

NO. 13-109335-S

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IN THE SUPREME COURT OF THE STATE OF KANSAS

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**LUKE GANNON,**  
**by his next friends and guardians, *et al.*,**  
Plaintiffs/Appellees/Cross-Appellants,

vs.

**STATE OF KANSAS,**  
Defendant/Appellant/Cross-Appellee.

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***AMICUS CURIAE* BRIEF OF  
EDUCATIONAL MANAGEMENT CONSULTANTS  
IN SUPPORT OF REAL “REMEDIES” TO ACHIEVE  
AN EQUAL EDUCATIONAL OPPORTUNITY  
FOR EACH K-12 STUDENT IN KANSAS**

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Appeal from the District Court of Shawnee County, Kansas,  
Honorable Judges Franklin R. Theis, Robert J. Fleming, and Jack L. Burr,

Case No. 10-c-1569

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**Dated: September 6<sup>th</sup>, 2013**

## **TABLE OF CONTENTS**

1) Interest of Amici Curiae.....	Page 3
2) The Augenblick and Myers Methodology is Flawed.....	Page 3
3) The More K-12 Funding = Higher Student Achievement Myth.....	Page 5
4) Where Has All the Money Gone?.....	Page 6
5) What Has Happened to Student Achievement?.....	Page 9
6) Why Do State Test Scores Appear to Improve?.....	Page 10
7) “A Penny Saved Is A Penny Earned”.....	Page 12
8) Reorganize School District Boundaries To Save \$500 Million.....	Page 12
9) Increase the Productivity of K-12 Teachers To Save Millions.....	Page 14
10) Change the Definition of an At-Risk Student.....	Page 16
11) Conclusions.....	Page 17

## **APPENDICES**

1) Kansas General Fund Allocations – FY 2012 Actual.....	Page A-1
2) National General Fund Allocation to K-12 Education – FY 2012.....	Page A-1
3) State, Federal and Local Taxpayer Support—1997-98 through 2011-12....	Page A-2
4) State, Federal and Local Taxpayer Support Per Pupil – 1997-2012.....	Page A-2
5) Kansas State Aid Per Pupil 1997-2012.....	Page A-3
6) K-12 Operating Cash Carryover – 2005-2011.....	Page A-3
7) Plaintiff Districts % Change 2005-2012.....	Page A-4
8) Kansas Education Personnel Increases Since Montoy 2004-2009.....	Page A-5
8) Kansas Education Personnel Increases Since Montoy (Page 2).....	Page A-6
9) Kansas NAEP Scale Score Flat vs. Spending Per-Pupil.....	Page A-7
10) Kansas Spent \$2 Billion More in 10 Years = ACT Scores Flat.....	Page A-7
11) Kansas Performance NAEP – Reading.....	Page A-8
12) Kansas Performance on NAEP – Math .....	Page A-9
13) Kansas Assessment % Correct Cut Scores – Reading & Math.....	Page A-10
14) Kansas Assessment % Correct Cut Scores – History & Science.....	Page A-11
15) NAEP-Equivalent Scale Score for Proficient – 4 <sup>th</sup> & 8 <sup>th</sup> Grade Reading....	Page A-12

## **INTEREST OF AMICI CURIAE**

Educational Management Consultants is a Kansas based firm with over 40 years of K-12 and higher education classroom, administrative and budgeting experience. The firm specializes in cost-benefit analyses to increase productivity so that more instructional resources reach the classroom to improve student achievement.

EMC has also developed a state-wide, School-Based Budgeting process to assure that each K-12 student has an equal educational opportunity. This School Finance Model is included in the Amicus Brief in Vol. 39, Pg. 3945 of the Record on Appeal in *Montoy vs. State of Kansas* (District Case 99-C-1738 and Appellate Case 04-92032-S).

As a member of the Kansas State Board of Education from 2009-2012, the author has had a unique opportunity to document the impact of the Montoy decision throughout Kansas. Therefore, this “Friend of the Court” brief will hopefully provide the longitudinal data and evidence needed to reach a fact-based, balanced and just ruling.

## **THE AUGENBLICK AND MYERS METHODOLOGY IS FLAWED**

For Kansas businesses to be financially strong and able to compete in the world economy, their workers and managers must be productive. They do not have the luxury of raising taxes when they don’t want to make hard decisions. Yet, for years, some educators and their attorneys have insisted that the only way to improve student achievement is to spend more money.

They cite the Augenblick and Myers study, which used flawed methodology, to “calculate” the cost of a “suitable education” in Kansas. It is like taking a group of children into a candy store and asking, “Do you like candy?” Of course the answer is

“Yes”. Then to follow by asking “How much more candy do you want in your bag?” which only leads to one conclusion. Each child wants “More candy, please!!”

There were no cost or learning needs data collected from individual schools during the A&M study. In fact, there was no actual cost data collected at all. Instead, A&M developed a questionnaire and gave it to small “professional judgment” discussion groups associated with education in Kansas who were asked what they thought about the current school finance formula and whether they thought there was enough funding provided for public schools. Then, based on these answers, the study established fictitious “Prototype” school districts to project costs for various sized districts.

To make matters worse, A&M were only provided with 2 pages of vague descriptions of a “Suitable Education” by the KSDE staff and Legislature. These definitions were too broad to be measured or taught. Yet the whole A&M study was to determine the cost of provide suitable funding for education in Kansas. Without any clear definition of what is to be taught and learned, there is no way that the cost estimates recommended by A&M have any validity.

In systems design, the axiom is GIGO which stands for “Garbage in = Garbage Out”. Based on their flawed methodology, the only conclusion which A&M could predict is—that more money is needed to fund education in Kansas. Yet, without first knowing what is to be taught, analyzing the actual cost of providing a suitable education in each school or how to first increase the productivity of existing resources provided by the taxpayers to teach K-12 students, this study has given the false impression that more money is the only answer to improved learning and providing an equal educational opportunity for each Kansas student.

It is therefore wrong for good intentioned attorneys and public officials to cite A&M as justification to arbitrarily increase the weights for various factors in the current school finance formula. No data has been offered to suggest that adding more money to these artificial weights or increasing the BSAPP will produce any improvement in learning or equalize educational opportunity.

### **The More K-12 Funding = Higher Student Achievement Myth**

It is time to “**Make it real—but compared to WHAT!!**” In each of the previous school finance court cases brought by school districts in Kansas as well as most other states, the claim for relief is “give us more money so we can improve student achievement”.

However, there is no evidence that increased funding has a direct correlation with higher scores on national tests like NAEP or ACT. Likewise, the reasons that more than 25% of Kansas students drop-out before graduation or that over a third of those who attend college need remediation has nothing to do with a lack of money appropriated by the State legislature to educate our K-12 students.

