



KANSAS POLICY INSTITUTE

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House / Senate Judiciary Joint Meeting
Potential Constitutional Amendment Prohibiting School Closure
June 16, 2016
Dave Trabert, President

Chairman Barker, Chairman King and members of the Committees:

We appreciate this opportunity to share our thoughts on possible Constitutional amendments regarding public education.

It's hard to imagine that any court would threaten to violate students' constitutional right to education by closing schools over a tiny funding dispute, but that's the bizarre reality we face. Statutory prohibition of school closure as set forth in K.S.A. 60-2106(d) and K.S.A. 72-64b03(b) is obviously insufficient to deter the Supreme Court from threatening such action, so we support a constitutional amendment to prohibit the closure of schools over funding disputes.

We also believe the Constitution must be amended to permanently resolve the litigation cycle and get the focus back in the classroom where it belongs. The Article 6 requirement for the Legislature to make suitable provision for finance of the state's educational interests really only serves to address the monetary demands of school districts and the special interests supported by school funding. Money must be provided but there is no requirement that schools use the money to produce any specific outcomes.

Despite the fact that per-pupil funding continues to set records and increased 45% more than if adjusted for inflation over the life cycle of the old funding system, here are the harsh realities of student achievement in Kansas:

- Only 32% are college-ready in English, Reading, Math and Science (ACT)
- Less than 25% of low income kids are Proficient in Reading and Math, and only about half of the more affluent students are Proficient (NAEP, 4th Grade and 8th Grade)
- Low income students are 2 to 3 years' worth of learning behind...in the 4th Grade (NAEP)
- At the current pace, it would take centuries to close low income achievement gaps.

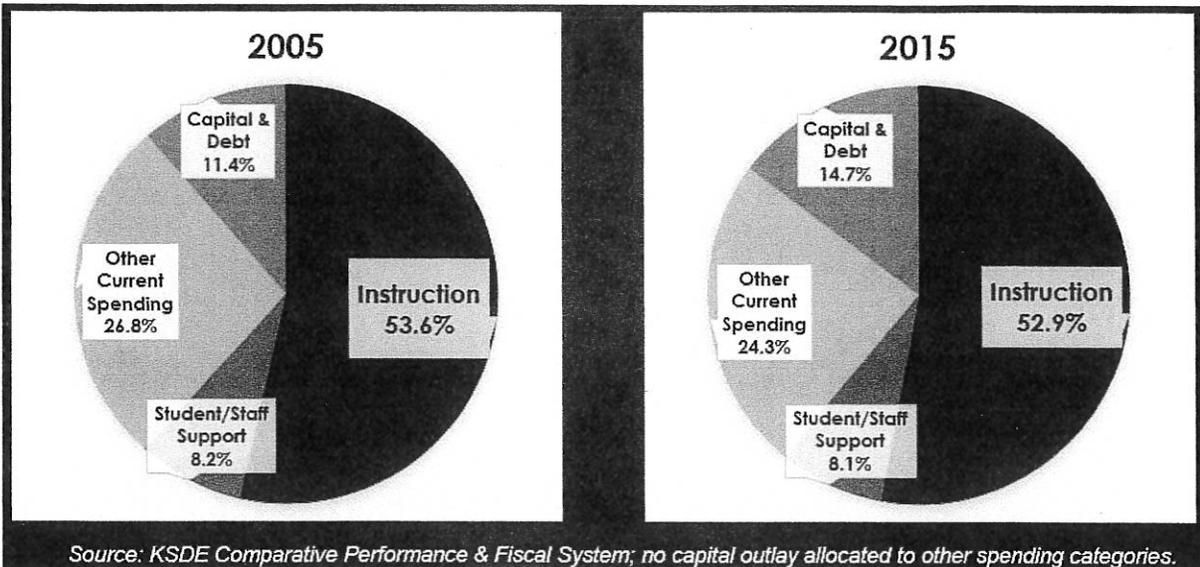
The data clearly shows that just spending more will change anything. Money matters, of course, but when pressed, even most researchers who believe there is a correlation between money and outcomes admit that it's how money is spent that makes a difference rather than how much is spent. Most also readily admit that simply spending more does not CAUSE outcomes to improve.

Local school boards alone decide how to allocate resources and here's a summary of their actions over the last ten years. Funding increased by nearly \$2 billion but the percent of resources allocated to Instruction declined to 52.9%. In fact, the share allocated to Student and Staff Support

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as well as Other Current Spending also declined. Only Capital & Debt increased, from 11.4% to 14.7%.



For some perspective on the shift to Capital & Debt in Kansas, consider these facts:

- Debt Service payments jumped 72% over the last 10 years, from \$286 million to \$493 million per year.
- \$4.8 billion in new bonds were issued by just 143 school districts over the last 10 years.
- Kansas had the 10th highest per-pupil indebtedness according to 2014 Census data, at \$10,211 on a headcount basis.

Given the funding and achievement realities, we propose two constitutional amendments be placed on the ballot for voters' consideration, with the one receiving the largest number of votes being adopted:

- 1) Remove "suitable" from Article 6 so that neither the Legislature nor school districts are held accountable for any specific action.
- 2) Hold both parties accountable by clearly defining a formula-driven minimum funding level (i.e., not something subjective for courts to 'interpret) the Legislature must provide and requiring school districts to achieve district-specific minimum achievement goals or lose their accreditation, at which point students in unaccredited districts receive a state-funded Education Savings Plan to attend a public or private school of their choice.

This way, voters can decide whether everyone or no one should be held accountable. And if you'll pardon the pun, either option seems to be an equitable solution to get out of courtrooms and back into classrooms.

Thank you for your consideration.