13 significantly the LOB will go down, okay?

14 This is Capital Outlay State Aid, it  
15 was funded this year, or for next year 50,723  
16 million or 23 million increase, mostly increase  
17 and for the future years all it is is to keep up  
18 with growth, that would be about a couple  
19 million dollars a year. Everything else being  
20 normal.

21 Special Ed we are about 80 percent of  
22 excess costs. You can see that percentages off  
23 to the side, about 80 percent, the law says 92.  
24 We think this coming year will drop a little  
25 bit, not much, so the question arises on

1 options. The law says 92, where do you want it  
2 to be? And we gave you two or three options it  
3 could be any one of those percentages. Go 92  
4 with the law says, you could split it at 85,  
5 maintenance of effort, leave it the same,  
6 theoretically it would be maintenance of effort.  
7 In '18-'19, depends where you start from, but in  
8 '18-'19 to go to 92 percent from where we are  
9 now it would be about 79 million, 85 percent  
10 would be 40 million. But if you go '17-'18 if  
11 you fund that this year 92 percent, then the  
12 next year won't be very much increase at all.  
13 Not much at all. Okay?

14 All day kindergarten. This is not in  
15 the law. The rest of that stuff is law, in the  
16 past some kind of law, this is not in the law.  
17 A lot of districts five percentage, 90 some  
18 percent range provide all day kindergarten, over  
19 90, and if you want to implement it once 90  
20 million, if you implement it over a five-year  
21 period it is about 18 million a year. The other  
22 side of that coin is that if you raise the base  
23 up significantly that number will go up, too.  
24 That number will go up. Okay.

25 Parents as teachers, and you got a

1 little option or two here. Parents as teachers,  
2 this year the legislature changed it from  
3 tobacco money, CIF money, it used to be general  
4 fund, then it went to tobacco money. This year  
5 we went to TANF, Temporary Assistance For Needy  
6 Families. That's a federal, federally funded  
7 now, State law, and we have to meet the  
8 requirements of the Feds. See what that means  
9 is, if you are high income you have to pay.  
10 That's what it boils down to. If you are 200  
11 percent poverty or lower why then you are okay.  
12 You can go on kind of as normal. But if you are  
13 above that then you have to pay.

14 BOARD MEMBER: All or nothing or  
15 prorated?

16 MR. DENNIS: If you get above that  
17 level, above a certain level, you pay whenever,  
18 whatever it is, yeah. Okay. We talked about  
19 this and this program has been, is very cost  
20 effective for if you want to add thousand  
21 children it costs you 460,000, 2,000 is 920,000.  
22 It will be interesting, I don't know how long, I  
23 just want to mention this, how long they  
24 continue to use TANF money, Temporary Assistance  
25 For Needy Families, they are in good shape in

1           that area, how long they can continue to do that  
2           and how long the money lasts. I don't know, up  
3           in the air. That is a legislative decision,  
4           ours is more policy nature.

5           Teacher mentor, by the way, a study was  
6           done by this one time, and I think maybe at the  
7           request of the board on mentors. And the bottom  
8           line was that mentors, teachers coming out if  
9           you assign a mentor, the research show that it  
10          was eight percent fewer losses of teachers. It  
11          had a positive affect of eight percent. So  
12          anyway, but this is by statute, Craig, let's go  
13          to the next one. Not funded. Hasn't been,  
14          would take about 3 million dollars to fund the  
15          teacher mentor program. If you want to go half  
16          of it, million and a half.

17          Professional development, every time I  
18          see this, Ken, I think of Dave Kerr, Dave Kerr  
19          he used to watch this for sure, because he  
20          thought this was a very positive program, if it  
21          was done effectively. And in statute the  
22          formula in statute takes about eight and a half  
23          million to fund it. And there is no money  
24          appropriated, and you could go a lower amount if  
25          you so choose.

1                   Transportation, the board on, at  
2                   selected times, had wanted to lower the mileage  
3                   on reimbursement for transporting the children.  
4                   This came up and got pretty sensitive in some  
5                   communities this year. Money got a little tight  
6                   and some boards chose not to transport students  
7                   under two and a half miles. And where they had  
8                   been doing it in the past. They had a few of  
9                   those. And now you can charge under two and a  
10                  half miles, but if you do that and there are  
11                  eligible for free lunch, you can't charge them.  
12                  So bottom line is, do you want to lower the  
13                  mileage or is that or leave it like it is or  
14                  lower it. All right.

15                  School lunch, the law says 6 cents.  
16                  And it hasn't been funded at 6 cents since  
17                  anybody can remember, and it costs about a  
18                  middle dollars to do that. We need maintenance  
19                  of effort, we don't have to do anything on that,  
20                  okay?

21                  In the past this board has had  
22                  different individuals, and they have done a  
23                  whale of a job, in Ag in the classroom, we get a  
24                  lot of bang for the buck there, they match that  
25                  and over match it. They have a lot of summer

1 programs for teachers, and bottom line is we  
2 have given -- there is no money for that. You  
3 want it to go back to where it used to be.

4 Next. Communities in schools. We gave, we  
5 had \$35,000 and then for two years in a row the  
6 legislature put in 250 and then dropped it.  
7 And then recently, do you want to go back to  
8 what it was? Zero? Nothing? Whatever. All  
9 right.

10 Environmental Ed, remember some of you  
11 board members been around for awhile, they are  
12 kind of Ag in the classroom, did a whale of a  
13 job. They provided a lot of important material  
14 for selected teachers, and working environment  
15 conservation, and I think they gave up and some  
16 people still has an interest in that.

17 National Board Certification, if you  
18 are nationally board certified you get \$1,000  
19 for what, ten years? Ten years. And then you  
20 can recertify. But we didn't have any money  
21 there you can see for a few years and the number  
22 in that program is not as high as you would like  
23 to have it. So it would take about \$47,500 to  
24 fund it and pay the scholarships.

25 PreK pilot. This is new. Notice the

1           TANF? Well, they switched the funding on the  
2           PreK pilot program, it's a program that used to  
3           be over in the children's cabinet. They gave  
4           that to us several years ago as five million  
5           dollars and through the cuts through the year  
6           and this year it took another pretty hefty cut.  
7           It is 4.1 million and that's TANF money. And in  
8           that program most of the kids already qualify  
9           for that, and that PreK pilot goes, it's not all  
10          schools, it's a combination of non profits as  
11          well as schools. It would take \$900,000 to get  
12          it back to where it started.

13                    Technical Ed, by the way that Tech Ed  
14          program was instituted a few years ago and it's  
15          been outstanding program, I think and I think  
16          most everybody I know will tell you that. Where  
17          a kid in high school can go over to the  
18          community college or technical college and there  
19          is no tuition charge while they are in high  
20          school. Well, in that pilot program the  
21          governor wanted to incentivize a little bit, and  
22          provided some money for some transportation.  
23          And the program is growing to the rate of amount  
24          of transportation has been the same, so the  
25          bottom line is, that if we want to fund it at

1 the same level we started out with in '12-'13 it  
2 would take a million 450,000, which would be  
3 about a million dollar increase, a little less  
4 than that, all right?

5 Discretionary grants, these were some  
6 after school grants, it was speculation or  
7 stipulations on all of these. Where some money  
8 goes to schools, some goes to private and its  
9 primary programs have been in existence for  
10 several years and all we do is pay a portion of  
11 it. You will notice up in '10-'11, the dollar  
12 amount was cut in half in '11-'12. The money  
13 got tight. So the option, if you want to go  
14 back to what it was originally in '10-'11. All  
15 right.

16 That's it. Let's go back to the  
17 beginning. Okay. Mr. Chairman, it seems like  
18 it would be appropriate now, and you can tell us  
19 yes or no, to start at the beginning and we try  
20 to make a decision as we go through it so we can  
21 put the budget together.

22 MR. CHAIRMAN: When you say go back to  
23 the beginning you are talking about going back  
24 starting at Base State Aid and go over the  
25 items?

1 MR. DENNIS: One by upon.

2 MR. CHAIRMAN: One by one.

3 MR. DENNIS: Yes, sir.

4 MR. CHAIRMAN: Jim Porter.

5 BOARD MEMBER: (Inaudible.)

6 BOARD MEMBER: Last year my first year  
7 to go through this --

8 MR. CHAIRMAN: Is your mic on.

9 BOARD MEMBER: The blue light is on. Do  
10 you want me to talk louder?

11 MR. CHAIRMAN: No, but speak into it.  
12 There you go.

13 BOARD MEMBER: Last year was my first  
14 year to do this and so I asked the question, I  
15 think I asked the question, about does anybody  
16 pay attention to this? And one of my colleagues  
17 on the table said this is an exercise in  
18 futility, if we expect it to be implemented.  
19 And so I didn't, quite frankly, didn't take it  
20 real seriously. Well, this year I am taking it  
21 real seriously. Because I fear that if we just  
22 say it doesn't matter, or if we say, okay, we  
23 know there is no money, so we aren't going to  
24 get anything, then that would be used by those  
25 who believe we are over funded anyway, and say,

1 even the State Board doesn't believe that there  
2 is a financial crises. I believe that we can be  
3 used.

4 And so I am interested in taking  
5 leadership, and saying we need to know what it  
6 will cost to educate kids. And I don't know the  
7 answer to that, by the way. And whatever it is  
8 we need to ask for it. That's just my --  
9 that's not a motion, that's my opinion.

10 MR. DENNIS: Mr. Chairman, the District  
11 Court opinion, that is a three judge panel,  
12 mentioned three numbers, or two numbers \$4,654  
13 to be precise, I round that off, and the other  
14 one was 49 something. And --

15 MR. CHAIRMAN: Are you talking about  
16 base state?

17 MR. DENNIS: Yes. \$4,654 was one of the  
18 numbers they mentioned, the other one was \$4,980  
19 in the opinion.

20 BOARD MEMBER: How will this be  
21 presented if we don't even know what the formula  
22 is going to be?

23 MR. DENNIS: It will present it on the  
24 number of dollars, it would be kind of patterned  
25 after the old one, and they may change it,

1 change terminology; no doubt they will, but the  
2 real peanut will be the dollars. The Court  
3 will, in my opinion, I don't know what they will  
4 say, but normally they don't tell you a formula,  
5 they will tell you that you meet the  
6 Constitution or you don't. And they did say in  
7 the one opinion, I believe, that the old formula  
8 would meet the test, but they didn't say you  
9 couldn't do another one. So it would be  
10 dollars.

11 BOARD MEMBER: The old formula didn't  
12 meet equity but not the adequacy.

13 MR. DENNIS: That's correct. The equity  
14 piece they said the old formula they thought met  
15 the test and that's what the legislature did.

16 BOARD MEMBER: And the adequacy is a  
17 total unknown.

18 MR. DENNIS: That's correct.

19 BOARD MEMBER: But the District Court  
20 came up with 46 or 49.

21 MR. DENNIS: \$4,650 in one case and  
22 \$4,980 in another, but it depends on what you  
23 do, if you just go straight, I think the \$4,650  
24 is what would be, what you would go to  
25 comparable.

1                   MR. CHAIRMAN: Sally Cauble wants a  
2 clarification.

3                   BOARD MEMBER: I don't want to get lost  
4 on this, so on the \$4,654 and the \$4,980 that  
5 came from a District Court when?

6                   MR. DENNIS: December of '14.

7                   BOARD MEMBER: December of '14, and can  
8 you tell me in December of '14 what the, gosh,  
9 what's that word? Growth of income inflation  
10 would be for today.

11                   MR. DENNIS: It depends where you go  
12 back and where you start when you are okay and  
13 then the consumer price comes forward. The  
14 Court did use the consumer price index in some  
15 of this.