The KLPA study did NOT conclude—as claimed by the Plaintiffs—that more State funding causes higher student achievement. In answering Question 3 of the audit:

#### **What Does the Educational Research Show About the Correlation Between the Amount of Money Spent on K-12 Education and Educational Outcomes?**

LPA stated:

*Educational research offers mixed opinions about whether increased spending for educational inputs is related to improved student performance. Well-known researchers who have reviewed that body of research have come to opposite conclusions. Likewise, individual studies of specific educational inputs we reviewed sometimes concluded additional resources were associated with improved outcomes, and sometimes concluded they weren't. Because of perceived shortcomings in many of the studies that have been conducted in these areas, many researchers think more and better studies are needed to help determine under which circumstances additional resources actually lead to better outcomes.*

As the pie-chart in **Appendix 1** shows, the FY 2012 General Fund allocation by the Kansas legislature was 50.5% of the total state budget. **Appendix 2** shows that Kansans are very generous and strongly support K-12 public education. In fact, Kansas is 4<sup>th</sup> in the nation and well above the percentage of money spent to educate our children compared to other nearby states such as Missouri @ 34.9%, Nebraska @ 30.4%, Oklahoma @ 30.4%, Colorado @ 39.1%, and Texas @ 41.7%.

**Appendix 3** documents the fact that since the 1997-98 school year, total taxpayer support of Kansas K-12 public education has increased from \$3.1 billion per year to \$5.8 billion in revenue received by local school districts in FY2011-12. Since the Montoy decision in 2005, school districts have received \$1.1 billion per year more to spend.

As **Appendix 4** shows, financial support has also nearly doubled from \$6,828 per pupil in 1997-98 to \$12,656 per pupil in FY2011-12. The State's portion of this funding increase since Montoy has risen from \$6,006 per pupil to \$6,983.

School finance litigants and the general public are often fixated on the yearly Base State Aid Per Pupil (BSAPP) in the Appropriations bill passed by the Legislature. As **Appendix 5** clearly shows, when the state's KPERS contributions, bond and interest payments for local school construction and weighted formula calculations are added, the total for FY2011-12 goes from a BSAPP of \$3,780 to total state funding of \$6,983 per student. In fact, the average spent from all taxes in FY2012 was \$12,656 per student.

### **Where Has All The Money Gone??**

Reading the Plaintiff's briefs raises serious questions about where the substantial increases in funds received by Kansas school districts have gone since the 2005 Montoy decision. To find that answer, we must—**Follow the Money!!**

A key question is: **How much is enough??** Why bring another case before this Court pleading for even more money when across the State, local school districts have increased the amount of unencumbered cash balances every year since 2005.

If \$450 million in unencumber balances was sufficient for Kansas school districts to have in their bank accounts on July 1<sup>st</sup> of 2005, why did they carry forward nearly double that amount as of July 1, 2012 for a total of \$888.7 million? As the graph in **Appendix 6** shows, each year since the Montoy decision, Kansas school districts have not spent millions of tax dollars already received and held in various operating accounts. This is an increase of 94% in just six years and far more than the Legislature has been able to carry forward for all other functions of state government.

Even though the Great Recession which started in 2008 forced legislators in nearly every state to cut funding for all services—including K-12 education—the attorneys for the Plaintiffs began to solicit funds in 2009 from 57 Kansas school districts to pay them again to file this case. The four Plaintiff districts are a front for this group called “Schools For Fair Funding”.

The data in **Appendix 7** is very enlightening. It shows that three of these four districts already receive and spend more than the State average per pupil of \$12,656. Plus, all four of these districts received and spent more State aid than the average yet they keep demanding **MORE!!** With the exception of Kansas City, the other three hired more teachers and administrators than the rest of the State. And, between these four districts, they carried forward \$179 million in cash accounts as of July 1, 2012.

Even with the post-Montoy billion dollar increase in State funding, over 6,000 newly hired personnel plus nearly \$900 million in operating cash reserves, student test

scores are still below average in all but a few categories. These poor scores are due to many factors such as the larger number of ELL, low income and minority students in these districts but will not be improved with increased funding.

Take Curtis Middle School in Wichita as an example. It has been “On Improvement” for 8 years. The KSDE received a \$6 million dollar Federal grant and gave USD259 \$2 million per year for 3 years to improve student achievement. The district hired 11 more teachers and 6 more instructional coaches, yet after spending all of this \$6 million for this one school, it is still “On Improvement”.

Most of the schools in the four Plaintiff districts with low student achievement scores in reading and math have large subgroups of Hispanic students who do not speak, read or understand English or come from single parent homes where education is not a priority. Yet, these students are given tests written in English.

There is no surprise why they fail. But the NCLB waiver and KSDE staff first penalize the teachers, then lawyers for these districts come back to this Court to demand more money as if increased funding is the answer. No other nation in the world allows students who do not read, speak and understand their language into K-12 classrooms.

The itemized list of personnel hired by Kansas schools districts since the Montoy decision in **Appendix 8** shows were most of the \$1.1 billion in increased funding per year has gone. Education is a labor intensive service. So, over 80% of the budgets for local schools goes to pay teachers, administrators and non-instructional staff.

What **Appendix 8** documents is the fact that after they got more money from the State, school districts hired 6,402 new employees between 2004 and 2008. Only 41% or 2,613 of these new hires were teachers. The rest were administrators and non-



instructional staff. Yet after the budget reductions in 2009 and 2010, only 774 teachers were laid off due to budget cuts. Most have now been rehired.

## **What Has Happened to Student Achievement?**

All across America, student achievement scores on national tests have remained **FLAT!!** Billions in increased funding has been added by local, state and Federal taxes—yet according to the National Assessment of Education Progress (NAEP) and the ACT college admissions tests given to high school Juniors, only 1 in 3 students are “proficient” and ready for college.

In **Appendix 9**, the Kansas National Assessment of Educational Progress (NAEP) scores from 1998 through 2012 are compared to spending per pupil. These data show the massive increase in funding for Kansas schools but no improvement in student test scores for 4<sup>th</sup> grade reading, 8<sup>th</sup> grade reading, 4<sup>th</sup> grade math and 8<sup>th</sup> grade math.

The same low scores holds true in **Appendix 10**. The ACT composite score of 21 or better is used by most universities as their minimum criteria for admissions. Yet only 29% of the 24,000 Kansas Juniors in high schools who took the ACT last year reached this score. In the 10 years between 2002 and 2012, Kansas school districts spent \$2 billion dollars more, yet ACT scores for each of these years still remains flat.

**Appendix 11** shows the Kansas performance on 4<sup>th</sup> grade and 8<sup>th</sup> grade reading from 1998 through 2011. As these longitudinal data show, scale scores and % proficient in both grade levels and in each subgroup remain basically unchanged—no matter how much money is appropriated by the Legislature or paid by taxpayers.

The same flat scores are true for the NAEP 4<sup>th</sup> and 8<sup>th</sup> grade math tests given to Kansas students shown in **Appendix 12**. Most of the slight changes up-or-down from

year-to-year are not statistically significant. However, the good news is that Kansas students perform better on the NAEP math tests than they do on the reading assessments.

### **Why Do State Test Scores Appear to Improve?**

Under the Federal No Child Left Behind (NCLB), each student in every state was to be 100% proficient in reading and math by 2014. This was an impossible goal which no reasonable person believed was achievable, yet federal bureaucrats insisted it had to be met—“or else”.

So, like most states, the Kansas Department of Education staff lowered the state assessment cut-scores and definition of a “proficient” student. They have done this three times since 2001. The most recent attempt to make Kansas students appear to be reaching the 100% proficient goal was in 2005.

