

Testimony in Support of HB 2395

By Chuck Knapp

To the House K-12 Education Budget Committee

March 18, 2019

Madam Chair and Members of the Committee,

My name is Chuck Knapp, and I work for an organization that helps “at-risk” students graduate from high school and get on a successful career path. Thank you for the opportunity to appear before you today in support of House Bill 2395.

I am not an expert on roofing, bullying or how the Kansas Supreme Court may rule on the Kansas Legislature’s response to the most recent court case. There were several conferees who testified on many of those issues last week. And, while I heard quite a bit of testimony about how HB 2395 would impact teachers, administrators and boards of education, I did not hear from any students or representatives of those Kansas students who are currently facing barriers to success and who probably find themselves in Level One of the Kansas State Board of Education’s Kansas Assessment Program (KAP).

I am not here to blame anyone or any policy for the growing number of students in Level 1, but I do believe someone should speak on behalf of those students. It is for that reason I appear before you today.

The Board of Directors of the organization for which I work is comprised of individuals from both major political parties who represent diverse philosophies. However, the reason they serve on our Board is because they want to help “at-risk” students reach their full potential. I believe every member of this committee has the same goal.

I support House Bill 2395 for two primary reasons:

- 1) The total amount of spending in this bill has been agreed upon by the Governor and Legislature;
- 2) It targets funds for “at-risk” students.

Agreement on Funding Level

One thing on which our Democratic Governor, Republican Legislature and the State Board of Education seem to agree is the total amount of the funding increase for the K-12 Education Budget. That is a great foundation on which to build.

Targeted Funds Should Count

I understand some argue that if money is targeted it should not count in the final figure. The Kansas Supreme Court did not indicate in its decision the Legislature could not direct the additional funds it required for adequacy. The Court has, however, noted concerns with “at-risk” students and student proficiency. The Court pointed out in *Gannon V* that in Fiscal Year 2016, 27.8 percent of high school students were not proficient in English Language Arts (ELA) and 40.8 percent were not proficient in math.¹ Unfortunately, those numbers are worse today. In Fiscal Year 2018, the percentage of students not ELA proficient had risen to 33.29 percent, and 44.46 percent were non-proficient in math.²

In *Gannon VI*, the Court seems to praise increasing at-risk weighting by the State. On Page 28 of that opinion, it states,³

“We acknowledge we did not find some of these changes persuasive on the issue of adequacy in *Gannon V*, 306 Kan. at 1208-09. But with the large increases to the base aid amount created since that time by S.B. 423 and S.B. 61, coupled with 2017 S.B. 19's increased weighting multiplier (from .456 to .484), even more money is generated for students qualifying for at-risk services.”

I am not an attorney. However, a reasonable person could conclude the Court would rule that increasing the at-risk weighting again and targeting funding to help “at-risk” students is complying with the Court’s directive to spend more money to help students who are non-proficient.

“At-Risk” Students Matter but Require a Different Approach

“At-risk” students are at-risk for a reason, or a multitude of reasons. They may be dealing with significant trauma in their lives that they are unable to overcome without special attention and working with an adult who understands the impact of that trauma. Trauma Informed Care is part of the evidence-based approach in our organization, and many schools are starting to add staff and get training in that area.

There are thousands of students who go to school every day thinking nobody cares about them. Often, they get told they won’t be successful if they don’t get a college degree or even a certificate. There are great programs for college bound students, and excellent vocational programs with whom my organization partners. Those are important and appropriate programs for many students.

It is undebatable that many of the highest paying jobs require a college degree and that most high school graduates will need some additional post-secondary training to get on a successful career path. However, the challenge with many “at-risk” students is they don’t care about going to or graduating from high school. It’s folly to think those kids are going to be college ready if they don’t care about high school. Before we can get them to focus on proficiency in anything, we

¹ Kansas Supreme Court, *Gannon V* Opinion, Page 38; Attachment 1

² Kansas Legislative Research, “Major Categories of State Aid and Statewide Assessment Scores, 2015-18”; Attachment 2

³ Kansas Supreme Court, *Gannon VI* Opinion, Page 28; Attachment 3

must get them engaged in something. We must try different ways to not only get them engaged in high school, but in many cases, engaged in life.