16                   BOARD MEMBER: So from December of '14  
17 to now, what would be that index added to that?

18                   MR. DENNIS: The -- there is a big  
19 variation during that period of time. Like this  
20 year I think is like only one percent. But if  
21 you go back in some of the earlier years, it's  
22 considerably higher. What would you say, John,  
23 four or five, about four or five would be the  
24 highest. Oh, December 14 to now? Oh, December  
25 to '14 to now, that wouldn't be over two and a

1 half to three percent, two and a half percent  
2 probably.

3 MR. CHAIRMAN: Okay, Kathy Busch.

4 BOARD MEMBER: Well, I will start the  
5 ball rolling and make a proposal for this. So  
6 for the '17-'18 school year I am going to  
7 propose \$4,650. And then for '18-'19 I am going  
8 to propose an additional 500.

9 MR. CHAIRMAN: Would you move -- is that  
10 a motion?

11 BOARD MEMBER: That's a motion.

12 MR. CHAIRMAN: That is a motion. So  
13 Kathy Busch has moved that Base State Aid for  
14 the first year \$4,650, and second year increased  
15 by 500 to \$5,150?

16 BOARD MEMBER: That's correct.

17 MR. CHAIRMAN: Do we have a second?  
18 Seconded by Janet Waugh. Okay. Discussion?  
19 Deena, you are down here on this, are we ahead  
20 of you or behind you or different topic?

21 BOARD MEMBER: I am different.

22 MR. CHAIRMAN: Different. Discussion.  
23 Dale, what does that do in terms of additional  
24 costs from where we are today?

25 MR. DENNIS: Additional costs in '17-'18

1           would be about 550. And the year following  
2           would be 347 million more. Okay, 550 plus 347  
3           second more, additional the second year.

4           MR. CHAIRMAN: Okay. So, in essence,  
5           what we are doing this, by saying this, if we  
6           approve Kathy's motion, the motion on the floor,  
7           basically saying we need a tax increase to fund  
8           that?

9           MR. DENNIS: I think there is no doubt  
10          about it, there would have to be a change in the  
11          text structure to fund it.

12          MR. CHAIRMAN: Just to be clear, it's a  
13          reality we all live with.

14          MR. DENNIS: Yes.

15          MR. CHAIRMAN: Okay. Discussion. Steve  
16          Roberts.

17          BOARD MEMBER: Yeah, I would like to get  
18          in to one of the issues that Jim Porter raised.  
19          I don't want to treat this like an exercise in  
20          futility, because it's an important issue, but  
21          since folks across the street are responsible  
22          for the budget and we are responsible for  
23          stewardship of the schools, I fail to see the  
24          value of this exercise. Could you --

25          MR. CHAIRMAN: The one compelling reason

1 we are doing this is because we are obliged by  
2 the legislature to do it by law. We have to  
3 give them a recommendation. Now, we are not, we  
4 are not, we obviously don't have taxation  
5 responsibility, or authority; but we are  
6 recommending to them. Hence, Jim's other  
7 statement in years past it has been an hour or  
8 so of futility, because, you know, they just do  
9 what they want. But the circumstances, as  
10 described to us by Mr. Porter and Mr. Dennis, is  
11 that the state is on a new level of reality  
12 because of the new, because of the case coming  
13 before the Supreme Court.

14 BOARD MEMBER: Might it be prudent that  
15 we reach, in a slightly different direction, and  
16 be a little more aspirational here like the big  
17 pot of money should follow the student and small  
18 pot be local, get in to that? It seems to me  
19 like this has been done before and I don't know  
20 how that is --

21 MR. CHAIRMAN: The law asks us to give a  
22 recommended number for these categories.

23 BOARD MEMBER: Thank you, Mr. Chair.

24 MR. CHAIRMAN: That would be a  
25 different. Other discussion? I asked Deena if

1 she wanted to speak and she is on a different  
2 topic. Maybe not.

3 BOARD MEMBER: When making this  
4 recommendation this actually goes to the  
5 governor, am I correct?

6 MR. DENNIS: It goes to the budget  
7 director who works for the governor.

8 BOARD MEMBER: Right. It doesn't go to  
9 the legislature unless we specifically take it  
10 to them?

11 MR. DENNIS: No. It goes automatically  
12 to the legislature also, when we submit a copy  
13 it goes to the legislature.

14 BOARD MEMBER: But the budget itself is  
15 submitted to the governor and it is submitted to  
16 the legislature?

17 MR. DENNIS: We submit a budget to the  
18 budget director, who represents the governor,  
19 and he will review that and the governor then  
20 will make recommendations to the legislature;  
21 but the legislative staff gets a copy of the  
22 budget also. They get a copy the same time the  
23 budget director does, both get a copy, but then  
24 the governor makes recommendation to the  
25 legislature, that's true. In the State of the

1 State.

2 BOARD MEMBER: I guess having served in  
3 the legislature when we went through this  
4 previously, we eased things in. We didn't do  
5 the whole enchilada at once. And the Court at  
6 that time said that they agreed with that. What  
7 that was the \$4,433. And as I understand the  
8 lawsuit itself, is based on the fact that the  
9 legislature never went back to that \$4,433 and  
10 filled it in in that regard, and instead kept  
11 cutting instead of adding. Am I correct in that  
12 understanding?

13 MR. DENNIS: Yes. I think that's  
14 correct. They agreed to a three year plan,  
15 \$4,433 was the third year of the plan.

16 BOARD MEMBER: Right.

17 MR. DENNIS: But since then, it's gone  
18 down and we came back up a little bit. But it  
19 dropped down to -- Craig, go back to 37 --

20 BOARD MEMBER: \$3,780 and then started  
21 coming back up?

22 MR. DENNIS: Right. That's correct.  
23 That's correct.

24 BOARD MEMBER: I guess my thought is  
25 that I think realistically you have to think

1           about kids. This is about kids, but at the same  
2           time kids' parents are the ones who will, and  
3           families, will be paying that income tax. And  
4           will that take away from their ability to  
5           operate as family, as we would hope they would,  
6           with the income that they have? Because I would  
7           suspect how much has been actually cut in taxes  
8           since that percent, that amount that we would  
9           have, we would be taking in?

10           MR. DENNIS: I thought you might,  
11           somebody might ask that. I just checked that  
12           out just recently. And according to the  
13           legislature's tax expert, the tax structure has  
14           remained the same as it was prior to '12.

15           BOARD MEMBER: Right.

16           MR. DENNIS: Last year we collected 920  
17           million additional. That's calculated numbers.

18           BOARD MEMBER: So we could cover, cover  
19           this amount, if they would refer back to the old  
20           tax structure; however, it takes a year to  
21           really collect that.

22           MR. DENNIS: Yeah, when you do the  
23           income tax it takes you awhile because you have  
24           withholding and several issues involved, and a  
25           collection process; but within a year, plus

1 year, year plus you eventually would get the  
2 money.

3 BOARD MEMBER: So you really need to  
4 look at like an 18 month component because you  
5 really don't collect the taxes until at least  
6 April.

7 MR. DENNIS: That would be probably  
8 right about 18 months before you get the income  
9 tax in.

10 BOARD MEMBER: Except for the late  
11 filers, that would be reasonable.

12 BOARD MEMBER: So just from a realistic  
13 point of view, we probably wouldn't match that  
14 900 million until the second, the second year.  
15 Would we match the 550 million?

16 MR. DENNIS: What he said was that's  
17 what it would have been had it been in effect  
18 that whole year, so, oh, yeah, you would get the  
19 550. I am not an expert but I know that much.

20 BOARD MEMBER: By April. Okay.

21 MR. CHAIRMAN: Janet Waugh.

22 BOARD MEMBER: Thank you, Mr. Chair.  
23 That previous issued every year, the one before,  
24 okay, 8-9 where we were at \$4,400, what were  
25 they increasing at that time?

1 MR. DENNIS: That's a good point. The  
2 old court case was a little different. It  
3 centered a lot on adequacy and equality for at  
4 risk and Special Ed. At risk and Special Ed was  
5 the big grabbers. The base was going up about  
6 \$5,800 a year, take a dollar or two, \$5,800 a  
7 year; but the big increase was Special Ed and at  
8 risk. Those two issues the court's been pretty  
9 clear about.

10 BOARD MEMBER: (Inaudible.)

11 MR. DENNIS: Yes. Yes. They increased  
12 it over a period of time, Mr. Porter, it went up  
13 to like the waiting now on that risk '14-'15 was  
14 .456, I believe and Special Ed was funded about  
15 82 percent at that time.

16 BOARD MEMBER: (Inaudible.)

17 MR. DENNIS: I believe that would be  
18 correct. It's frozen.

19 BOARD MEMBER: So I guess the point I am  
20 trying to make, I guess had we increased it by  
21 50 a year it would be another \$400, right? So  
22 4,800, approximately? 58 would be more than  
23 400, wouldn't it, eight years, 900?

24 MR. DENNIS: Nine years you are looking  
25 at '17-'18, so nine years, and you have roughly

1           \$60, \$58, \$59, so 60 bucks \$540. So less than  
2           that.

3                   BOARD MEMBER: So it would be 49. So 46  
4           is what we are recommending; is that correct?

5                   MR. DENNIS: 4,650.

6                   BOARD MEMBER: So it was 4,650 so  
7           really it is under what they maintained from  
8           what we were doing at that point. I guess  
9           that's the point I am trying to make.

10                   MR. CHAIRMAN: Well, 2018 the motion  
11           indicates \$500 increase in the second year of  
12           2018, which would take it to \$5,150.

13                   BOARD MEMBER: That would still be  
14           approximately what they were getting.

15                   MR. CHAIRMAN: Approximately catch them  
16           up.

17                   BOARD MEMBER: I guess --

18                   MR. CHAIRMAN: Two years.

19                   BOARD MEMBER: -- I know this is a  
20           sizable amount of money, but I also believe it  
21           can be done if they reinstate that one tax that  
22           they cut. But I also believe, more importantly,  
23           that anything that this board of anyone in this  
24           state needs to support is funding our schools.  
25           And as much as they have been cut as much as

1           this happened, I think it's just, we need to  
2           make a strong statement. And I believe, I am  
3           not a lawyer, but apparently the lower court has  
4           said this is constitutional, so if they are  
5           lawyers they know a lot more than me, but anyway  
6           I would agree this is the way to go. Thank you.

7           MR. CHAIRMAN: Ken Willard.

8           BOARD MEMBER: Dale, since the base is  
9           only a piece of a large piece of what the  
10          funding is for the schools, and the overall  
11          total now is 13 something per thousand per  
12          student; is that correct?

13          MR. DENNIS: Yes, sir.

14          BOARD MEMBER: If we are going to  
15          increase the base by 900 million dollars over  
16          the next two years, what is the practical  
17          implication of that on a per student basis?  
18          What is the real budget number cost, the costs ,  
19          the cost number? Because the waiting are going  
20          to say really soon.

21          MR. DENNIS: It is in the vicinity of  
22          \$2,000 per student. All right? There's about  
23          460,000 kids, so that would be close \$15,000 a  
24          student.

25          BOARD MEMBER: \$15,000 per student.

1 MR. DENNIS: And if you count everything  
2 that would be true.

3 BOARD MEMBER: What does that mean?  
4 What are we 4 billion now? So where does that  
5 take us?

6 MR. DENNIS: That would take you up  
7 close to five.

8 BOARD MEMBER: Five billion dollars.

9 MR. DENNIS: That would be close.

10 BOARD MEMBER: What percentage of that  
11 is the state budget?

12 MR. DENNIS: Right now the state's  
13 general fund revenue is about 6., what two, two  
14 or three billion? 6.2 or 3 billion dollars. So  
15 that means if you did that it would be, what, 80  
16 percent of the total. If you raise the taxes up  
17 to fund it, then that would take it up to about,  
18 about 7.2 or 3 billion. And then make it about,  
19 what, 70 million, 70 percent, about 70 percent.