Consequently, both the Plaintiffs and Defendants refer to changes in state assessment scores in hopes of persuading this Court that their arguments have merit. However, as **Appendix 13** shows, the 2005 lowering of cut scores and the inclusion of “Meets Standard” in the definition of which students are “proficient” makes a mockery out of any analysis which concludes that Kansas students are performing better now than 10 years ago. In fact, all of the increased billions of dollars in State, local and Federal funding since the Montoy decision has had little impact on Kansas student achievement.

For example, please refer to the % correct in the Meets Standard column for “Recommended Performance Level Scores” in reading and math in **Appendix 13**. Notice that according to the KSDE staff, 8<sup>th</sup> grade students with 64% correct answers on the state reading test are supposedly “proficient”. Likewise, a high school Junior is supposedly “proficient” with 50% of their math answers correct.

The KSDE staff also got the State Board of Education to approve the cut scores in **Appendix 14** for History/Government and Science in 2005. It is beyond belief that any reasonable person would agree that high school students with 44% of their answers correct on the History/Government state test are “proficient” and knowledgeable about the world in which they live. Likewise, how can anyone conclude that a high school student who gets 40% of their answers correct on the state science test is “proficient” and ready to go out into a world which depends on understanding science and technology?

The author earned his Ph.D. in Instructional Systems Design from Michigan State University. He helped design the curriculum for the Medical School at MSU and later served as Coordinator of Medical Instructional Services overseeing 22 basic science and clinical medicine departments at the Un. of Iowa. He has also developed, validated and administered a K-12 instrument used to screen over 700,000 students in 16 states.

So, when the false “proficiency” claims kept being made by KSDE staff, it was obvious that there was a massive effort underway to mislead Kansas legislators, the Courts, parents, teachers, local school boards and the Federal Department of Education. But, as an elected Kansas State Board of Education member, it still took the author nearly four years of questioning KSDE staff and filing a Kansas Open Records Act request before he was finally given the two sheets of paper with these bogus cut scores.

**Appendix 15** confirms these conclusions about inflated Kansas state test scores. The National Center for Education Statistics found that Kansas cut scores and its definition of “proficient” are 42<sup>nd</sup> lowest in the nation when compared to equivalent NAEP 4<sup>th</sup> grade reading cut scores and 37<sup>th</sup> lowest on Kansas 8<sup>th</sup> grade reading cut scores.

With the “proficient” bar set so low, KSDE staff have been giving the misleading impression that 85 to 90% of Kansas students are now proficient. And, with the 2005 lowering of both the cut scores and definition at the same time as the Montoy decision, it has given the false conclusion that the increased funding by the State legislature in compliance with this Court’s Order must have produced such dramatic results. Obviously, nothing could be further from the truth.

### **“A Penny Saved Is A Penny Earned”**

Ben Franklin is quoted as sharing this bit of wisdom which every business, farmer or family uses to balance their income and expenses. Only school districts come knocking at the door of the Courts to demand that taxpayers be forced to increase their funding. Rather than increase their productivity and lower non-instructional costs, they have been able to hire lawyers to plead their case and—until now—have been successful. However, below are some ways for Kansas schools to be run more efficiently and put the money saved into local classrooms without raising taxes or appropriating more funds.

### **Reorganize School District Boundaries To Save \$500 Million**

One main reason government services cost so much in Kansas is because there are too many taxing units with the authority to increase taxes and fees rather than operate efficiently. This is especially true in Kansas K-12 school districts.

Each year, over \$300 million can be saved in Kansas by merging the 286 school districts into (+/- 40) Regional Education Districts of 10,000 students or more. There are only 7 districts in Kansas with more than 10,000 students. But, there are 252 school districts or 85% which have less than 2,000 students. This is not cost-effective.

In addition to saving \$300 million per year in state general fund expenditures, by reorganizing districts, the tax base in each district will increase which will help equalize the educational opportunity for each Kansas student—no matter where they attend school. Increasing the tax base will also help districts raise local dollars through their LOB while lowering the amount of property tax paid by each taxpayer. Most of the savings will come from the elimination of duplicate transportation, administrative, operational and non-instructional personnel costs.

Article 6 of the Kansas Constitution gives the Legislature the responsibility and authority to reorganize school districts. It states:

**1: Schools and related institutions and activities. 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.**

School district reorganization will establish “**Regional Education Districts**”. **It is NOT about closing schools or eliminating Friday night football or basketball in hundreds of small Kansas towns.** Instead, Regional Education Districts will make more efficient use of administrators, teachers, transportation, maintenance, and purchasing power. The economy-of-scale will also allow much better use of existing facilities. And, once the Low-Enrollment Weighting is eliminated for districts with less than 1,600 students, the State will be able to reinvest the \$200 million per year it currently spends to prop-up these financially unsustainable districts. The combined savings of School District Reorganization will be at least \$500 million per year.

This proposal was first made by two Kansas Superintendents back in 2003. Given the increased hiring and inflation, the savings to the State and local taxpayers will be even more than the estimated \$500 million per year.

### **Increase the Productivity of K-12 Teachers To Save Millions**

This management strategy is used by profitable businesses throughout the world and must be applied to education as well.

After the Montoy case was settled, an extra billion dollars was pumped into Kansas K-12 school districts by the State. Instead of targeting At Risk students, most of these new dollars were used to hire 6,000 more teachers, paraprofessionals and non-instructional staff. The majority of these added positions are not needed or sustainable. (See the attached itemization in **Appendix 8** of new employees hired.)

The following **amendment to KSA 72-5413(1)** will give local boards of education the statutory authority to expect and receive a “**Full Day’s Work for a Full Day’s Pay**”. Since the State Legislature has the Constitutional responsibility to provide “suitable funding” for all K-12 students, they have the responsibility and authority to define what is expected of the teachers who receive tax dollars in return for their services.

By increasing productivity of the 34,075 Kansas teachers, local school boards will have the statutory authority they need to substantially reduce instructional costs, make better use of existing classrooms, lower student/teacher ratios, improve student achievement and reduce the number of teacher in-service days when students are not in school. Hundreds of millions of dollars will be saved each year by this one suggested amendment to the Statutes.

**To receive a full-time salary, each Kansas K-12 teacher must be in the school building not less than eight hours per day. While students are attending school, each K-12 certified teacher must teach at least six, 50 minute class periods or five hours per day. After the students are dismissed from classes at the end of each school day, the teachers shall remain in the building to grade papers, hold parent-teacher conferences, collaborate with other teachers, attend in-service training, tutor students, sponsor after school clubs or supervise other activities.**

This increased productivity will not only make better use of teachers and classrooms, but it will also limit the need to take class time for teacher In-Service. These paid days off for teachers cost the taxpayers millions of dollars with questionable improvement in instruction plus are very expensive for parents who must find a way to care for their children while they are at work.

We often hear that smaller class sizes are the key to improved learning. In Kansas, the current ratio is 13.4 teachers per student. Because of the MTSS experiment being recommended by KSDE staff, many regular education classrooms have one teacher plus three paras for 15 students. But, research reported by Dr. John Richard Schrock, a teacher educator from Emporia State University, shows that assumption is not correct and is very costly. The teacher to student ratio should go back to 30:1 like in the 1980's.

