

Other 2024 K-12 Reforms and Role of the Legislature, State Board and Local Boards

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Any discussion of K-12 education in Kansas must begin with the KS. Constitution.

- “The legislature shall provide for intellectual, educational, vocational and scientific **improvement**, by establishing and maintaining public schools, educational institutions and related activities which may be organized **and changed** in such manner as may be provided by law.”
- The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except those powers reserved to the board of regents. **The state board of education shall perform such other duties as may be provided by law.**”
- The Kansas Supreme Court has interpreted the SBOE provision of supervision to be “something more than advise **but something less than control.**”

Local Board Authority

- Local Board authority comes from Art. 6, §5 of the Kansas Constitution.
 - “Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards.”
 - Local boards are constitutional. School districts and their administrators are statutory. Local boards may delegate tasks to the administration, but ultimate control and responsibility lies with the local board.

Local Board Powers

- K.S.A. 72-134 requires the local board to appoint a superintendent, who is “subject to the orders, rules and regulations of the board of education.”
- K.S.A. 1138 allows local boards to “prescribe courses of study”, adopt rules and regs for teaching, approve and adopt “suitable” textbooks and study materials”, subject to State Board of Ed rules. In addition, the “board may transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools.”

Building-based Needs Assessment Law

- For decades, Kansas has had a requirement that each year **“the board of education shall conduct an assessment of the educational needs of each attendance center in the district.”**
- The board is required to utilize this information when building and approving the annual budgets.
- A shocking number of board members we’ve visited with have never been briefed on this responsibility, or if they knew about it, assumed their only function was to approve the resulting proposed budget.
- It was not the intent of the Legislature to have school district administration in charge of this function or its compliance.

Needs Assessment Law Changes

- As a result, K.S.A. 72-1163 has been amended to emphasize the importance of the local board's role in ensuring that district budgets are developed with student achievement at the forefront.
- Not only must the board conduct the building needs assessments, the board minutes must reflect that the board not only reviewed the assessments, but also evaluated the assessments and indicate **“how the board used such assessment in the approval of the school district's budget.”**
- The statute now mandates that the school district budget “shall allocate sufficient monies in a manner reasonably calculated such that all students may achieve the goals set forth in K.S.A. 72-3218.” (*Rose capacities*)

Needs Assessment Law Changes, cont.

- The new needs assessment law requires that for each school year the local board must review the state assessment results and document:
 - (A) the barriers that must be overcome to have all students achieve “proficiency **above Level 2** for grade level academic expectations on such assessments;
 - (B) any budget actions **including possible reallocation of resources** that should be taken to address and remove such barriers; and
 - (C) the amount of time the **board** estimates it will take for all students to achieve proficiency **above Level 2** for grade level academic expectations on the state assessments if such budget actions are implemented.
- The statute is directive, not just a “board checking the box” exercise!

Intent of Needs Assessment Law

- The law is intended to make local boards play a critical role in taking the actions needed to improve student performance.
- Instead of building budgets based on "last year" or "because we've always done it this way", budgets should reflect what the board has learned from the state assessments and how allocation of resources plays a role in student outcomes. How will the budget you next approve, ensure a better student performance outcome next year? How many students Level 2 or Level 1 will continue to be left behind if their educational needs aren't addressed?
- The Kansas State Board of Education has established a budget planning process
GOAL: "To prepare **each** student for post-secondary opportunities and success."
- OUTCOME: "Align school district budgeting with improvement needs for **each** student, as identified by the building needs assessment."
- In short, budgets should be built from the classroom up, not the administration building down.

KSDE Guidance Document

District Needs Assessment Budgeting Process Chart



KSDE Guidance “Suggestions”

- Leadership at each attendance center may evaluate their building needs assessments and state assessments through normal district procedures (i.e. teacher leadership teams, site councils, building leadership teams, professional learning communities, etc.) and submit to district leadership for consideration. District leadership will use the needs assessment completed by each attendance center to create the “USD official needs assessment and state assessments review, respectively, that may be shared with the USD board of education. In the case of the state assessment review, KSDE says “The board will then adopt the USD official state assessment review.”