20 BOARD MEMBER: 70 percent of the state  
21 budget. Okay. Well, I ask those questions just  
22 to process through the thing. I think it's an  
23 error to just assume, or overly optimistic to  
24 assume, that if the business taxes were  
25 reinstated, that we would get it all. It's

1           certainly not, because everybody else is wanting  
2           it, too. So we are only going to get a portion  
3           of that. So I am -- I am just thinking that  
4           this proposal is probably way more than we can  
5           expect.

6           MR. CHAIRMAN: Jim Porter.

7           BOARD MEMBER: I am asking you to  
8           speculate.

9           MR. DENNIS: What?

10          BOARD MEMBER: I am asking you to  
11          speculate. If we adopt this motion, and if it  
12          were approved, that would have an affect, what  
13          affect that would have on LOB, which would have  
14          an affect of the per student cost?

15          MR. DENNIS: If we did that I would say  
16          the LOB would probably drop 10 or 20 percent.  
17          It will go down. Boards of Education, if this  
18          happened, Boards of Education right now is very  
19          sensitive to the property taxes. More so than  
20          any other tax, as a general rule. So I think it  
21          would probably drop 20 percent.

22          BOARD MEMBER: So if we go to \$900,000  
23          in two years, the possibility that some of that  
24          would be used as opposed to additional income it  
25          would be tax relief.

1 MR. DENNIS: Yes.

2 BOARD MEMBER: Individual property tax.

3 MR. DENNIS: Property tax, that would be  
4 true.

5 MR. CHAIRMAN: Further discussion.  
6 Deena Horst.

7 BOARD MEMBER: If we would go this  
8 entire route, some of our vision is also  
9 includes all day kindergarten, et cetera. So  
10 this is based, I assume, on first grade, well,  
11 half K day, half day kindergarten through 12th  
12 grade?

13 MR. DENNIS: Correct.

14 BOARD MEMBER: So if we would ask for  
15 all day, how would that affect?

16 MR. DENNIS: All day, costs you about 90  
17 million and you can do one of two things. You  
18 can add the 90 to this or you could subtract the  
19 90 from this and count it separately. In other  
20 words, if you dropped it off to, by coincidence,  
21 go back to \$4,492 and add the all day  
22 kindergarten in it comes back in pretty close,  
23 the 15, 18, 20 million of 550. But all day  
24 kindergarten is not there.

25 BOARD MEMBER: Okay.

1 MR. DENNIS: It's separate.

2 BOARD MEMBER: And there is also PreK.  
3 Also is, is that another component?

4 MR. DENNIS: That's a 4 year-old at risk  
5 program that's a separate issue. And the reason  
6 is, now, if we ever got any money the State  
7 Board can set that limit, if we had the money  
8 you can set that limit. The reason you haven't  
9 seen that limit set for a long time is because  
10 there hasn't been any money. But they, we take  
11 care of about 7,000 kids there, and the number's  
12 probably larger than that, but it wouldn't be a  
13 whole lot larger.

14 BOARD MEMBER: Okay.

15 MR. CHAIRMAN: Open for discussion?  
16 Kathy Busch.

17 BOARD MEMBER: The \$4,650 number I feel  
18 pretty strongly about. The second number, I am  
19 certainly amenable to request for an amendment  
20 change, as far as my motion is concerned. I do  
21 think there are other things in the budget that  
22 need some money and maybe this additional money  
23 could just be included in all of those other  
24 things. Like Dale mentioned the all day K.  
25 There is also mentor teachers and professional

1 development that hasn't been funded in quite  
2 some time, which are very valuable pieces, if  
3 you look at the data that the group showed this  
4 morning and all of our teachers that are within  
5 their first nine years, they probably need some  
6 mentoring more than what we have been providing  
7 in professional development. So I certainly  
8 would be, if we want to change that second  
9 number.

10 MR. DENNIS: One theory, Mr. Chairman,  
11 to think about would be if you go the \$4,650 and  
12 you believe that's correct, you could then just  
13 do a consumer price index the second year, which  
14 would be about \$100. Closer to it. It would be  
15 about what, ten percent?

16 MR. CHAIRMAN: Randy.

17 BOARD MEMBER: Kathy, another way you  
18 could look at that is, there is some kind of  
19 larger dollar amount mentoring professionals are  
20 important, but you take it out of the block and  
21 flexibility of taking that out versus going back  
22 and stipulating where it needs to be spent.

23 BOARD MEMBER: Special Ed is important  
24 that comes out.

25 BOARD MEMBER: When you reduce the

1 Special Ed, the proration of Special Ed, those  
2 students have a legal federal legal right to  
3 that service. It comes out of the general.

4 BOARD MEMBER: It comes out of the  
5 general fund anyway. I think there are a number  
6 of things that could fit in to that, there are a  
7 lot of things that could fit in to that.

8 MR. DENNIS: I might just clarify, the  
9 only thing left in block grant is KPERS,  
10 everything else has been taken out.

11 MR. CHAIRMAN: Deena.

12 BOARD MEMBER: Speaking of KPERS, the  
13 block grant does not include KPERS. That amount  
14 that's on here?

15 MR. DENNIS: It does, but it's treated  
16 completely separate. For example, this year we  
17 didn't make quarter payments, April 15th  
18 payment. So the bottom line is, that all goes  
19 away April, to June 30th of next year, block  
20 grant is gone.

21 BOARD MEMBER: Unless they carry it  
22 forward?

23 MR. DENNIS: Do something different.

24 BOARD MEMBER: Is it possible for us to  
25 include in the amount that we are talking about,

1 the things that we feel are important? Like all  
2 day kindergarten?

3 MR. DENNIS: If you want to say, for  
4 discussion, say \$4,650 is where you want to be  
5 then whatever those dollars of those other  
6 things you want to fund, you can go back and  
7 reduce it down. Because they are separate  
8 formulated.

9 BOARD MEMBER: (Inaudible.)

10 MR. DENNIS: If you we go through and  
11 you want to say \$4,650 and if you approve all  
12 day kindergarten subtract that out, approve  
13 something and you can subtract it out.

14 BOARD MEMBER: Okay. All right.

15 BOARD MEMBER: But the formula still  
16 holds their place in the law.

17 BOARD MEMBER: And our recommendations  
18 here are not based on -- we are not basing it on  
19 a formula, or anything, we are making this as  
20 our determination of the dollar amount that  
21 should be the end result of any formula.

22 MR. DENNIS: It's mostly patterned after  
23 the law that was in effect.

24 BOARD MEMBER: Sure.

25 MR. DENNIS: Because we see went back to

1 the old laws and the Capital Outlay, and here  
2 there will be some changes made I think more so  
3 than that. But the concept is going to be  
4 there. You will take care of at risk and  
5 bilingual and base amount per pupil and  
6 transportation, that will all be taken care of.  
7 But if you want to say, like I said, 50 is the  
8 number and you want to go back and approve some  
9 smaller numbers and reduce it, and put us back  
10 in to what the base is.

11 BOARD MEMBER: But the motion before us  
12 is Base State Aid we would be recommending here  
13 and we would have to make that as a motion later  
14 on?

15 MR. DENNIS: Yes.

16 MR. CHAIRMAN: And what we have here is  
17 pretty aspirational, you know, we have had a lot  
18 of discussions about tax increases and formulas  
19 what percentage of budget is, which is all  
20 really big questions, but in terms of where the  
21 State Board is in terms of taking a leadership  
22 role, do they agree that there should be an  
23 accrual is what we are saying in this motion and  
24 putting a number on it. Is that what you are  
25 saying? Further discussion or we'll call for

1 the vote.

2 Before us we have a motion and has been  
3 seconded, and just to be clear that we are  
4 recommending the '18 year, not next year but the  
5 following year, that the Base State Aid for  
6 schools be increased to \$4,650 per student and  
7 that in 2018 it would be increased by \$500 to  
8 \$5,150. Is that the motion? Okay. All those  
9 in favor please signify by raising your right  
10 hand. Those opposed? 7-3 with Steve Roberts,  
11 John Bacon and Ken Willard in opposition. Okay.

12 The next item is the -- well, the LOB.  
13 You know, so it's capital outlay. Now Special  
14 Ed; is that correct?

15 MR. DENNIS: Well, the LOB, unless you  
16 tell us differently, we assumed you would fund  
17 the law, that's what we just got out of court  
18 on.

19 MR. CHAIRMAN: Do we need to vote on?

20 MR. DENNIS: I don't, small amount, if  
21 you agree that's a small amount.

22 MR. CHAIRMAN: I will go just a little  
23 further. Do we need to affirm the status that  
24 just came out of the legislature? And the Court  
25 has approved, do we need to put our approval

1 stamp on that as well to move forward on this  
2 and not leave any doubt?

3 MR. DENNIS: I don't think it makes any  
4 difference. As long as you guys, kind of in  
5 agreement to fund the law. We still don't want  
6 to go back to Supreme Court again.

7 BOARD MEMBER: (Inaudible.)

8 MR. DENNIS: Not necessarily.

9 MR. CHAIRMAN: Mr. Dennis is  
10 recommending we move forward. The next one is  
11 Special Ed.

12 MR. DENNIS: The next one I think is  
13 capital outlay, and I assume you want to fund  
14 the law. We just got out of court on that one.  
15 That's a small.

16 MR. CHAIRMAN: Fund the issue, do we  
17 need to vote on that?

18 MR. DENNIS: Not necessarily. Unless  
19 somebody objects.

20 MR. CHAIRMAN: We concur with the  
21 legislature.

22 MR. DENNIS: The next one, the answer is  
23 yes.

24 MR. CHAIRMAN: Okay, but the question  
25 is --

1 MR. DENNIS: That's correct.

2 MR. CHAIRMAN: So if we go to 92 that  
3 would be to fulfill the law, we have never done  
4 it. We have done it at 90 over the years,  
5 haven't we?

6 MR. DENNIS: Well, we have recommended  
7 92, what the law says, but it hasn't been funded  
8 at recent history at 92. You have to go back  
9 seven or eight years, about 2010-'11 is the last  
10 time. So.

11 MR. CHAIRMAN: So recommendation on  
12 special education. Oh, Kathy Busch, I am sorry,  
13 looking at the wrong end of the table.

14 BOARD MEMBER: I would recommend we take  
15 it out of the money we already allocated. You  
16 said we could do that, Dale?

17 MR. DENNIS: Yes. We could go back and  
18 whatever that is subtract it down. Sure.

19 MR. CHAIRMAN: Second by Deena Horst,  
20 that we go to 85 percent, and that 85 percent,  
21 number, whatever it might be, would then be  
22 subtracted on the '17 and '18 school years from  
23 the recommended motion of Base State Aid; is  
24 that correct, Kathy and Deena? Okay.  
25 Discussion? Ken Willard.

1                   BOARD MEMBER: Dale, am I correct that  
2                   the federal government has never funded their  
3                   agreed portion as well?

4                   MR. DENNIS: You are correct they are  
5                   about halfway there.

6                   BOARD MEMBER: All right. Well, my  
7                   position on this is to do the maintenance of  
8                   effort until the federal government picks up  
9                   their's.

10                  BOARD MEMBER: Can we just continue  
11                  maintenance of effort until the federal  
12                  government picks up it's committed  
13                  responsibility. It never has done so and that  
14                  just comes out of state, out of our funds in  
15                  order to do whatever we are doing.

16                  MR. CHAIRMAN: Randy.

17                  BOARD MEMBER: On this one I want to  
18                  just remind everyone how Special Ed law works  
19                  with regular ed kids. So whether it's the  
20                  federal government, or the state government, it  
21                  doesn't provide the money it costs to take. You  
22                  are still under the law to provide that special  
23                  education need. So when the federal government  
24                  and the state government does either or a  
25                  combination, doesn't provide the excess funds,

1           you make up those excess funds out of your local  
2           budget. They have a federal right to that  
3           education. So I just want you, I want everyone  
4           to understand it. It comes out of the  
5           education for all children to go on those kids  
6           because of the excess, not having the excess  
7           costs.