“There is research that in elementary classrooms, smaller class sizes do give the teacher more time to provide individualized attention to children. However, as we move into middle and high school levels and shift away from basic math and reading skill classes, there is no significant research that supports smaller classes always providing better outcomes.

The question is: how many students are too many for involvement in classroom discussion and teacher interaction? A teacher can read eyes and faces in the first five to six seats in a row; that means a classroom of 30–36 students. With more students than that, a teacher has difficulty detecting who is following the topic, who understands, and who doesn't.

In the 1980s, my secondary student teachers often had class loads of about 150 students per year; about six thousand students per 40-year career. Today, most of my student teachers will take positions where they teach fewer than 100 students per year, over one-third less “production” per career.”

The Center for American Progress has published a landmark study on the \$175 billion dollars per year which can be saved by American taxpayers plus student achievement increased by improving productivity in public schools. This study is posted online @ <http://www.americanprogress.org/issues/education/news/2011/01/19/8879/return-on-educational-investment-findings/> Their findings conclude that:

“If school systems spent their dollars more productively, many would see large gains in student achievement. Consider California, where a low-productivity school district could see as much as a 25 percent boost in achievement if it increased its efficiency from the lowest level to the highest, all else being equal. In Arizona, that jump in achievement could be more than 36 percent, according to our analysis.

Our data show that 41 states show the potential for double-digit percentage increases in achievement without necessarily spending additional funds. Such growth in student learning will not come without significant reform since the programs and policies that cause low productivity are often systemic. But at a time of sagging revenues and pending budget cuts, these results should inspire states and districts to tackle productivity head-on and consider reforms that boost achievement without incurring significant costs.”

Part of the savings from this increased productivity should be used to increase the salaries of Kansas teachers. Increased pay is especially needed to attract qualified math, science and technology teachers. If Kansans are going to compete in the global economy, our students need the best teachers we can find. It is time to pay extra for these highly skilled technical educators.

## **CHANGE THE DEFINITION OF AN AT-RISK STUDENT**

Basing the At-Risk weighting in the School Finance Formula on whether a parent’s low income qualifies their child for free or reduced school lunch has nothing to do with that child’s ability to learn. This is an artificial weighting which greatly pads the budgets of school districts with large numbers of low income families and deprives



school districts which have families with higher incomes of the funds needed to keep their low achieving students from dropping out before graduation. Some Kansas districts are even advertising “free lunch” on the radio or recruiting Hispanic parents to sign up so they receive more FTE weighted funding from the State.

Obviously, this weighting in the formula is not serving At-Risk students and must be changed. Once corrected, \$106 million in State General Fund tax dollars can be saved each year. Funds can then be used to teach students who are two grade levels below and actually need extra resources to catch up. Furthermore, all school districts across the state will benefit based on criteria that are reflective of learning needs of potential drop-outs instead of the income level of each student’s parents.

## CONCLUSIONS

Rather than decide that more tax dollars must be appropriated by the State for K-12 education, it is recommended that this Court rule that the Legislature shall (1) set a limit on the cash reserves local districts can carry forward, (2) increase the productivity of Kansas teachers and staff, (3) change the definition of At-Risk students, (4) reorganize school district boundaries, plus (5) stop the unfunded Common Core, MTSS and data collection State and Federal mandates. These changes in how tax dollars are spent will more than offset the \$809 million funding increase requested by the Plaintiffs.

Respectfully submitted,



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Dated: September 6<sup>th</sup>, 2013

**CERFICIATE OF MAILING**

The President of Educational Management Consultants does hereby state that he has emailed a copy of this **AMICUS CURIAE BRIEF** to the attorneys of record in Gannon v. Kansas on this day, September 6<sup>th</sup>, 2013.

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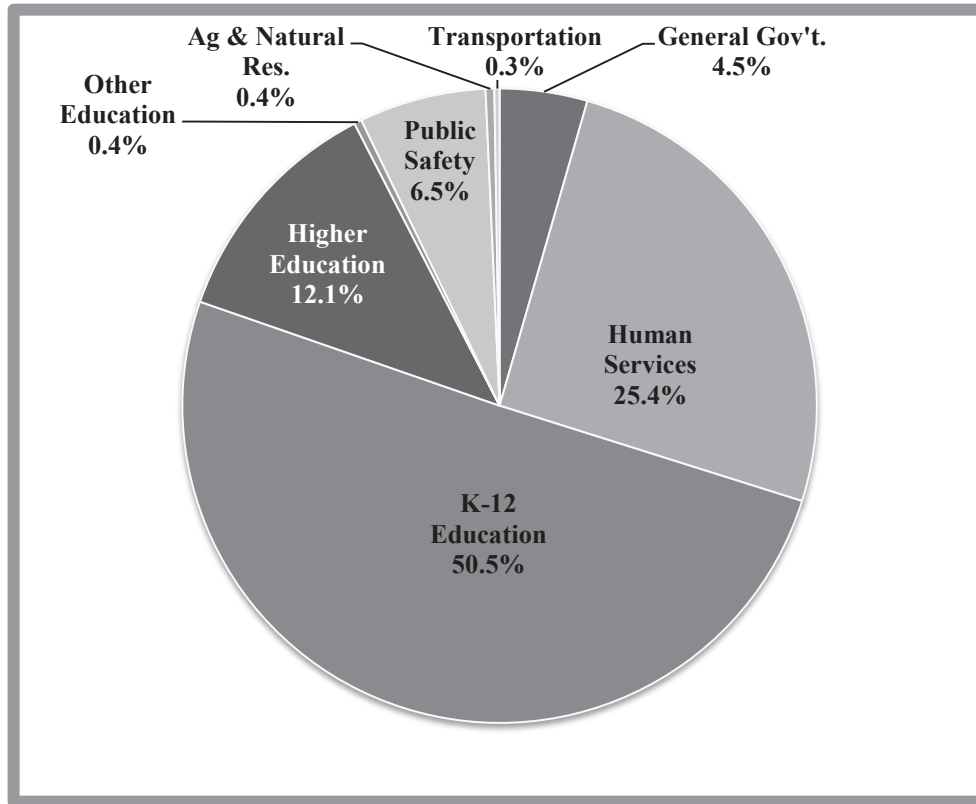
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## Kansas General Fund Allocations FY 2012 Actual



*Source: Kansas Division of the Budget, FY 2014 Governor's Budget Report Schedule 2.2*

National General Fund Allocation to K-12 Education -- FY 2012 Budget			
Alabama	55.1%	New Jersey	35.8%
Indiana	53.6%	Montana	35.7%
Utah	50.8%	<b>Missouri</b>	<b>34.9%</b>
<b>Kansas</b>	<b>50.3%</b>	<b>US Average</b>	<b>34.7%</b>
Idaho	48.7%	Pennsylvania	34.1%
Mississippi	46.4%	Maine	33.9%
Washington	44.9%	Tennessee	33.7%
Iowa	44.8%	New York	32.8%
West Virginia	44.3%	Delaware	32.2%
New Mexico	44.2%	<b>Nebraska</b>	<b>30.4%</b>
Kentucky	44.0%	<b>Oklahoma</b>	<b>30.4%</b>
Arkansas	43.7%	South Dakota	29.5%
Arizona	42.4%	Ohio	26.7%
<b>Texas</b>	<b>41.7%</b>	Hawaii	26.4%
North Carolina	40.1%	Illinois	23.1%
Nevada	39.7%	Massachusetts	18.3%
<b>Colorado</b>	<b>39.1%</b>	Connecticut	14.7%
Florida	38.1%	Vermont	9.7%

