



Mark Desetti
Senate Select Committee on School Finance
Substitute for HB 2410
May 18, 2017

Mr. Chairman, members of the committee, thank you for the opportunity to share our thoughts on Substitute for HB 2410, the school finance bill that was developed by the House K-12 Budget Committee.

We believe that the components of the school finance formula in this bill are sound. As I am sure you know, it is similar to the formula that was repealed with some changes. We believe most of those changes are improvements.

There has been much made of the Court's focus on the lowest performing students in the Gannon decision and Sub for HB 2410 goes a long way to target money to those students.

Specifically, it sets an at-risk weighting factor at the level recommended by the Legislative Post Audit in their examination of school finance. The bill also funds all-day Kindergarten where it is offered and provides funding for pre-school at-risk. Since early intervention is critical to a child's success, many districts use at-risk funds to provide all-day Kindergarten. By funding all-day Kindergarten, other at-risk dollars are now free to be focused on the improvement of all other at-risk programs. These measures combined will go a long way to meeting the Court's emphasis on the lowest performing students.

We also support the provisions on high-density at-risk funding and the at-risk base of 10%. We believe the 10% base is important as it addresses the fact that while funding is generated by poverty, at-risk programs are not exclusively for students in poverty. Districts with a low percentage of students in poverty still need funding to address the needs of their at-risk population.

The bill also targets funding to bilingual students to help them acquire English skills. We support this funding aspect of the formula.

By adding funding for new teacher mentoring programs and professional development programs, the bill will assist teachers in the continuous improvement of their practice as professional educators. We support such funding.

There are parts of the bill that we find troubling.

First, the Local Excellence Budget concerns us. With the Court focused on addressing the lowest performing students and closing the achievement gaps, it seems counter-intuitive to provide access to special funding for the 140 districts with the lowest number of at-risk pupils for enrichment purposes. Every parent wants enrichment opportunities for their children but under this provision funding for such opportunities will only be available to students who are not living in poverty. Would this not exacerbate achievement gaps?

We are also very concerned about the mandate for ABA therapy for students with autism upon parent demand. ABA therapy can be very effective but it is not a “cure” for autism and not necessarily the best option for every student. Additionally ABA therapy is simply not available throughout the state so the mandate would give special rights based on zip code.

ABA therapy today can be considered by an IEP team and can be put into a child’s IEP which is where the decision should remain.

As to the cost of ABA therapy, as a highly intensive one-on-one therapy it is quite expensive. It is for this reason that the legislature mandated that it be part of health insurance plans in Kansas. If a parent with insurance puts a child in ABA therapy, the insurance covers the cost. If it is mandated as part of a school program for an individual student, insurance policies have an out under which such requirements would have to be provided by the school. The money in the fund provided in Sub for HB 2410 would not cover the costs to schools if parents were to exercise their right to demand such therapy. School districts would be responsible for all of the cost.

We appreciate that the ABA mandate is delayed by one year but our concerns will not change. Unless the state were to commit to fully funding the mandate, the mandate should be removed.

Finally we believe that the overall funding in the bill is woefully inadequate. The \$750 million in the bill as it was before the amendments from this Monday is short of what the State Board of Education has indicated is needed and the plaintiff’s had also expressed concern before Monday. We do not believe that the Court will accept the funding levels in Sub for HB 2410 to be adequate.

In the creation of this bill through last Friday, the focus had been on the needs of students. That focus changed on Monday to trying to find a number for a potential tax bill that could easily pass. We believe the funding in Sub for HB 2410 has been constrained by a desire to keep a tax bill politically more attractive.

We would hope that the Legislature would craft a budget and a school finance bill that take care of our state and our children’s education and then assemble a revenue plan to meet those budgets. We know that these are difficult decisions but the 2016 elections demonstrate that the people of Kansas want you to make those difficult decisions and not abandon the greatness that Kansas can and should be.