8                   MR. CHAIRMAN: Sally Cauble.

9                   BOARD MEMBER: When you said  
10           maintenance of effort for Special Ed, did you  
11           mean that it would be part of what we already  
12           decided or is it maintenance of effort plus?

13                   BOARD MEMBER: Maintenance of effort  
14           right there on the chart, that would be same as  
15           things that occur here. Things that occur here.

16                   MR. CHAIRMAN: Steve Roberts.

17                   BOARD MEMBER: My question is how many  
18           kids are served? Do we have roughly ten percent  
19           of our kids? I am struck how the 85 is almost  
20           identical to the number of kids served per  
21           \$1,000 a kid.

22                   MR. DENNIS: The kids, if you can't gift  
23           it, which our law does in State law, it would be  
24           about 15 percent, pretty close. You are pretty  
25           close. There's about a couple percent gifted.

1           The others you run 12 or 13.

2                   BOARD MEMBER: Thank you.

3                   MR. CHAIRMAN: We have a motion on the  
4 floor to fund special education at 85 percent.  
5 Hearing no other discussion I would ask for a  
6 vote.

7                   BOARD MEMBER: (Inaudible.)

8                   MR. CHAIRMAN: Thank you for clarifying  
9 that. It would be subtracted from the Base  
10 State Aid, that we originally had approved.  
11 Okay? All those in favor please signify by  
12 raising your right hand. Oppose same sign. As  
13 to 6-4 with Ken Willard, John Bacon, Sally  
14 Cauble and Steve Roberts voting no. Okay.

15                   The next item that we have to deal with  
16 is all day K. We have some choices before us in  
17 terms of implementation as well as numbers.

18                   MR. DENNIS: All at once 90 million,  
19 over a five-year period is about 18 million per  
20 year.

21                   MR. CHAIRMAN: One thing, we want  
22 students ready for kindergarten and that implies  
23 they are also ready for first grade. And  
24 actually we have more control over kindergarten  
25 than pre school, so our recommendation is also

1 many districts are already providing it one way  
2 or another, either funded by the district funds  
3 or by some level of participation by the  
4 parents. It doesn't always necessarily always  
5 include all students. Deena Horst. I am sorry.  
6 Yes, Deena.

7 BOARD MEMBER: I would move that we  
8 implement all at once for 90 -- is it \$90,000?

9 MR. DENNIS: 90 million.

10 BOARD MEMBER: Million, couldn't find  
11 the other comma. Anyway, 90 million for, and  
12 take it out of our original amount.

13 MR. CHAIRMAN: Keeping track of that,  
14 Dale, there's two parts of that, three parts  
15 actually, to fund, Deena, you recommended or  
16 made a motion to fund at the 90, to meet  
17 implementation which would be 90 million, and to  
18 reduce the Base State Aid recommendation to  
19 include that in that number, which would then  
20 subtract that over the next year.

21 MR. DENNIS: Just so you know, we  
22 raised the base so this amount will go up a  
23 little bit, still subtract off the base.

24 MR. CHAIRMAN: How much money does that  
25 leave in Base State Aid? When we get done with

1           this we'll be losing money.

2                   MR. DENNIS: We will subtract about 120  
3 million.

4                   BOARD MEMBER: Well, you are still --

5                   MR. CHAIRMAN: I am just telling you  
6 here, the intent of the Base State Aid is to  
7 give them some authority to move forward without  
8 restriction, and this takes away that authority,  
9 it is nibbling.

10                   MR. DENNIS: 550 and we are down to 420,  
11 give or take a little.

12                   MR. CHAIRMAN: Kathy Busch. Excuse me,  
13 I am sorry, Ken Willard had his name on there  
14 first.

15                   BOARD MEMBER: I am just a little bit  
16 confused by the numbers. We are down to what on  
17 the base now?

18                   MR. DENNIS: We take a 120 million  
19 dollars off of that, Ken, so roughly, so that  
20 would drop it down to probably, 44, let's see,  
21 we have, it is in the 4470, 80 range.

22                   BOARD MEMBER: 4492 is 4440.

23                   MR. DENNIS: Take off another 120. So a  
24 little over, we are about down to --

25                   BOARD MEMBER: 460.

1 MR. DENNIS: Yeah.

2 MR. CHAIRMAN: I guess before I move on  
3 to Kathy Busch, I am looking for a second on  
4 that.

5 BOARD MEMBER: I will make one for  
6 Kathy.

7 BOARD MEMBER: I would second if it was  
8 implemented over a two year period, since the  
9 funding, we added more funding in the second  
10 year.

11 BOARD MEMBER: I can accept that.

12 MR. CHAIRMAN: So it would be at 90 --

13 BOARD MEMBER: 45,000.

14 MR. CHAIRMAN: 90 million.

15 MR. DENNIS: It would be 45 million over  
16 two years and the other one was what 90 million.  
17 All right. 45 each year.

18 MR. CHAIRMAN: I also --

19 BOARD MEMBER: (Inaudible.)

20 MR. CHAIRMAN: I would remind the board,  
21 just a little thought here, as I said when I  
22 previewed that, most districts are doing it in  
23 one way or another. And you it might help them  
24 out in terms of, in giving them money, but they  
25 have processes to do this already.

1                   So I am back to, we have a motion and  
2                   then we had a second, but it amended the motion  
3                   to include a two year implementation. And it  
4                   was accepted by Deena on the floor. Okay.  
5                   Further discussion?

6                   BOARD MEMBER: (Inaudible.)

7                   MR. DENNIS: We are voting on  
8                   kindergarten and a motion was made to implement  
9                   it, a mini motion to change that over a two year  
10                  period?

11                  BOARD MEMBER: (Inaudible.)

12                  MR. DENNIS: Oh, the money?

13                  BOARD MEMBER: (Inaudible.)

14                  MR. DENNIS: We were at 150 and we  
15                  subtracted, we have to subtract 31 plus from  
16                  that, plus what was the other? 45. So 76. You  
17                  are down to about 474 million, give or take a  
18                  little; is that right? 474. Yeah. 45, that's  
19                  about right. 4570 probably.

20                  BOARD MEMBER: I don't want that Base  
21                  State Aid to get too low.

22                  MR. DENNIS: It's heading south.

23                  BOARD MEMBER: What?

24                  MR. DENNIS: It's heading south.

25                  BOARD MEMBER: The Base State Aid we

1 want to keep as high as we can.

2 MR. CHAIRMAN: I agree with you. Yes.  
3 Jim Porter.

4 BOARD MEMBER: Since schools are doing  
5 this any way, don't they have more flexibility  
6 if we leave it in the base of kindergarten, if  
7 they are doing it anyway?

8 MR. CHAIRMAN: They would make the  
9 decision then if they wanted to keep what they  
10 were doing or to fund it at a different rate and  
11 it would be a local decision.

12 MR. DENNIS: The one difference, Jim,  
13 that would make -- the one difference it would  
14 make is those that are charging, isn't no longer  
15 charged. That would stop the charging.

16 BOARD MEMBER: How prevalent is that?

17 MR. DENNIS: Not very. Small  
18 percentage. Small percentage.

19 MR. CHAIRMAN: A slight charge.

20 BOARD MEMBER: If I -- if I talked to  
21 the majority of them charge something.

22 MR. DENNIS: There is always fees like  
23 this for everybody, as far as tuition the number  
24 would be pretty small, most do not.

25 BOARD MEMBER: (Inaudible.)

1 MR. CHAIRMAN: Well, I am going to try  
2 to say back the motion, so we know what the  
3 motion is, and Peggy is ducking, okay. What we  
4 have is full implementation of all day K over  
5 two years, and the number to be subtracted from  
6 what's left of the Base State Aid; is that  
7 correct on my motion to second? Okay.

8 All those in favor signify by raising  
9 the right hand. Excuse me.

10 BOARD MEMBER: (Inaudible.)

11 BOARD MEMBER: What is the practical  
12 affect of this on a school that's already  
13 funding them?

14 MR. CHAIRMAN: Two things that I heard  
15 spoken was, if we do this they can no longer  
16 charge tuition, okay? And if we do this, it  
17 basically says you are going to do this and fund  
18 it and take it out of your Base State Aid.

19 MR. DENNIS: And the other piece for  
20 those who are not charging and doing it now that  
21 gives them resources to do something else with  
22 it.

23 BOARD MEMBER: So what they are  
24 currently spending on kindergarten could be  
25 spent on something else?

1 MR. CHAIRMAN: Okay. Yes, Deena, you  
2 originated the motion, now we'll call --

3 BOARD MEMBER: Well, I just want to  
4 clarify that I thought I heard you say that they  
5 would have to have all day kindergarten.

6 MR. CHAIRMAN: That's what we said in  
7 the motion. That was your motion.

8 BOARD MEMBER: Only that it be funded.

9 MR. CHAIRMAN: Well, if you are going  
10 to fund it, that's what I said in the beginning.

11 BOARD MEMBER: But if they choose not  
12 to.

13 MR. CHAIRMAN: I am not sure that was  
14 what I, that's why I said it for clarification.  
15 You are the originator of the motion.

16 BOARD MEMBER: That we can, I guess we  
17 could say that they have to have all day  
18 kindergarten.

19 MR. CHAIRMAN: The motion was all day  
20 kindergarten and implemented over the next two  
21 years.

22 MR. DENNIS: This might help, the law  
23 already says they have to provide all day  
24 kindergarten. Students don't have to attend,  
25 but you have to provide it.

1                   MR. CHAIRMAN: We are saying we'll fund  
2                   it. I want to make sure that the motion that  
3                   we are going to vote on is the motion that you  
4                   had intended to be on the floor. You are the  
5                   originator.

6                   BOARD MEMBER: Yes. The way you have  
7                   stated it basically is yes.

8                   MR. CHAIRMAN: Okay. Ken Willard.

9                   BOARD MEMBER: I didn't know when they  
10                  were still up there, but I would just like to  
11                  state my reservation about this. Because it's  
12                  always been my belief that the best thing to do  
13                  for schools is put money in the base, and let  
14                  them use it rather than telling them how to  
15                  spend the money. And that's what we are doing  
16                  here is tell them they have to spend this money  
17                  here on all day kindergarten. That's my  
18                  reservation on the motion.

19                 MR. CHAIRMAN: All right. All those in  
20                 favor of the motion please signify by raising  
21                 your right hand. I have two. Those opposed,  
22                 same sign. 2 to 8 and the two that are in favor  
23                 were Deena Horst and Kathy Busch. I am going  
24                 that way on this one. Okay. We are still back  
25                 with kindergarten.

1                   BOARD MEMBER: I would make a motion on  
2                   kindergarten.

3                   MR. CHAIRMAN: Thank you. Janet Waugh.

4                   BOARD MEMBER: Okay, I will make a  
5                   motion on kindergarten, I do feel it is  
6                   important and I recognize some of the districts  
7                   have a real challenge with it. I will make a  
8                   motion that we fund it, '18 for five years.

9                   MR. CHAIRMAN: Okay. You are talking  
10                  about on the sheet here, well, fund it five  
11                  years.

12                  BOARD MEMBER: Yes (Inaudible.)

13                  MR. CHAIRMAN: And then --

14                  BOARD MEMBER: (Inaudible.)

15                  MR. CHAIRMAN: No.

16                  BOARD MEMBER: My problem is I have a  
17                  lot of schools that are all day kindergarten,  
18                  but they charge for that second day. And you  
19                  are adding money to the base, but they also need  
20                  to put it towards other teachers, R1 and 2A  
21                  schools we are not helping them by giving them  
22                  money and telling them how to use it. All we  
23                  have to '18 (inaudible).