*Source: National Association of State Budget Officers, State Expenditure Report*

**State, Federal and Local Taxpayer Support  
(millions of dollars)**

School Year	State	Federal	Local	Total
1997-98	1,815.7	189.1	1,058.4	3,063.2
1998-99	2,035.2	202.6	1,004.7	3,242.5
1999-00	2,110.5	220.8	1,071.4	3,402.7
2000-01	2,152.6	261.0	1,172.9	3,586.6
2001-02	2,200.5	310.1	1,269.9	3,780.6
2002-03	2,277.8	340.7	1,335.2	3,953.7
2003-04	2,124.6	376.9	1,592.6	4,094.1
2004-05	2,362.2	398.7	1,528.5	4,289.4
2005-06	2,658.0	382.8	1,648.5	4,689.3
2006-07	2,889.0	385.4	1,867.7	5,142.1
2007-08	3,131.5	377.0	1,937.9	5,446.4
2008-09	3,287.2	413.6	1,965.9	5,666.7
2009-10	2,867.8	726.6	1,995.1	5,589.5
2010-11	2,961.8	666.6	1,958.7	5,587.0
2011-12	3,184.2	447.4	2,139.4	5,771.0

*Source: Kansas Department of Education*

**State, Federal and Local Taxpayer Support  
(Per-Pupil, Full Time Equivalent Enrollment)**

School Year	State	Federal	Local	Total
1997-98	4,047	422	2,359	6,828
1998-99	4,533	451	2,238	7,222
1999-00	4,704	492	2,388	7,584
2000-01	4,816	584	2,624	8,024
2001-02	4,941	696	2,851	8,488
2002-03	5,124	766	3,004	8,894
2003-04	4,793	850	3,593	9,236
2004-05	5,346	902	3,459	9,707
2005-06	6,006	865	3,725	10,596
2006-07	6,494	866	4,198	11,558
2007-08	7,008	844	4,336	12,188
2008-09	7,344	924	4,392	12,660
2009-10	6,326	1,603	4,401	12,330
2010-11	6,511	1,465	4,306	12,283
2011-12	6,983	981	4,692	12,656

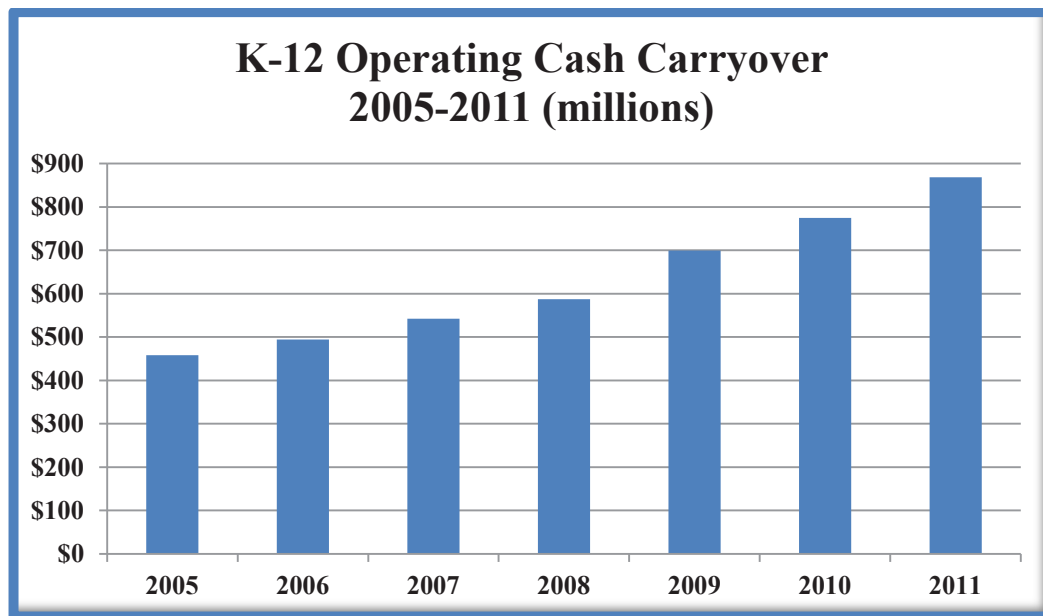
*Source: Kansas Department of Education*

### Kansas State Aid Per Pupil 1997-2012

School Year	Base	KPERS	Bond and Interest	All Other (Weightings)	Total
1997-98	3,670	157	42	178	4,047
1998-99	3,720	173	50	590	4,533
1999-00	3,770	182	58	694	4,704
2000-01	3,820	184	69	744	4,816
2001-02	3,870	205	90	776	4,941
2002-03	3,863	234	106	921	5,124
2003-04	3,863	250	113	567	4,793
2004-05	3,863	274	118	1,091	5,346
<b>2005-06</b>	<b>4,257</b>	<b>320</b>	<b>130</b>	<b>1,299</b>	<b>6,006</b>
2006-07	4,316	379	144	1,655	6,494
2007-08	4,374	434	156	2,045	7,008
2008-09	4,400	477	170	2,297	7,344
2009-10	4,012	477	194	1,643	6,326
2010-11	3,937	409	212	1,953	6,511
<b>2011-12</b>	<b>3,780</b>	<b>797</b>	<b>230</b>	<b>2,176</b>	<b>6,983</b>

*Source: Kansas Department of Education*

Editor's Note: Functions such as Special Education and At Risk formerly were formerly paid out of Base State Aid. Over time, those and other weightings have been provided in addition to Base State Aid, rendering simple comparisons of Base State Aid invalid.