Accounting Handbook for USD's

- For many years, KSDE has published this accounting handbook so that there is a uniform USD-wide accounting system.
- Account Code #1000 is “Instruction”. “Instruction includes the activities dealing directly with the interaction between teachers and students. Teaching may be provided for students in a school classroom, in another location such as a home or hospital, and in other learning situations such as those involving co- curricular activities. Teaching may also be provided through some other approved medium such as two- way interactive video, television, radio, telephone, and correspondence. Included here are the activities of aides or classroom assistants of any type (clerks, graders, teaching machines, etc.) which assist in the instructional process.”

Importance of Instruction

- Here is what the Accounting Handbook says about “Instruction”:
- Although all other functions are important, this function acts as the most important part of the education program, the very foundation on which everything else is built. If this function fails to perform at the needed level, the whole educational program is doomed to failure regardless of how well the other functions perform. Instruction not only includes the regular face-to-face classroom teaching but also such things as lab sessions, independent work, and education field trips.
- By far the biggest cost items in this function are teacher salaries and associated costs such as social security, fringe benefits, and workers’ compensation. Other major costs are providing substitutes and paraprofessionals who work with the teachers. All of the materials needed in the delivery of the instructional program by the teacher and helpers are another major cost. Costs that do not involve teachers, teacher helpers (paraprofessionals, substitutes, etc.) and the students’ actual learning should not be included in this category.

65% Instructional funding goal

- **72-5191. Sixty-five percent of moneys to be spent on instruction.** (a) It is the public policy goal of the state of Kansas that at least 65% of the moneys appropriated, distributed or otherwise provided by the state to school districts shall be expended in the classroom or for instruction.
- Passed in 2005 to address concerns that declining student performance was a function of underfunding of schools, this policy goal has never been achieved since the statute was passed.
- Instructional spending was just over 50% then and even now is just over 50%
- The cumulative effect of not following the statutory goal over the intervening years is that over **\$11B** that should have been allocated for instruction was instead spent on other items and outcomes have not only not improved, they have gotten worse.

2024 SB 387 Reform provisions

- **At-Risk Student Accountability Plan**
- District compliance with Kansas law requiring strict adherence to rules governing the expenditure of at-risk funds has been abysmal.
- Two consecutive Legislative Post Audits have identified numerous instances of non-compliance.
- Districts were found to have spent funds on general education classroom expenses without regard to the clear requirement that funds be spent only on the identified at-risk student population and only for programs providing services over and above those provided general ed students.

SB 387, cont.

- SB 387 initiates a 2-year pilot program for 2024-2025 for select districts with statewide implementation in 2026-2027 to establish at-risk student accountability plans and annually report on at-risk student performance and longitudinal academic improvements.
- Requires on-line publication of at-risk best practices resource list and prohibits the State Board from revising or updating the English Language Arts (ELA) or math curriculum standards until the State Board's goal of 75% of all students scoring at levels 3 or 4 on the ELA and math assessments is met.