24                  BOARD MEMBER: I don't think that's very  
25                  realistic either.

1 BOARD MEMBER: Okay.

2 BOARD MEMBER: (Inaudible.)

3 MR. CHAIRMAN: Just as a point of fact,  
4 we increased the Base State Aid, considerable in  
5 our original motion. I will just say, to my  
6 point of view, if they want all day kindergarten  
7 it is in there. If they don't want all day  
8 kindergarten, it's not there. Okay? It's their  
9 choice, as Ken said, to use their money as they  
10 see. If they want to continue to do it, and,  
11 Sally, you referenced and the school tuition for  
12 an extra day, and that that's their business.  
13 Or they could decide themselves they want to put  
14 it in all day K.

15 BOARD MEMBER: Why is this motion okay  
16 for that, but the last motion wasn't?

17 BOARD MEMBER: I don't have a motion.

18 MR. CHAIRMAN: I don't have a motion.  
19 Do you want to make a motion?

20 BOARD MEMBER: (Inaudible.)

21 MR. CHAIRMAN: Dale, throwing a life  
22 line, okay? Help us here. What we would like  
23 to do is continue with the status, or I am not  
24 saying all want to, but what I am talking about  
25 is continuing with the status quo not taking out

1 a Base State Aid, but if schools wanted to as  
2 Base State Aid to implement all day  
3 kindergarten --

4 BOARD MEMBER: In that case we do  
5 nothing.

6 MR. CHAIRMAN: In that case do nothing  
7 and move on to the next motion?

8 BOARD MEMBER: Before we move on I need  
9 one clarification.

10 MR. CHAIRMAN: Okay, Mr. Porter.

11 BOARD MEMBER: Dale, schools are  
12 required to have all day kindergarten?

13 MR. DENNIS: They have to provide it,  
14 kids don't have to attend, but they don't have  
15 to provide it.

16 BOARD MEMBER: So places that have half  
17 day kindergarten, how do they do it?

18 MR. DENNIS: What?

19 BOARD MEMBER: Places that have half  
20 day kindergarten, how do they do it?

21 MR. DENNIS: It's cost at risk dollars  
22 mostly funded.

23 BOARD MEMBER: For the half?

24 MR. DENNIS: Yeah, we have schools only  
25 have half day kindergarten, that's funded. But

1           it is in the program it's funded. If you go  
2           beyond that then you have a choice of fees, you  
3           can pay out of that. Whatever you choose to do.  
4           But fees --

5                     BOARD MEMBER: I am a small school, and  
6           I have 15 kindergartners, can I have a morning  
7           program only?

8                     MR. DENNIS: Sure. Yes, sir. You can.

9                     BOARD MEMBER: Okay.

10                    MR. DENNIS: Not very many of them do  
11           it, you can have small like, a lot of districts  
12           would choose to have all day, because it is  
13           cheaper than transporting them there and back.

14                    BOARD MEMBER: About 30 years ago I did  
15           that.

16                    MR. DENNIS: Rest my case.

17                    MR. CHAIRMAN: Janet Waugh.

18                    BOARD MEMBER: Thank you, Mr. Chair.  
19           Isn't it true they are not mandated to attend  
20           kindergarten, correct?

21                    MR. DENNIS: They are not mandated to  
22           attend kindergarten. Yes. You have to attend  
23           when you are in 7th grade. The school, this  
24           amendment made by the distinguished senator, you  
25           have to provide it. If a kid wants to attend.

1           Everybody gets half day, half day.

2                   BOARD MEMBER: Half day, if you offer  
3 all day (Inaudible.)

4                   BOARD MEMBER: So if it were determined  
5 we need to mandate all day kindergarten, is that  
6 done by us or legislature?

7                   MR. DENNIS: If I was going in to that  
8 route because of what that is I would leave that  
9 up to legislature.

10                   BOARD MEMBER: Thank you.

11                   MR. DENNIS: You see, they have to fund  
12 it.

13                   BOARD MEMBER: Thank you.

14                   MR. CHAIRMAN: So at this point not  
15 having a motion we'll just move on to the next  
16 item, which is parents as teachers. Anybody  
17 want to? And, Dale, this is not eligible to  
18 come out of Base State Aid?

19                   MR. DENNIS: Yes.

20                   MR. CHAIRMAN: It is eligible?

21                   MR. DENNIS: If the student wanted to  
22 subsidize out of the general fund --

23                   MR. CHAIRMAN: I am talking about right  
24 now today, we couldn't do it ourselves?

25                   MR. DENNIS: No. No.

1 MR. CHAIRMAN: As a home district they  
2 could utilize Base State Aid to, in fact, help  
3 pay for parents and teachers.

4 MR. DENNIS: The law requires, as a  
5 matter of fact, the law requires them to max 65  
6 cents for every dollar we get.

7 MR. CHAIRMAN: And we have districts  
8 that are presently decreasing services, or  
9 eliminating services, because they couldn't  
10 match.

11 MR. DENNIS: The match as an issue is  
12 one, and that's a proviso and provision in the  
13 law, proviso; and the other piece of this is  
14 this is funded now by TANF, Temporary Assistance  
15 For Needy Families.

16 MR. CHAIRMAN: Jim Porter.

17 BOARD MEMBER: If we were to increase  
18 our contribution, would that still only affect  
19 kids that were eligible for TANF, or would that  
20 allow other students or other children -- and I  
21 have a very selfish reason to ask that question  
22 and I will tell you what it is. My daughter got  
23 a call this week, our grandson who is going to  
24 be born next month, cannot participate because  
25 they make too much money. Well, my daughter, my

1           4 year-old granddaughter really benefited. Now,  
2           they are in a position where they could pay.  
3           But if it's 200 percent there are a lot of  
4           people at 203 percent or 204 percent or 300  
5           percent they can't pay. So my question is, if  
6           we contribute more, will that allow students  
7           that are not now eligible to participate in the  
8           program?

9                   MR. DENNIS: I believe if the board had  
10           the resources to pay that on behalf of their  
11           patrons I believe that would be the answer is,  
12           yes, they could do that. They could do that.

13                   BOARD MEMBER: So out of the base state  
14           increase that we provided if they chose to use  
15           that money, that would be their decision?

16                   MR. DENNIS: It's their decision. The  
17           other piece, and I will mention this, I don't  
18           know how long this will go on, Randy, you may  
19           know and comment on this. We are funding this  
20           with TANF this year and I was told TANF is good  
21           for awhile, but not forever.

22                   MR. CHAIRMAN: I will say the benefits  
23           of parents as teachers program is huge and in a  
24           variety of ways. Obviously it helps the student  
25           but it also is targeting the parents. And if

1           this program was, in fact, to disappear I think  
2           one of our goals and our vision is seriously  
3           jeopardized.   Jim Porter.

4                   BOARD MEMBER: Thank you.   I just want  
5           to follow up on what Jim said.   This helps us,  
6           this helps us significantly achieve our goal for  
7           kindergarten readiness.   And not to provide this  
8           service, I don't know the answer, I don't know  
9           how to balance all of this.   But this parents as  
10          teacher is a critical element in our ability to  
11          reach our goal.   And I don't know -- I don't  
12          know what the answer is.   But that's a serious,  
13          the fact that all students are not eligible is a  
14          serious concern to me.

15                   MR. DENNIS: You could also approve  
16          whatever you decide to approve, and request it  
17          from state funds, not federal funds.   You could  
18          do that, too, if you like.   That way you would  
19          have a lot more control.   And the state funds  
20          are until this year, coming year.

21                   MR. CHAIRMAN: Okay.   Carolyn Campbell.

22                   BOARD MEMBER: Thank you.   So we could,  
23          I am really supportive of the parents as  
24          teachers, so right now for this past year it was  
25          7,200, if we -- I would like to move that we

1           approve, increase it by the additional cost to  
2           46,000. It would not come from the Base State  
3           Aid, is that correct? Did you say that?

4           MR. DENNIS: If you don't put it in  
5           motion it won't. You add 46,000 to it.

6           BOARD MEMBER: That would increase it by  
7           1,000 students?

8           BOARD MEMBER: Yes. That's my motion.

9           BOARD MEMBER: That would be for the two  
10          years; is that right?

11          MR. DENNIS: Yes. If you go in it it  
12          would automatically be the second year.

13          MR. CHAIRMAN: We would increase the  
14          number of participants of parents as teachers  
15          program by 1,000 two years, or 1,000 each year?

16          MR. DENNIS: I assume you are talking  
17          1,000 each year is what you said.

18          BOARD MEMBER: Yes. 1,000 each year.

19          MR. CHAIRMAN: That's the motion on the  
20          floor. Do I have a second? A second by Jim  
21          Porter. Steve Roberts.

22          BOARD MEMBER: Thank you, Mr. Chair.  
23          Can we target these to the areas that are in  
24          notation today, how hard it is to retain  
25          teachers, and so forth, in southwest Kansas, and

1 KCK and low SSES areas, in Wichita. Is there  
2 any way we can target that? The folks that hire  
3 me to tutor in Johnson County, by and large,  
4 they are more than happy with this program but  
5 they are happy to pay for it because they can.

6 MR. DENNIS: I believe if the -- if it  
7 was state money, I think the board could ask  
8 some guidelines and restrictions and what you  
9 approve. Because it's got to come to you for  
10 approval. Schools comply but it comes to you  
11 for approval. You could provide guidelines and  
12 which ones priority.

13 MR. CHAIRMAN: In the past, we have had  
14 that in the consent agenda, that has been there  
15 before.

16 MR. DENNIS: That's right.

17 MR. CHAIRMAN: So your answer, Steve, is  
18 yes, we can, and we don't need to support a  
19 motion. Other conversation? I will call a  
20 question? And just to make sure everybody is on  
21 the same page, Carolyn's motion was to fund it  
22 at an increase of 1,000 students each year for  
23 the next two years, which would be \$460,000 and  
24 state money that we would be funding, federal,  
25 so we would have control over it, is that

1 correct?

2 All those in favor of the motion please  
3 signify by raising your right hand. Those  
4 opposed, same sign. Two in opposition, Ken  
5 Willard and John Bacon.

6 Mentor teacher program. We have here  
7 fund the law hundred percent that would be a 3  
8 million dollar increase.

9 MR. DENNIS: What that law says, Mr.  
10 Chairman, the \$1,000 for the mentor teacher,  
11 three years.

12 MR. CHAIRMAN: Up to three years. Or to  
13 fund the law at 50 percent, right now it's not  
14 being funded at all, is at one and a half  
15 million.

16 MR. DENNIS: One of the primary reason  
17 for this was to try to retain teachers.

18 MR. CHAIRMAN: Deena Horst.

19 BOARD MEMBER: And the intent of the way  
20 this is written is for a -- the money to go to a  
21 district?

22 MR. DENNIS: It goes to district mentor.

23 BOARD MEMBER: Okay. But the mentor is,  
24 could be local, locally.

25 MR. DENNIS: Usually it's a teacher in

1           that building, the senior teachers if they  
2           believe --

3                   BOARD MEMBER: I just want to make sure  
4           it's not a state generated program.

5                   MR. DENNIS: The mentor teacher has to  
6           have a certain amount of training, and they  
7           mentor this teacher and try to help them be  
8           successful.

9                   BOARD MEMBER: And it's locally  
10          administered?

11                   MR. DENNIS: Yes. We distribute the  
12          money and collect the information.

13                   BOARD MEMBER: The intent of the way  
14          this is written is for a -- the money to go to a  
15          district?

16                   MR. DENNIS: It goes to district to  
17          mentor.

18                   BOARD MEMBER: But the mentor could be  
19          local, locally?

20                   MR. DENNIS: Usually a teacher in that  
21          building, a senior teacher that they believe --

22                   BOARD MEMBER: I just want to make sure  
23          it's not a state generated program.

24                   MR. DENNIS: The mentor teacher has to  
25          have a certain amount of training and then they

1           mentor this teacher, and try to help them be  
2           successful.