Plaintiff Districts % Change 2005-2012														
District Name	FY 2012 Spending Per Pupil						FY 2012 Aid Per Pupil						FTE Enrollment	
	% Chg. '05-'12	Instruct.	% Chg. '05-'12	Instruct. % of Total	Admin.	% Chg. '05-'12	State	% Chg. '05-'12	Fed.	% Chg. '05-'12	Local	% Chg. '05-'12	FY 2012	% Chg. '05-'12
Dodge City	34%	6,404	15%	48%	1,262	45%	9,093	48%	1,362	-8%	2,865	24%	6,068	7%
Hutchinson	30%	6,453	44%	55%	1,133	16%	7,560	50%	1,789	14%	2,305	-3%	4,855	5%
Wichita	35%	6,402	37%	50%	1,286	18%	7,501	42%	1,531	15%	3,702	30%	46,513	3%
Kansas City	47%	8,514	66%	58%	1,223	8%	8,852	57%	1,806	4%	4,048	55%	18,952	-1%
Kansas Avg.	30%	6,824	32%	54%	1,152	18%	6,983	31%	981	9%	4,692	36%	456,684	3%

FTE Employment FY 2012		Unencumbered Carryover Cash (millions)					2012 State Assessment - Reading Meets Standard and Full Comprehension of Grade-Appropriate Material											
		% Chg. '05-'12	All Other	% Chg. '05-'12	Current Oper.	% Chg. '05-'12	Capital and Debt	% Chg. '05-'12	White			Hispanic			African American			Low Income
% Chg. '05-'12	Teachers	% Chg. '05-'12	All Other	% Chg. '05-'12	Current Oper.	% Chg. '05-'12	Capital and Debt	% Chg. '05-'12	Meets Standard	Full Comp.	Meets Standard	Full Comp.	Meets Standard	Full Comp.	Meets Standard	Full Comp.	Meets Standard	Full Comp.
9%	382	16%	460	136%	10.2	40%	5.8	83%	60%	42%	76%	42%	70%	36%	75%	41%	75%	41%
5%	346	11%	394	117%	18.3	47%	9.5	88%	62%	49%	83%	49%	73%	39%	83%	51%	83%	51%
11%	3,448	9%	2,797	36%	100.8	26%	51.0	82%	56%	35%	67%	35%	63%	30%	68%	36%	68%	36%
0%	1,478	1%	1,321	97%	49.4	287%	59.2	56%	30%	24%	52%	24%	49%	20%	50%	22%	50%	22%
4%	34,075	8%	33,785	94%	888.7	37%	830.8	91%	69%	45%	77%	45%	71%	37%	79%	47%	79%	47%

**Source: Kansas Department of Education.** Total Spending as calculated by KSDE, which is the sum of State, Federal and Local Aid. Instruction and Administration spending comes from the KSDE Comparative Performance & Fiscal System and reflects current operating spending (no allocation of capital or debt). Spending categories as defined by KSDE accounting manual; total includes capital and debt service. FTE = full time equivalent. KSDE accounting procedures require districts that host Special Education Co-ops to record all related expenditures of the Co-Op as expenditures of the host district; those expenditures are reimbursed by participating districts, which appears as Local Aid on the books of the host district. Unencumbered Carryover Cash balances exclude all federal funds; current operating funds include all except Capital Outlay, Debt Service and Federal. KSDE does not require students to read grade-appropriate material with full comprehension (as defined by KSDE) to qualify as Proficient / Meets Standard. KSDE considers full comprehension to be Advanced / Exceeds Standard.

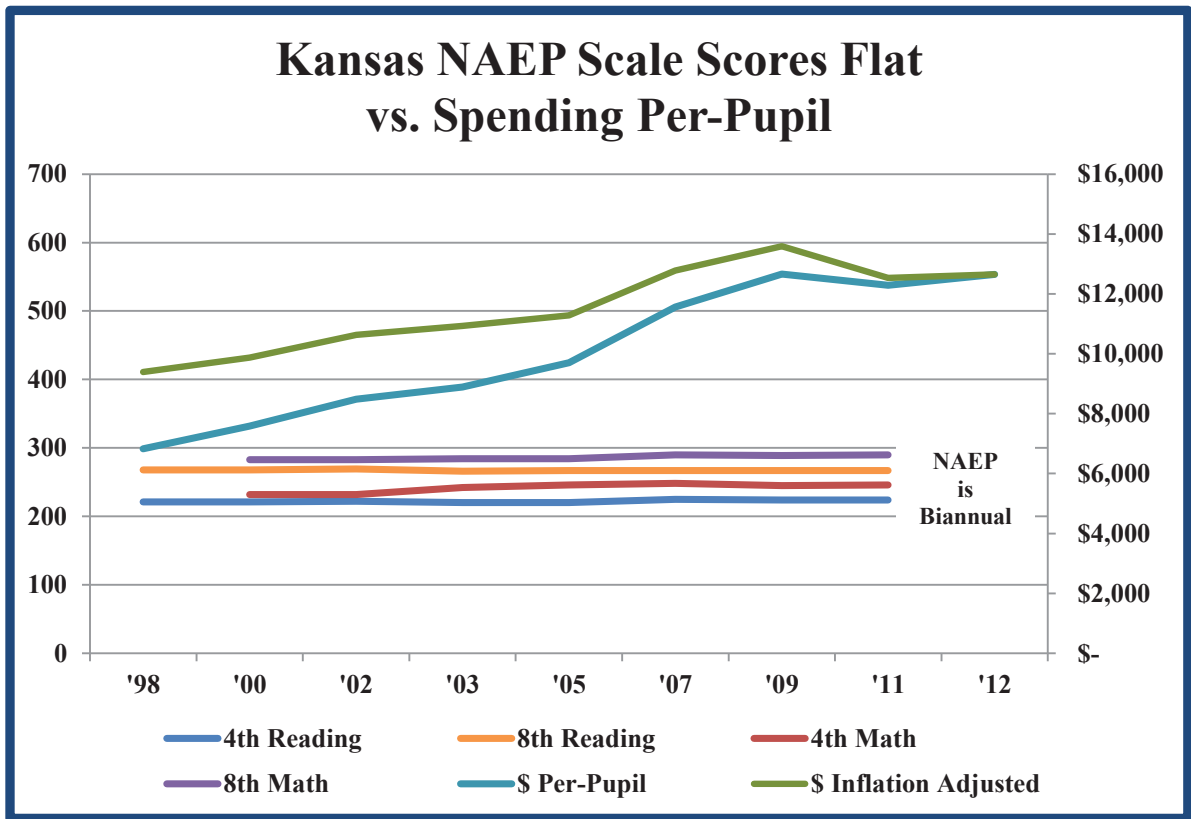
## Kansas Education Personnel Increases Since Montoy

	2004-05	2008-09	Change
<b><u>Certified Personnel Positions</u></b>			
Superintendents	268.7	264.9	(3.8)
Associate/Assistant Superintendents	83.8	91.0	7.2
Administrative Assistants	44.2	62.5	18.3
Principals	1,225.6	1,248.7	23.1
Assistant Principals	491.7	543.7	52.0
Directors/Supervisors of Special Education	120.1	120.8	0.7
Directors/Supervisors of Health	10.0	11.6	1.6
Directors/Supervisors of Vocational Education	15.2	13.9	(1.3)
Instructional Coordinators/Supervisors	109.7	178.4	68.7
Other Directors/Supervisors	195.2	202.1	6.9
Other Curriculum Specialist	101.5	164.8	63.3
Practical Arts/ Vocational Education Teachers	1,144.4	1,282.1	137.7
Special Education Teachers	3,542.6	3,958.2	415.6
Pre-Kindergarten Teachers	380.4	461.8	81.4
Kindergarten Teachers	1,325.7	1,776.2	450.5
Other Teachers	25,743.0	27,130.4	1,387.4
Library Media Specialists	924.4	903.1	(21.3)
School Counselors	1,111.3	1,169.9	58.6
Clinical/School Psychologists	358.3	387.0	28.7
Nurses	430.0	530.9	100.9
Speech Pathologists	530.9	559.7	28.8
Audiologists	9.6	12.7	3.1
Social Work Services	273.5	341.1	67.6
Reading Specialists/Teachers	688.5	829.3	140.8
Others	352.8	292.7	(60.1)
<b>Certified Total</b>	<b>39,481.1</b>	<b>42,537.5</b>	<b>3,056.4</b>
<b>Certified Teachers Only Total</b>	<b>32,824.6</b>	<b>35,438.0</b>	<b>2,613.4</b>
<b><u>Non-Certified Personnel Positions</u></b>			
Assistant Superintendents	4.0	4.4	0.4
Business Managers	76.8	94.2	17.4
Business Directors/Coordinators/Supervisors	93.5	104.5	11.0
Other Business Personnel	567.9	464.8	(103.1)
Directors/Coordinators/Supervisors	358.0	394.2	36.2
Other Maintenance and Operation Personnel	5,111.8	5,148.6	36.8
Food Service Directors/Coordinators/Supervisors	280.7	311.4	30.7
Other Food Service Personnel	3,019.6	3,139.1	119.5