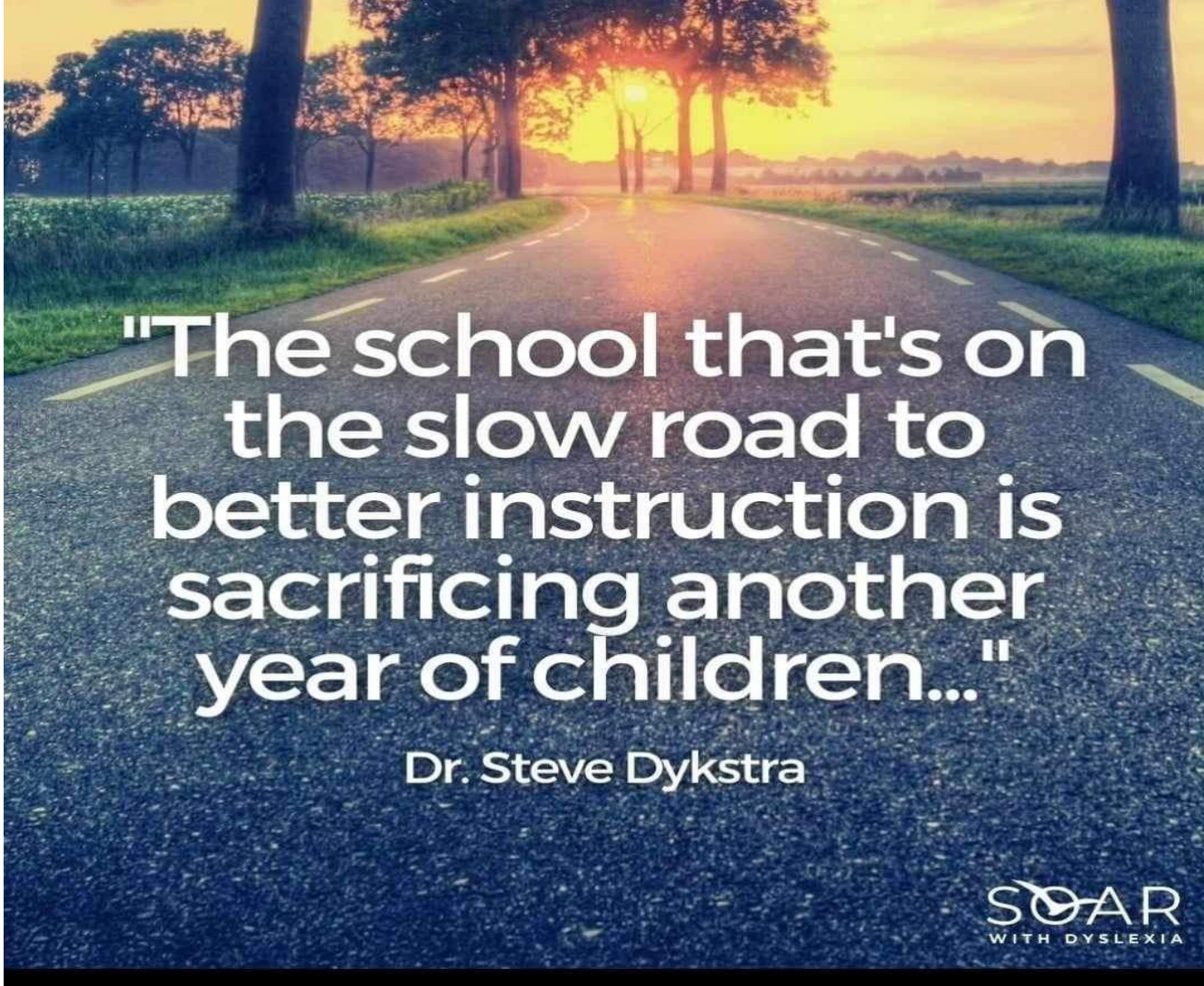
SB 387, cont.

- **Other SB 387 At-Risk reform**

- In light of the 2 critical LPA audits of district non-compliance, the existing at-risk funding law is amended to make it clear that at-risk funds may only be used to provide programs that are above and beyond regular educational services to students who are identified as at-risk.
- The State Board must approve and provide a list of evidence-based and best practices at-risk programming. Provisional programs suggested by local districts are still allowed provided they meet criteria.
- Local Boards should scrutinize all at-risk programs at the district level to ensure they are appropriately identified and implemented such that there is measurable improvement in at-risk student success.

SB 387, cont.

- SB 387 also establishes the Education Funding Task Force
- 11 voting members appointed by legislative leadership, the Governor and the State Board. Parent, teacher and superintendent membership is included.
- The task force will review the current school finance system, current methods of determining and distributing special ed funds, inputs for the current formula, outputs of the current system, including achievement and other measures of student success, and current academic reporting requirements with respect to state assessments.
- A report is due the Legislature and Governor on or before Jan. 1, 2027, with recommendations on the establishment of a new funding formula reasonably calculated to have all students met statutory goals.



**"The school that's on
the slow road to
better instruction is
sacrificing another
year of children..."**

Dr. Steve Dykstra

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