3                   BOARD MEMBER: And it's locally  
4           administered?

5                   MR. DENNIS: Yes. We distribute the  
6           money and collect the information and it's  
7           administered locally.

8                   BOARD MEMBER: Okay. Thank you.

9                   MR. CHAIRMAN: From our presentation  
10          this morning it sounds like a program we could  
11          certainly use. There are districts probably  
12          doing this voluntarily, for their teachers  
13          retention, but overall in this state I think  
14          this program as pretty much vanished. Mr.  
15          Porter.

16                   BOARD MEMBER: There are also districts  
17          where teachers are volunteering to do this. And  
18          doing it for nothing. Or probably putting money  
19          with it.

20                   MR. CHAIRMAN: Okay. All those in favor  
21          as presented to fund the mentor teacher program  
22          at hundred percent over the next few years,  
23          which would be an additional 3 million dollars,  
24          we don't have a motion. How did I miss that?  
25          Okay. Move by Carolyn Campbell. Seconded by

1 Jim Porter, I knew that was happening.

2 All those in favor of the motion please  
3 signify by raising your right hand. Those  
4 oppose same sign. 7-3. Steve Roberts, John  
5 Bacon and Ken Willard in opposition.

6 The next one is professional  
7 development. If we were to fund the law hundred  
8 percent it would be \$8,500,000, 75 through 75  
9 and at 50 for 25 50. Right now it's not being  
10 funded at all. Carolyn Campbell, I am sorry.

11 BOARD MEMBER: Thank you, sir. Did I  
12 give you that crazy look? Okay. This is  
13 something that I really believe in, and it has,  
14 the legislature has not funded it for how many  
15 years? But what if we started out at 25  
16 percent? I see Mr. Dennis went down to 50  
17 percent, but to try to get some professional  
18 development money.

19 MR. DENNIS: We could do it.

20 MR. CHAIRMAN: We could certainly do it.

21 BOARD MEMBER: Do you want me to make a  
22 motion.

23 BOARD MEMBER: (Inaudible.)

24 MR. CHAIRMAN: First year 21 or second  
25 year or do you want to keep it? Just asking.

1                   BOARD MEMBER: I just asked for the  
2 first year, maybe, you know, they will do it,  
3 maybe, anyway, I was just thinking for the first  
4 year.

5                   MR. CHAIRMAN: It's a two year budget.

6                   BOARD MEMBER: Two years.

7                   MR. CHAIRMAN: 25 percent for two years  
8 is the motion on the floor.

9                   BOARD MEMBER: I will second that  
10 motion.

11                  MR. CHAIRMAN: Second by Sally.

12                  BOARD MEMBER: We have so much change  
13 that we are asking on this new vision that I --  
14 we just need some money. Now, that's all.

15                  MR. CHAIRMAN: Okay. Open for  
16 discussion. Jim Porter.

17                  BOARD MEMBER: How is this distributed?  
18 I know it hasn't for awhile, but how would be it  
19 distributed?

20                  MR. DENNIS: It would be distributed  
21 with a cap on half of one percent of the general  
22 fund and actual expenditures, whichever is  
23 lower. But we are not going to get, as a  
24 general rule you won't get full amount. I mean,  
25 it's half of one percent take eight and a half

1 million so most districts are actual  
2 expenditures. A lot of districts are putting  
3 their own money in it.

4 BOARD MEMBER: Is 25 percent going to  
5 make a difference? I mean, it's nice to get a  
6 little increase, but when you spread it over a  
7 district, it's per pupil basis most likely or is  
8 that how it would be distributed.

9 MR. DENNIS: We could do the formula for  
10 each district and send them the amount over the  
11 year and tied to their expenditures and we audit  
12 it and be sure it was spent for professional  
13 development.

14 MR. CHAIRMAN: So it is an incentive  
15 for districts to do it, but they could decide to  
16 take State Aid?

17 MR. DENNIS: They could take more out of  
18 their general fund.

19 MR. CHAIRMAN: Okay. Any other  
20 discussion. Deena Horst.

21 BOARD MEMBER: So currently districts  
22 are funding it out of their general fund?

23 MR. DENNIS: Whatever they are doing  
24 they are doing it out of general fund or Title  
25 II.

1                   BOARD MEMBER: So they would probably  
2                   continue to do that if --

3                   MR. DENNIS: Most probably would.

4                   BOARD MEMBER: I am saying if they would  
5                   receive an increase in, in the base funding  
6                   that --

7                   MR. DENNIS: The answer to that would be  
8                   yes.

9                   BOARD MEMBER: That we approved earlier?

10                  MR. DENNIS: That would be yes. Most  
11                  districts would tell you that staff development  
12                  is the secret to their success.

13                  BOARD MEMBER: Okay. Thank you.

14                  MR. CHAIRMAN: I would say from an  
15                  aspirational standpoint, we are doing about  
16                  these in terms of how to manage the budget, you  
17                  know; but if we really believe in staff  
18                  development, and in quality staff development, I  
19                  just don't think 2.1 million dollars across an  
20                  286 school district is going to be that much  
21                  money, but they have a choice to make it out of  
22                  state base, but there are a lot of things to be  
23                  caught up on if they did that.

24                  MR. DENNIS: Some very small districts  
25                  not very many dollars could do it, it's not that

1 much; but the larger ones they will go after  
2 anything right now.

3 MR. CHAIRMAN: We have a motion on the  
4 floor to set it at 25 percent for professional  
5 development for the two years which would be  
6 about 2.1 million dollars. All those in favor  
7 please signify by rising your right hand. One,  
8 two, three, four, five. We have five. Opposed?  
9 We have five fives so we -- we didn't pass. Did  
10 you get the names? Steve. Okay. So we still  
11 have to deal with this, if we ignore it we can  
12 move on. We don't have to make a decision, but  
13 if want to go to a hire rate, we can do that.  
14 Janet Waugh.

15 BOARD MEMBER: I would make a motion we  
16 fund 50 percent.

17 MR. CHAIRMAN: Motion would be 50  
18 percent which would be 4.25 million dollars next  
19 year for the next two years. Do we have a  
20 second? Second by Jim Porter. Okay. All  
21 right. Any discussion? Hearing none we'll call  
22 to question. All those in favor of funding at  
23 50 percent please signify by raising your right  
24 hand. One, two, three, four, six. Okay. Those  
25 opposed? One, two, three, four. Those opposed

1 Steve Roberts, Deena Bacon (SIC), and Ken  
2 Willard. Motion passes 6-4. Okay.

3 Transportation. Do we want to change  
4 transportation?

5 MR. DENNIS: The law is two and a half  
6 miles or more, residents in the district. The  
7 board has brought it up different times,  
8 sometimes they haven't. Do you want to leave it  
9 like it is or change it?

10 MR. CHAIRMAN: Or leave it the same.  
11 2.5 is what it is presently?

12 MR. DENNIS: That's correct.

13 MR. CHAIRMAN: If we decreased the  
14 mileage limit from 2.5 to 2.0 additional costs  
15 and 2.9 or 2.5 million. What is it if it stays  
16 the same?

17 MR. DENNIS: Stays the same whatever the  
18 formula calls for, so in essence zero.

19 MR. CHAIRMAN: If we don't make a motion  
20 do we just move on?

21 MR. DENNIS: That's right.

22 MR. CHAIRMAN: Okay. Otherwise do you  
23 want to increase and in so doing increase the  
24 participation. On the other hand, there are  
25 districts who have chosen, for various reasons,

1 Goddard being one, to bus all students. And  
2 they assume that cost already within their State  
3 Aid, general fund. There are schools that use  
4 hazardous bussing and other rules and options.  
5 Yes, Janet.

6 BOARD MEMBER: I would simply like to  
7 say that Turner, that's my home district, we  
8 always bussed all students because not one  
9 elementary school would ride the bus in Turner.

10 MR. CHAIRMAN: So they are doing that  
11 and that is built in to their budget.

12 BOARD MEMBER: Built in to their budget  
13 and while I would love to lower it, I think  
14 that's a great thing to do, but I think  
15 increasing the base state budget, in my opinion.  
16 Districts like Turner, and other districts, they  
17 can do what they are doing and challenge that it  
18 needs to be changed, but I don't think at this  
19 time it is a thing to do.

20 MR. CHAIRMAN: Discussion? Do I have a  
21 motion? Hearing none we'll move on. School  
22 lunch.

23 MR. DENNIS: School lunch, Mr. Chairman,  
24 the law says 6 for lunch, maintenance of effort  
25 there is enough being appropriated now,

1           2,510,000 now, I think it is, or \$29 and we  
2           funded about 4.4. That's it. There is no  
3           federal requirement in order -- most of this  
4           program is funded through federal government, to  
5           be honest.

6                   MR. CHAIRMAN: Is there any need for  
7           action on our part?

8                   MR. DENNIS: Not unless you want to  
9           raise it that 1.6 cents.

10                   MR. CHAIRMAN: How would that benefit  
11           the school districts?

12                   MR. DENNIS: This would help the price  
13           of lunches for kids.

14                   MR. CHAIRMAN: It would go down 6 cents?

15                   MR. DENNIS: No.

16                   MR. CHAIRMAN: Excuse me, 1.6 cents. Do  
17           I hear a motion? Hearing none, we'll move  
18           forward to Ag in classroom.

19                   In your presentation, Dale, you said  
20           that we, school districts have moved on and  
21           don't look for this money today. They are doing  
22           stuff, they are doing it. But, Janet, weren't  
23           you on the --

24                   MR. DENNIS: This goes to organization  
25           not the schools. It's the organization to

1 provide services to schools. This is not  
2 statutorily. It is just the board thought they  
3 ought to be done and fees to be funded.

4 MR. CHAIRMAN: And they used that  
5 money, the organization did, to leverage grants  
6 and other money?

7 MR. DENNIS: They had to have it matched  
8 by at least dollar for dollar, but they  
9 overmatched, they would hit up all the farm  
10 organizations.

11 MR. CHAIRMAN: So they are not looking  
12 for --

13 MR. DENNIS: They gave up.

14 MR. CHAIRMAN: They gave up.

15 MR. DENNIS: That's truthful.

16 BOARD MEMBER: I think the least thing  
17 we can do is ask for it, I really do. These  
18 organizations are unbelievable. I served on KC  
19 in Ag in the classroom and KC had half and they  
20 continuously, continually worked for to get  
21 donations and stuff, and it was very difficult.  
22 And they kind of got half the staff working  
23 full-time, but they desperately needed it. And  
24 what they do for our schools is phenomenal. Ag  
25 in the classroom and KC is kind of working

1           together now. So I would like to make a motion  
2           that we ask for 35 for ag, 35 for communities  
3           and 35 for KC. Because I do think they are all  
4           good organizations. It's 35,000, I am not  
5           talking about 35 million.

6                   MR. CHAIRMAN: So 35 million on  
7           agricultural in the classroom.

8                   BOARD MEMBER: I don't care, I will go  
9           for all three at one time.

10                   BOARD MEMBER: (Inaudible.)

11                   MR. CHAIRMAN: Excuse me. I am not sure  
12           what the motion is right now.

13                   BOARD MEMBER: Do you want me just to do  
14           ag?

15                   MR. CHAIRMAN: No. No. I want you to  
16           make a motion that you want to make.

17                   BOARD MEMBER: (Inaudible.)

18                   MR. CHAIRMAN: I think John understood.

19                   BOARD MEMBER: What did you second? For  
20           ag in the classrooms for communities in schools  
21           and 35 each. Each. Not the communities of 250,  
22           because, quite frankly, they had a pretty good  
23           friend in the legislature those years and John  
24           and I did not have good friends in the  
25           legislature those years.