Transportation Directors/Coordinators/ Supervisors	175.9	166.6	(9.3)
Other Transportation Personnel	1,633.3	1,717.6	84.3
Technology Director	0.0	203.0	203.0
Other Technology Personnel	0.0	719.9	719.9
Other Directors/Coordinators/ Supervisors	267.8	184.6	(83.2)
Attendance Services Staff	92.5	76.1	(16.4)
Library Media Aides	562.1	615.4	53.3
LPN Nurses	194.5	170.4	(24.1)
Security Officers	156.1	157.0	0.9
Social Services Staff	36.9	79.2	42.3
Regular Education Teacher Aides	2,377.4	2,944.0	566.6
Coaching Assistant	405.6	455.7	50.1
Central Administration Clerical Staff	850.2	826.8	(23.4)
School Administration Clerical Staff	2,078.3	2,194.3	116.0
Student Services Clerical Staff	516.4	521.2	4.8
Special Education Paraprofessionals	4,730.7	6,266.8	1,536.1
Parents as Teachers	0.0	219.5	219.5
School Resource Officer	0.0	42.0	42.0
Others	935.9	650.6	(285.3)
<b>Non-Certified Total</b>	<b>24,525.9</b>	<b>27,871.9</b>	<b>3,346.0</b>
<b>Total of Certified and Non-Certified Personnel</b>	<b>64,007.0</b>	<b>70,409.4</b>	<b>6,402.4</b>
<b>FTE Enrollment</b>	<b>441,867.6</b>	<b>447,705.6</b>	<b>5,838.0</b>

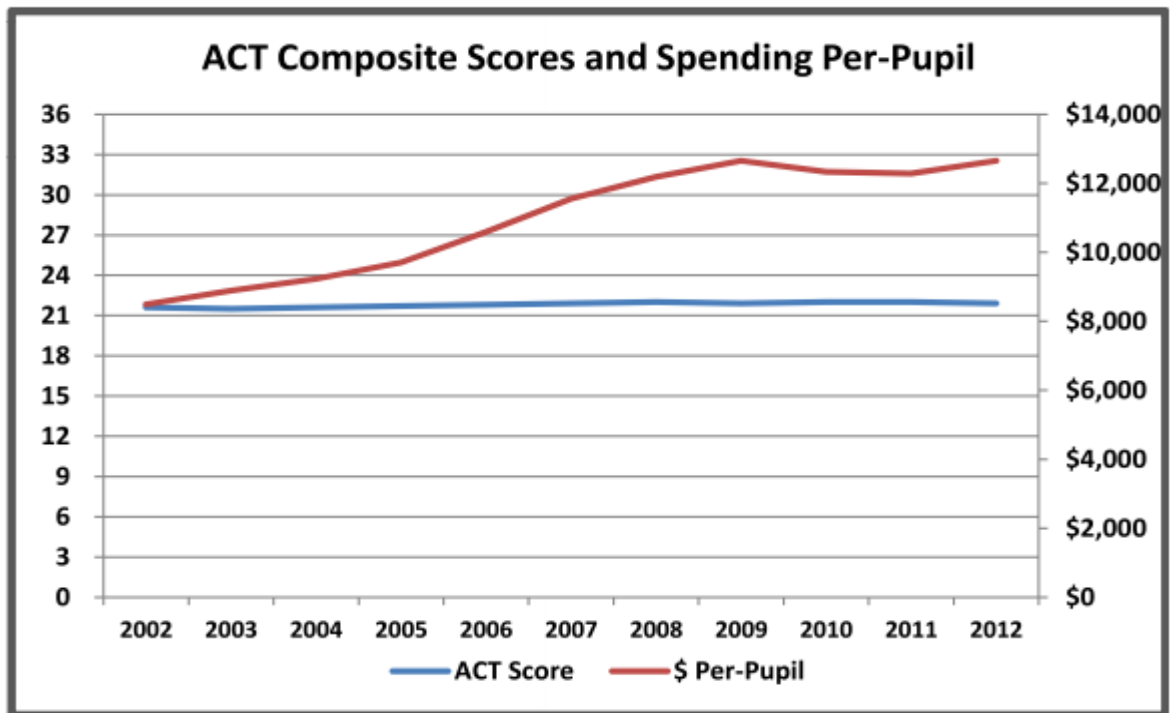
Source: Kansas Department of Education





Source: National Assessment of Education Progress (NAEP), Kansas Dept. of Education, Bureau of Labor Statistics

### Kansans Spent \$2 Billion More in 10 Years = ACT Scores Flat



## Kansas Performance NAEP - Reading

	Year	White		Hispanic		African American		Low Income		All Students	
		Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.
4th Grade Reading	1998	227	37%	201	22%	197	15%	206	22%	221	34%
	2002	226	38%	205	15%	206	17%	211	21%	222	34%
	2003	225	37%	207	19%	197	14%	206	18%	220	33%
	2005	225	37%	203	14%	196	10%	208	20%	220	32%
	2007	229	41%	209	19%	208	18%	212	21%	225	36%
	2009	229	40%	210	20%	210	20%	213	22%	224	35%
	2011	229	42%	209	19%	204	18%	212	23%	224	36%

	Year	White		Hispanic		African American		Low Income		All Students	
		Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.
8th Grade Reading	1998	272	40%	241	11%	249	20%	254	21%	268	36%
	2002	273	42%	253	23%	244	12%	251	19%	269	38%
	2003	271	40%	245	17%	243	10%	253	22%	266	35%
	2005	271	39%	249	14%	247	15%	254	21%	267	35%
	2007	272	40%	248	17%	246	12%	253	20%	267	35%
	2009	272	39%	250	16%	248	14%	255	19%	267	33%
	2011	272	41%	254	19%	248	15%	256	22%	267	35%

*Source: USDE, National Center for Education Statistics; scale score range is 0 to 500*

## Kansas Performance on NAEP - Math

	Year	White		Hispanic		African American		Low Income		All Students	
		Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.
4th Grade Math	2000	237	34%	213	13%	208	4%	218	13%	232	29%
	2003	246	47%	230	19%	217	13%	231	24%	242	41%
	2005	249	52%	234	30%	228	24%	235	30%	246	47%
	2007	252	58%	234	29%	226	21%	237	34%	248	51%
	2009	251	55%	233	24%	224	18%	236	32%	245	46%
	2011	251	56%	235	26%	227	18%	238	33%	246	48%