Sometimes adults transfer their ideas of success on to students. For many of our students, success looks differently than it might for you – that doesn't make it wrong or inferior. Some of our kids dream of living in a safe neighborhood and making enough money in a career that will allow them to raise a family and have a reliable vehicle. Certification programs may be the best route for that student, but the reality for many kids is that just getting through high school appears to be the biggest academic challenge for that kid. Outside of school, they are probably facing even greater obstacles.

I've seen numerous students get on a career path with basic employability skills. Many employers are looking for employees that are reliable, have basic skills and demonstrate they are trainable. If we tell kids they are only successful if they get a degree or a certificate, we are telling them they are not good enough, and they are less likely to try. If they aren't trying, they will not only remain in KAP Level One, they are likely to leave high school without a diploma and on to a path to poverty. Even students that survive high school as a Level One student without additional skills developed while in high school are probably not on a successful career path. High School graduation should not be the end of anyone's success.

Students in foster care are a perfect example of kids who have no consistency, no sense of community and are failed by a system that doesn't address their needs. The State offers free college to Kansas kids in foster care, but nearly half of them don't graduate from high school. There's plenty of blame to go around for that failure, and adults are more than happy to point the finger at someone else. Instead of blaming others for failure, we need to step up, acknowledge there is failure and try something new.

Direction Often Leads to Better Results

Very few people like to be told what to do. That doesn't mean they shouldn't be told. My organization currently receives federal money and we are required to submit performance measures quarterly and expense reports monthly. We would be glad to do that with state money. Direction and accountability often lead to better results.

By targeting money for "at-risk" students, it is showing taxpayers that the Legislature has heard the Court's message loud and clear that we must do more for these students. Is a \$20 million investment in the most vulnerable students in our schools, out of the entire K-12 budget, really something to fight about? Schools will still have full control over how those at-risk dollars are spent on evidence-based programs, but it will reinforce to our communities that we are taking the challenges with this population seriously.

Schools are Utilizing Evidence-Based Programming and Still Have Control over Funds

My organization has great school partners that have made the decision to invest in a successful evidence-based program, and there are schools that want the program that did not have the funds available to pay for it. By targeting money for "at-risk" students, districts that have not invested in evidence-based successful "at-risk" programming but have students in the KAP Level One, will be given a gentle nudge and the resources to move in that direction. As I understand it, this

bill does allow districts to spend the additional targeted funds on something else if they already have programming that works. They are simply held accountable if the Kansas State Department of Education determines student outcomes have not improved.⁴

I believe our program is one of the best, and I am glad to compete for those additional “at-risk” dollars. We have great school partners, and I understand they may choose to spend their money in different ways to help at-risk students based on what they believe their “at-risk” population needs. The important thing is that the Legislature is addressing the needs of “at-risk” students in Kansas.

Hear their Voices

Every time I have appeared before this committee, you have graciously allowed students to tell their stories.

I wish Zach could be here to tell you about being homeless, running with the wrong people and headed down a dark path that didn’t include school or possibly even life until he was placed in our program. He has credited that evidence-based program for literally saving his life. He gained confidence in himself and is now serving in the United States military.

This year, you heard from Bryar, who said our program kept him in school and put him on a career path with a plan. His mom said it transformed their son and their family.

Last year, Cheli told you about her life of drug use, chronic absenteeism and no clear direction in life until she was placed in our evidence-based program.

Unfortunately, you couldn’t hear from the thousands of students who do not have the opportunity to participate in successful evidence-based programs that can also improve their lives.

At-risk students do not have paid lobbyists or associations. Today, I am asking you to hear their voices through me and let them know they have been heard and that they matter. Targeting funds for students that need it most would be that clear message. I respectfully ask that you pass House Bill 2395.

Thank you again for the opportunity to appear before the Committee. I am glad to stand for questions.

⁴ HB 2395, Sec. 40 (2)(b)

Attachment 1

We recognize that the 100% proficiency standard cited by the LPA has been lowered since then. We also recognize that changes can be made to "the labels for the student performance standards, the level of skills needed to meet those standards, and even the tests for measuring performance against those standards." 305 Kan. at 905. But most important, "through it all, the underlying purpose of the standards remains constant; here, to determine educational proficiency in any given year." 305 Kan. at 905. And we clearly held in *Gannon IV* that the Kansas public education financing system was unconstitutional—when only 75% of all public school K-12 students were at grade level or above in the basic skills of both math and reading, and a significant group of harder-to-educate students were being left even further behind because of inadequate funding. 305 Kan. at 906-08, 913. We expressly noted that student proficiency levels were not only low but also appeared to have steadily regressed after the 2011-2012 school year through 2015-2016. *Gannon IV*, 305 Kan. at 904. The following chart demonstrates the levels.