1                   MR. CHAIRMAN: So what we'll have a  
2                   motion here in a second and recommend 35,000 an  
3                   additional cost to, to the three programs  
4                   community in schools, Kansas Association &  
5                   Conservation and Environmental Education and  
6                   obviously agricultural classrooms. And we have  
7                   a motion from Janet and a second by John.  
8                   Discussion? All those --

9                   BOARD MEMBER: (Inaudible.)

10                  MR. CHAIRMAN: Just trying to move it  
11                  along.

12                  BOARD MEMBER: Okay. My question is on  
13                  community in schools, is the legislature giving  
14                  them money to them?

15                  MR. DENNIS: Not through us, there is a  
16                  trust fund. They get a little money from, not  
17                  through us. It dried up a few years ago. No  
18                  money is coming in not community in schools,  
19                  they have a little in the trust fund that's it  
20                  but that's earmarked.

21                  BOARD MEMBER: I really again believe in  
22                  community in schools and that's the reason I was  
23                  questioning it because I was wanting to see if  
24                  we couldn't give them more than 35,000. That  
25                  was my initial thought.

1                   MR. CHAIRMAN: We have a motion on the  
2 floor to fund of three programs that we just  
3 discussed at \$35,000 each. Okay. All those in  
4 favor please signify by raising your right hand.  
5 Those oppose same sign. Motion passes 10-0.  
6 What do you know? Okay.

7                   National Board Certified. I think I  
8 said this every year since I have been here, the  
9 National Board Certify is one of the programs if  
10 you have it in your school and you have a  
11 teacher that has been successful and became a  
12 National Board Certified teacher or even  
13 teachers that have gone through partial parts of  
14 the program, you have a different voice in your  
15 school. It has a tremendous impact on  
16 education, on the teachers and the conversations  
17 that teachers have. And I think it's one of  
18 the -- a program that makes a serious difference  
19 in our schools. I would like to make a motion  
20 that, quite frankly, we fund, that if we fund  
21 the law it would be \$375,000?

22                   MR. DENNIS: Yes, sir.

23                   MR. CHAIRMAN: For the next three years?

24                   MR. DENNIS: Yes, sir.

25                   MR. CHAIRMAN: That's what the original

1           purpose was. Now there is, the funding how it's  
2           used is to, one, help teachers in terms of going  
3           to --

4                   MR. DENNIS: Scholarship, and the other  
5           is \$1,000 that goes to the board, in which the  
6           board has to reimburse the teachers the \$1,000.

7                   MR. CHAIRMAN: Yes. So it is going to  
8           teachers to improve teaching in the classroom.

9                   MR. DENNIS: Correct.

10                  MR. CHAIRMAN: Deena. Well, do I have a  
11           second to the motion that I made?

12                  BOARD MEMBER: Yes.

13                  MR. CHAIRMAN: Seconded by Carolyn  
14           Campbell.

15                  BOARD MEMBER: I just have a question  
16           about if you are funding it at '16-'17 level  
17           why, what's the additional cost for projection  
18           of additional participants?

19                  MR. DENNIS: If you go the 475, and do  
20           the additional teachers participating in the  
21           program, you have money to pay scholarships, and  
22           you may have money to pay the scholarships for  
23           ten years.

24                  BOARD MEMBER: So you are actually  
25           projecting that there would be additional

1 teachers per student --

2 MR. DENNIS: That's correct.

3 BOARD MEMBER: -- projecting additional  
4 participation?

5 MR. DENNIS: Correct.

6 BOARD MEMBER: Okay.

7 MR. CHAIRMAN: Randy.

8 BOARD MEMBER: There are many things  
9 that the people around this table know the  
10 impact of the quality of teachers. I will tell  
11 you there are two that are I think without  
12 dispute, will do that. And that's a vast  
13 placement of training when you spend five days  
14 and immerse yourself over years and years and  
15 National Board Certification. As Jim said, you  
16 will impact the quality of kids, impact the  
17 quality of students, and we are woefully low in  
18 this state for the number of teachers that are  
19 nationally board certified relative to the  
20 states around us. And I don't know, whether  
21 it's the money or not, I am saying this should  
22 be a priority to really raise teacher voice and  
23 teachers across the state. It's really a  
24 terrific program of keeping teachers in the  
25 classroom, raising the professionalism and

1           impacting kids in a direct path.

2                   MR. CHAIRMAN: We have a motion on the  
3 floor. Further discussion. Kimberly, I am  
4 sorry. Sorry, Kim.

5                   BOARD MEMBER: My question was, do we  
6 have reason to believe, or do we know, that  
7 there are teachers in the pipeline that are not  
8 able to participate because of lack of funding  
9 now?

10                   MR. DENNIS: Well, where we have  
11 shorted them is the \$1,000 for ten years, we  
12 haven't been paying it. That's a big deal. And  
13 the other part is we have been able to place  
14 some scholarships, because if you don't complete  
15 it you have to give the money back to them. So  
16 you have to kind of squeeze by there on  
17 scholarships; but the \$1,000 on scholarships we  
18 find of fell down, and the board has to eat it.

19                   MR. CHAIRMAN: Okay. Further  
20 discussion? Okay. Call for a vote. All those  
21 who are in favor of fully funding the law, which  
22 would be \$375,000 in '17-'18 and \$375,000 in  
23 '18-'19 please signify by raising your right  
24 hand. One, two, three, four, five, six,  
25 seven -- okay. And those opposed? We have 8-2.

1 Motion passes. Steve Roberts and John Bacon in  
2 opposition. The next one is the PreK pilot.

3 MR. DENNIS: This goes half to private  
4 and half to public. This year it took a hit  
5 when they switched it to TANF, and they cut back  
6 on CIF money. Tobacco money. They cut that and  
7 TANF made it up. It's been running, it was five  
8 million, but you see the decline, by this year  
9 it is going to be 4 million, or last year 4  
10 million 799 and it's down to 4.1.

11 MR. CHAIRMAN: So the options we have  
12 before us are to fund the 2009 or which would  
13 be, is that 200,000?

14 MR. DENNIS: No.

15 MR. CHAIRMAN: No.

16 MR. DENNIS: No. No. It would be  
17 900,000. 900,000. 4.1 if you go back to five  
18 million, 900,000, if there is anything in  
19 between, Mr. Chairman, you might choose it if  
20 you want to. You are not locked in to it.

21 BOARD MEMBER: Is there a printout?

22 MR. DENNIS: You are looking at the old  
23 printout. This changed the other day.

24 BOARD MEMBER: (Inaudible.)

25 MR. DENNIS: No, not previously. This

1 was tobacco money, it came to children's cabinet  
2 a few years ago, they gave it to us. We  
3 operated it for several years, and then when  
4 this year they took -- they was hurting for cash  
5 and they took the tobacco money for other things  
6 and replaced it with TANF money at 4.1 million.

7 BOARD MEMBER: (Inaudible.)

8 MR. DENNIS: You could switch it over to  
9 CIF or general funding, it could go back to the  
10 tobacco fund. That's where it came from.

11 BOARD MEMBER: (Inaudible.)

12 MR. CHAIRMAN: I am thinking of our  
13 vision. And the PreK pilot program. I don't  
14 know a whole lot about it. Somebody tell me  
15 about it.

16 MR. DENNIS: It's low income, poverty  
17 children. And it goes to nonprofit  
18 organizations or school districts to serve PreK.  
19 These are PreK pilot kids. Most of them, 2, 3,  
20 4 year-olds, most of them are 2 and 3 years old.

21 MR. CHAIRMAN: And they are low income,  
22 okay. And they are in Kansas City and Wichita  
23 and Dodge City and public and private efforts  
24 can be utilized.

25 MR. DENNIS: Yes. It's operated by

1 different not-for-profit organization. Schools  
2 got some, schools got some, the other, the issue  
3 here though is this is helping prepare for  
4 kindergarten, is what they are trying to do, but  
5 they switched it over to TANF, and I don't think  
6 they will have any problem. These are all low  
7 income.

8 MR. CHAIRMAN: Janet Waugh.

9 BOARD MEMBER: Thank you, Mr. Chair.  
10 Does KCC get part of this, is that correct?

11 MR. DENNIS: I don't know who all gets  
12 it, but they would sure be entitled, if they  
13 applied. What we have done is, in essence, is  
14 operated this program, that was given to us in  
15 the children's cabinet, and there has been very  
16 little change in the program. If you take away  
17 from them and give it to somebody else you kill  
18 the program here, it's a continuation we got  
19 from them.

20 BOARD MEMBER: I know we have wonderful  
21 PreK programs.

22 MR. DENNIS: It's part of it --

23 BOARD MEMBER: Quite frankly, they are  
24 having to turn kids away. So I say this is part  
25 of our vision that we help, so I would make a

1 motion that we fund it at 2,000.

2 MR. CHAIRMAN: Fund the PreK pilot  
3 program at the 2009-'10 or '11 level for the  
4 next two years.

5 BOARD MEMBER: Correct.

6 MR. DENNIS: Mr. Chairman, can I ask a  
7 question?

8 MR. CHAIRMAN: Please.

9 MR. DENNIS: Do you want this to be  
10 tobacco funds or leave it under TANF?

11 BOARD MEMBER: I think that would be the  
12 decision of the legislature.

13 MR. DENNIS: That's true, but you could  
14 ask either way. You can say you want tobacco  
15 money or you can say you want federal money.

16 BOARD MEMBER: Whatever you like, do you  
17 want tobacco? I quit smoking many years ago.

18 MR. DENNIS: I got it.

19 MR. CHAIRMAN: The motion by Janet is  
20 to fund the PreK pilot at five million dollars  
21 next year over the next two years and money  
22 comes out of the tobacco fund. Is that correct,  
23 Janet?

24 BOARD MEMBER: Yes.

25 MR. CHAIRMAN: Seconded by Steve

1           Roberts.   Ken Willard.

2                         BOARD MEMBER: Mr. Chairman, I will vote  
3           for this, but I will just say that, I have had  
4           experience with it because I had a daughter who  
5           was working in it in the Wichita area, and this  
6           was a few years ago. But she, and several other  
7           people, complained bitterly to me about how  
8           poorly it was managed and how ineffective it  
9           was. And I was just trying to run interference  
10          and get somebody to listen to their complaints.  
11          And it was just, you know, I may not vote for  
12          it. I am just not so sure -- I am not so sure  
13          it accomplishes what we want. Because it is, we  
14          don't have any control over it, and it's  
15          mismanaged it by whoever manages the thing, it's  
16          money down the tubes.

17                        So if I were a legislature deciding to  
18          spend the money, I would have serious  
19          reservations on spending the money.

20                        MR. CHAIRMAN: So the accountability of  
21          money going to various entities, public and  
22          private, that there would be accountability?

23                        BOARD MEMBER: Yes.

24                        MR. CHAIRMAN: Higher levels of  
25          accountability.

1 MR. DENNIS: We would have some control  
2 over accountability.

3 MR. CHAIR: Under the present situation  
4 if we fund it. Where we didn't before, we  
5 didn't have this program at that time?

6 MR. DENNIS: Depends what year it was.  
7 Since we have received it we would have some  
8 accountability control, after we received the  
9 children's cabinet, I don't know what that was,  
10 I don't know the exact date, but we have had it  
11 for a few years.

12 MR. CHAIRMAN: I think it's since I have  
13 been on the board.

14 MR. DENNIS: But we would have some  
15 control over accountability.

16 MR. CHAIRMAN: Thank you. Janet Waugh.

17 BOARD MEMBER: Thank you, Mr. Chair. I  
18 just want to say I hate that about your  
19 experience, because I have had the exact  
20 opposite experience with KCK, you were with me  
21 when we visited KCK, Early Childhood, I have  
22 been in Turner Early Childhood, and I have had  
23 nothing but very positive. I was very pleased  
24 with what was happening. So I am sorry about  
25 that.