	Year	White		Hispanic		African American		Low Income		All Students	
		Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.	Scale Score	% Prof.
8th Grade Math	2000	287	36%	263	12%	245	10%	265	17%	283	34%
	2003	290	39%	263	16%	252	8%	270	19%	284	34%
	2005	289	39%	266	14%	256	12%	270	19%	284	34%
	2007	295	46%	269	16%	267	16%	275	23%	290	40%
	2009	294	45%	274	22%	264	15%	276	24%	289	39%
	2011	295	47%	274	22%	269	16%	276	24%	290	41%

*Source: USDE, National Center for Education Statistics; scale score range is 0 to 500*

**Kansas Assessments  
Recommended Performance Level Scores**

**General Reading Assessment  
% correct**

<b>Grade</b>	<b>Academic Warning</b>	<b>Approaches Standard</b>	<b>Meets Standard</b>	<b>Exceeds Standard</b>	<b>Exemplary</b>
3 <sup>rd</sup>	0-54	55-66	67-79	80-88	89-100
4 <sup>th</sup>	0-56	57-67	68-80	81-88	89-100
5 <sup>th</sup>	0-56	57-67	68-79	80-87	88-100
6 <sup>th</sup>	0-51	52-63	64-78	79-87	88-100
7 <sup>th</sup>	0-49	50-62	63-76	77-86	87-100
8 <sup>th</sup>	0-49	50-63	64-78	79-88	89-100
High School	0-53	54-67	68-80	81-88	89-100

**General Mathematics  
% correct**

<b>Grade</b>	<b>Academic Warning</b>	<b>Approaches Standard</b>	<b>Meets Standard</b>	<b>Exceeds Standard</b>	<b>Exemplary</b>
3 <sup>rd</sup>	0-57	58-69	70-84	85-92	93-100
4 <sup>th</sup>	0-53	54-62	63-79	80-88	89-100
5 <sup>th</sup>	0-53	54-61	62-77	78-87	88-100
6 <sup>th</sup>	0-52	53-62	63-78	79-89	90-100
7 <sup>th</sup>	0-43	44-55	56-70	71-83	84-100
8 <sup>th</sup>	0-44	45-57	58-72	73-85	86-100
High School	0-37	38-49	50-67	68-81	82-100

## Cut Scores for Science and History-Government Assessments

The following table presents the Kansas State Board of Education approved equated cut score ranges for each Kansas performance category for the General, KAMM, and Alternate versions of the History-Government and Science assessments.

Subject	Assessment Type	Grade	Academic Warning	Approaches Standard	Meets Standard	Exceeds Standard	Exemplary
History-Government	General	6	0-27	28-45	46-64	65-79	80-100
	General	8	0-26	27-41	42-66	67-79	80-100
	General	HS*	0-27	28-43	44-66	67-80	81-100
	KAMM	6	0-33	34-43	44-57	58-71	72-100
	KAMM	8	0-29	30-39	40-55	56-67	68-100
	KAMM	HS*	0-34	35-42	43-59	60-72	73-100
	Alternate	All	0.00-2.99	3.00-3.74	3.75-4.24	4.25-4.79	4.80-5.00
Science	General	4	0-31	32-50	51-73	74-88	89-100
	General	7	0-30	31-45	46-66	67-81	82-100
	General	HS**	0-25	26-39	40-65	66-80	81-100
	KAMM	4	0-40	41-62	63-79	80-90	91-100
	KAMM	7	0-30	31-43	44-55	56-67	68-100
	KAMM	HS**	0-27	28-40	41-53	54-65	66-100
	Alternate	All	0.00-2.99	3.00-3.74	3.75-4.24	4.25-4.79	4.80-5.00

\* Cohort group for all versions (General, KAMM, and Alternate) of the history-government assessment is Grade 12.

\*\* Cohort group for all versions (General, KAMM and Alternate) of the science assessment is Grade 11.

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies: KSDE General Counsel, 120 SE 10th Ave., Topeka, KS 66612, 785-296-3204

NAEP-Equivalent Scale Score for Proficient 4th Grade Reading				
State	NAEP- Equiv.	Rank	State	Rank
NAEP Minimum for Proficient is 238				
Massachusetts	234	1	Arkansas	26
Missouri	229	2	New York	26
New Jersey	221	3	Delaware	28
Vermont	214	4	South Dakota	28
New Hampshire	211	5	Illinois	30
Oklahoma	211	5	Montana	30
Mississippi	210	7	Utah	32
Rhode Island	209	8	Iowa	33
NAEP Minimum for Basic is 208				
Connecticut	208	9	Michigan	33
Wyoming	208	9	South Carolina	33
Maine	207	11	Arizona	36
New Mexico	207	11	Louisiana	37
Florida	206	13	Ohio	37
Pennsylvania	206	13	Wisconsin	39
West Virginia	206	13	Texas	40
Dist. of Columbia	205	16	Maryland	41
Kentucky	205	16	Idaho	42
Washington	205	16	<b>Kansas</b>	<b>42</b>
Minnesota	204	19	Virginia	42
North Carolina	204	19	Alaska	45
Hawaii	203	21	Colorado	45
Indiana	203	21	Alabama	47
North Dakota	203	21	Georgia	48
California	202	24	Oregon	49
Nevada	202	24	Tennessee	50
			Nebraska	Data not available

Source: U.S. Department of Education, National Center for Education Statistics. A 2009 state mapping study by NCEES found that most states have set their cut scores for Proficient below what is considered Basic on NAEP.

NAEP-Equivalent Scale Score for Proficient 8th Grade Reading				
State	NAEP- Equiv.	Rank	State	Rank
NAEP Minimum for Proficient is 281				
Missouri	267	1	Pennsylvania	27
Florida	262	2	South Carolina	27
Vermont	259	3	New Jersey	29
Wyoming	259	3	Dist. of Columbia	29
Minnesota	259	3	Connecticut	31
California	259	3	Louisiana	31
NAEP Minimum for Basic is 243				
New Hampshire	256	7	Hawaii	33
Indiana	255	8	Arkansas	33
Mississippi	254	9	Arizona	33
South Dakota	254	9	Maryland	36
Maine	253	11	Delaware	37
Kentucky	253	11	Michigan	37
Washington	253	11	<b>Kansas</b>	<b>37</b>
North Dakota	253	11	Utah	40
Rhode Island	252	15	Illinois	41
Ohio	251	16	Alabama	41
Oregon	250	17	Wisconsin	43
Massachusetts	249	18	Alaska	44
Oklahoma	249	18	Virginia	45
West Virginia	249	18	Colorado	46
Iowa	248	21	Idaho	47
New York	247	22	Tennessee	48
New Mexico	246	23	Georgia	49
North Carolina	246	23	Texas	50
Nevada	246	23	Nebraska	Data not available
Montana	246	23		

Source: U.S. Department of Education, National Center for Education Statistics. A 2009 state mapping study by NCEES found that most states have set their cut scores for Proficient below what is considered Basic on NAEP.