| Year | BSAPP | All below grade level ELA | All below grade level Math | All High School below grade level ELA | All High School below grade level Math | All 8th Grade below grade level ELA | All 8th Grade below grade level Math |
|-------------------|-----------------|--|----------------------------|---------------------------------------|--|-------------------------------------|--------------------------------------|
| 2011-12 (FY 2012) | \$3,780 | 12.4% (panel held scores began to falter/waiver) | 14.1% | 10.6% | 15.4% | 11.8% | 15.2% |
| 2012-13 (FY 2013) | \$3,838 | 14.3% | 20.5% | 11.5% | 19.2% | 13.3% | 22.2% |
| 2013-14 (FY 2014) | \$3,838 | 0 data (server down) | 0 data (server down) | 0 data (server down) | 0 data (server down) | 0 data (server down) | 0 data (server down) |
| 2014-15 (FY 2015) | \$3,852 | 20.7% | 23.3% | 23.7% | 36.9% | 20.5% | 36.8% |
| 2015-16 (FY 2016) | \$3,852 (CLASS) | 23.3% | 26.3% | 27.8% | 40.8% | 23.4% | 40.1% |

Accordingly, we concluded more funding was needed to raise performance to at least reach the minimum standards of K.S.A. 2016 Supp. 72-1127. 305 Kan. at 913-14. In S.B. 19, the legislature has declared its "purpose and intention" to provide a financing system to meet those statutory standards. S.B. 19, § 70.

Attachment 2

Major Categories of State Aid and Statewide Assessment Scores, 2015-18 Percent of Students Scoring at Level 1 (Dollars in Thousands)

| | <u>FY 2015</u> | <u>FY 2016</u> | <u>FY 2017</u> | <u>FY 2018</u> |
|-------------------------------|----------------|----------------|----------------|----------------|
| Major Categories of State Aid | \$ 3,936,778 | \$ 3,885,152 | \$ 4,016,332 | \$ 4,337,518 |
| KAP--4th Grade Math | 14.24% | 17.56% | 16.81% | 18.61% |
| KAP--4th Grade ELA | 11.34% | 14.74% | 15.24% | 16.46% |
| KAP--8th Grade Math | 37.13% | 41.11% | 40.92% | 42.95% |
| KAP--8th Grade ELA | 20.96% | 24.49% | 27.66% | 29.34% |
| KAP--HS Math | 36.86% | 41.63% | 42.28% | 44.46% |
| KAP--HS ELA | 24.01% | 29.06% | 31.19% | 33.29% |

Notes

The Kansas Assessment Program (KAP) includes assessments for Math, English Language Arts (ELA), Science, and Social Studies. Each assessment is administered yearly for grade 3 through 8 and once in high school.

Based on criteria established by the State Board of Education, there are 4 performance levels on KAP assessments, with Level 1 being the lowest and Level 4 being the highest. Levels 3 and 4 are considered proficient.

Attachment 3

and the three ACT WorkKeys assessments required to earn a national career readiness certificate for each student enrolled in grades 9 through 12. According to the legislature, the purpose of this program is to ensure that "no student enrolled in grades nine through 12 of any school district shall be required to pay any fees or costs to take such exam and assessments." S.B. 423, § 1. This funding appears to be meant to benefit all students. See, e.g., *Rose capacity* (vii): achieve "sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market." 790 S.W.2d at 212.

While the State does not so argue, the funding could be particularly beneficial for students, e.g., at-risk, who would have been discouraged or prevented from taking these assessments based on the expense.

We acknowledge we did not find some of these changes persuasive on the issue of adequacy in *Gannon V*, 306 Kan. at 1208-09. But with the large increases to the base aid amount created since that time by S.B. 423 and S.B. 61, coupled with 2017 S.B. 19's increased weighting multiplier (from .456 to .484), even more money is generated for students qualifying for at-risk services.

Conclusion regarding adequacy

The State has presented us with its self-described *Montoy* safe harbor plan that purports to bring the K-12 public education financing system into compliance with the adequacy requirement in Article 6 of the Kansas Constitution. In its current status, the State's chosen remediation plan does not comply. But by timely making financial adjustments in response to the plan's identified problems and its accompanying