1                   BOARD MEMBER: I am not discrediting the  
2 whole thing, I was saying that's our experience  
3 and probably had to do with who was managing it,  
4 but it was a real mess.

5                   MR. CHAIRMAN: Jim Porter.

6                   BOARD MEMBER: I was just going to ask  
7 if we are funding it, why don't we have control?

8                   MR. DENNIS: We have control over  
9 accountability. Yes, that's the recommendation  
10 at that point. Yes, sir.

11                  MR. CHAIRMAN: Any further discussion?  
12 Hearing none, we'll call the question, call for  
13 the vote. All those in favor of the motion to  
14 fund, I just want to make sure -- Peggy, can  
15 you --

16                  BOARD MEMBER: Fund the 2009-'10 level  
17 at five million for additional costs of 900,000  
18 for the next two years and utilize tobacco  
19 money.

20                  MR. CHAIRMAN: Thank you very much. All  
21 those in favor please signify by raising your  
22 right hand. No, same sign. Two. Okay. John  
23 Bacon and Ken Willard. Thank you.

24                  The next item is Technical Education/  
25 Transportation.

1                   MR. DENNIS: Mr. Chairman, this is not a  
2                   statute. This was a part of the Governor's tech  
3                   Ed program and we talked about that, but where a  
4                   kid in high school can go attend community  
5                   college and get dual credit at no cost, and it's  
6                   worked quite well. But the dollar amount of  
7                   transporting those students has remained the  
8                   same, and because of its success we are down to  
9                   about 45 percent proration from what we would  
10                  have had in the original year.

11                  MR. CHAIRMAN: Ken Willard.

12                  BOARD MEMBER: Since this is often high  
13                  school kids who don't have access to a car or  
14                  not old enough to drive, and since this was  
15                  probably the most successful thing that has, the  
16                  bill that's come out of the legislature in the  
17                  last several years I would like to move that we  
18                  support it at the original amount.

19                  MR. CHAIRMAN: Do we have a second?  
20                  Deena Horst seconds. Okay. So that original  
21                  amount would be 650,000 and -- go back.

22                  MR. DENNIS: I think what Mr. Willard is  
23                  talking about is the original level, which is a  
24                  million 450. That gets it back to where it was  
25                  when we started. Original level, am I correct?

1 BOARD MEMBER: (Inaudible.)

2 MR. CHAIRMAN: Yes, these are the  
3 latest figures on the screen. The worksheets  
4 that we received are slightly different.

5 BOARD MEMBER: They are a lot different.

6 MR. CHAIR: Okay. They are a lot  
7 different.

8 BOARD MEMBER: Is there funding or not?

9 MR. DENNIS: Yes, 650,000.

10 BOARD MEMBER: So the additional cost is  
11 not -- (Inaudible.)

12 MR. DENNIS: The additional cost is the  
13 amount, about 800,000, it should be 800,000  
14 addition.

15 MR. CHAIR: Good point. Ken, your  
16 motion was to fund --

17 BOARD MEMBER: The 800,000 original  
18 level, the original level.

19 MR. CHAIRMAN: At the original level.

20 MR. DENNIS: Which would be \$800,000.

21 MR. CHAIR: 800,000.

22 MR. DENNIS: Above what it is now.

23 MR. CHAIR: What it is now. And Deena's  
24 okay. I want to make sure we are clear on the  
25 motion. Okay? Discussion? Hearing none, we'll

1           vote. All those in favor of the motion please  
2           signify by raising your right hand. Those  
3           opposed, same sign. 9-1 with John Bacon in  
4           opposition. Okay.

5                     Discretionary Grants. Can you describe  
6           this or explain this.

7                     MR. DENNIS: This is two after school  
8           programs, one middle school, and one elementary.  
9           And it's very small program. Some of it goes to  
10          private and some of it goes to public schools.  
11          The amount was cut in half at '11-'12 and  
12          remained at that amount. Notice, Tim, I have  
13          375 and 250, now it's half that amount and  
14          remained that amount. And each year the board  
15          will approve X number of dollars, but it is  
16          reduced in half of what it was originally. But  
17          it's after school programs for elementary and  
18          middle. It's a very small program. It just  
19          kind of scratches the surface of the needs in  
20          that area.

21                    MR. CHAIR: If we take no action the  
22          result is?

23                    MR. DENNIS: Stays where it is.

24                    MR. CHAIR: Stays where it is. If we  
25          take action we increase it. Janet Waugh.

1                   BOARD MEMBER: I guess I am not that  
2 familiar with this. Do schools apply for this,  
3 Dale? Or how or what?

4                   MR. DENNIS: It's kind of like a couple  
5 of other, these are programs that the  
6 legislature wanted, and then they got cut in  
7 half and they are small. And it's geared to,  
8 some of it has to go to private and some public  
9 institutions, and but it's a very small program  
10 and it's after school program. And it just kind  
11 of touches, imagine spending for middle school  
12 it is 125,000 statewide, it's pretty thin.  
13 Pretty thin. Very few schools are involved  
14 because there is no money involved. But it's  
15 been there quite some time.

16                   MR. CHAIR: Hearing no motion, we'll  
17 move on. Okay. Is anyone keeping tab on the  
18 credit card?

19                   MR. DENNIS: Mr. Chairman, could key run  
20 through quite quick, I will do it in a hurry.  
21 You have it all memorized. All right. On the  
22 base we went to \$4,650. On --

23                   MR. CHAIR: \$5,150 in the second year.

24                   MR. DENNIS: Right. 4,650 and what the  
25 second year?

1 MR. CHAIR: 500 increase.

2 MR. DENNIS: Yes. I think that's right.  
3 That's correct. And the LOB it's really to fund  
4 the law, a couple million. Capital outlay, fund  
5 the law. Special Ed, I believe we agreed on 85  
6 percent.

7 MR. CHAIR: Correct.

8 MR. DENNIS: And subtract one million or  
9 so from the \$650 on the base, that will pull  
10 that down to about 520. Which will amount to 20  
11 bucks on the student. And on all day  
12 kindergarten we ended up with no changes. Tax  
13 base increase on parents as teachers we added  
14 1,000 students and funded that program from the  
15 state CIF tobacco money, where it has been in  
16 the past. Mentoring program my note says we  
17 went, we fund the law. On professional  
18 development, we ended up, I believe, 50 percent  
19 of the law. And on transportation we have made  
20 no change in the law. On school lunch, we made  
21 no change there. On ag in a classroom  
22 environmental ed and community in school,  
23 \$35,000 each. And on National Board  
24 Certification, we funded that 375,000, which is  
25 a \$47,500 increase. On the PreK pilot, we

1 funded it back in to the original law, which  
2 costs 900,000, and that's all tobacco money.  
3 And PreK pilot we added -- yeah, PreK.  
4 Transportation, we added about \$800,000 to fund  
5 that, to fund it back at the original, what the  
6 law provided or original provision provided.  
7 And discretionary grants we did no change.

8 MR. CHAIR: Long conversations but good  
9 conversations. Thank you to the board for  
10 staying on this. And thank you.

11 MR. DENNIS: Thank you. If you get  
12 excited for it and you want to read a 325 to 330  
13 page document, we'll be glad to provide it; but  
14 you will be the only one who will read it.  
15 Besides us.

16 MR. CHAIR: I would anticipate that  
17 we'll get a sheet from you outlining what we  
18 have recommended today?

19 MR. DENNIS: Yeah.

20 BOARD MEMBER: (Inaudible.)

21 MR. CHAIR: Thank you.

22 MR. DENNIS: Thank you for all of your  
23 time and patience. This took a lot of patience.

24 MR. CHAIR: Thank you.  
25



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# Exhibit D

*Angela Deines, State Board of Education  
May Make Statement Regarding Gannon  
Briefs, TOPEKA CAPITAL-JOURNAL,  
July 11, 2017*



THE TOPEKA CAPITAL-JOURNAL  
**cjonline.com**

(/)



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By Angela Deines (/angela-deines)

angela.deines@cjonline.com

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## State board of education may make statement regarding Gannon briefs

🗨️ Comments    ➦ 2 Share



Jim McNiece, left, and Kathy Busch, right, members of the Kansas State Board of Education, talk with state education commissioner Randy Watson, center, during a break on Tuesday during the state board's July meeting in Topeka. (Angela Deines/The Capital-Journal)

Members of the Kansas State Board of Education are expected to decide on Wednesday whether they want to make a formal statement regarding the state's briefs in the Gannon school finance lawsuit set for arguments on July 18 in front of the Kansas Supreme Court.



Kansas Education Commissioner Randy Watson told board members during their July meeting on Tuesday he took exception to the state's arguments in the case that the state board of education's budget recommendation of \$893 million for the next two years wasn't based on the Rose standards. He said the recommendation, based on "Kansans

Can" vision for educating the state's students, was based on the Rose capacities that he said are "foundational" and "mission critical."

The standards relate to educational achievement in the areas of oral and written communication skills, understanding of economic, social and political systems, the arts and training and preparation for vocational or college education.

"As this brief half-hour of BOE discussion demonstrates, the BOE request was not calculated at all—much less reasonably calculated—to meet the Rose standards," according to the state's brief written by Stephen McAllister.

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#### SEE ALSO

**Kansas education board members make global statement regarding Gannon brief (<http://cjonline.com/news/state-government/education/2017-07-12/kansas-education-board-members-make-global-statement>)**

**State education board hears progress on postsecondary success of Kansas students (<http://cjonline.com/news/state-government/education/2017-07-12/state-education-board-hears-progress-postsecondary>)**

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Board chairman Jim Porter said he plans to allow the 10-member board to discuss on Wednesday whether they want to address the state's assertions that their budget recommendation wasn't based on the Rose standards.

"I just believe it's our responsibility to have a discussion," he said. "We may make a statement, we may not."

The state's briefs, filed on July 7 by McAllister, also quoted then-state board chairman Jim McNiece as saying the budget recommendation made in July of last year as "pretty aspirational."

McNiece said his comments in July of last year regarding the "aspirational" aspects of the board's budget recommendation were based on the fiscal realities the state of Kansas has been facing in the past several years.

"It was a way for us to make a statement in support of increased and improved funding for schools," he said, adding that the budget recommendation was on par with past years' requests.

Porter said he knows there is a sentiment held by some people who believe the board's \$893 million request was too lofty and unrealistic.

"I get the feeling that there are some that believe that we have gone too far," he said. "We have not. Each Kansas student deserves the best and whatever it takes, we cannot afford to fail one student. That costs each one of us. That's an economic issue if we have students that fail."

Porter said he stands by the board's funding recommendation for the next two years even though the legislature's appropriation for the fiscal year 2018 and 2019 was just \$292.5 million.

McNiece said the board knew their recommendation was going to be used by either the state or the plaintiffs for their own purposes, "good, bad or otherwise." He said he wished more attention was paid to the board's "deliberate decisions" that were made in recommending funding for specific line items like all-day kindergarten and bus transportation, not just per pupil base state aid.

"It was based on our vision and our outcomes directly," he said. "It was all based on the Rose standards."

State board of education members had recommended that base state aid be increased to \$4,604 in FY 2018 from the current \$3,852 and to \$5,090 in FY 2019. Instead, state lawmakers in June approved increasing the base to \$4,006 for FY 2018 that began July 1.

The funding formula state lawmakers adopted in June does away with the previous two years' block grants and returns to a funding formula based on enrollment and student weightings.

"I'm pleased with what the legislature did," McNiece said. "I wish it was more towards our number but I understand that the formula is good. Dollars can always be more but we are certainly moving in a positive direction."

Contact reporter Angela Deines at (785) 295-1143 or follow her on Twitter @AngelaDeines.