

2010 Commission

REPORT

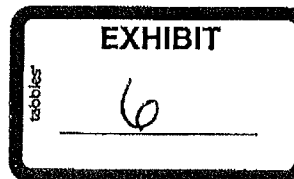
CONCLUSIONS AND RECOMMENDATIONS

• **The Legislature should refocus its revenue and funding priorities to make education Priority Number One.** Education is the single most important function provided by state government. It is at its essence how we prepare for the future. The Commission has heard repeatedly that education spending has a direct and positive impact on student performance, most recently in the 2006 Legislative Post Audit report entitled "Elementary and Secondary Education in Kansas: Estimating the Costs of K-12 Education Using Two Approaches." That report stated, in part, "We found a strong association between the amounts districts spend and the outcomes they achieve..." The Commission also has received information regarding the state's dire economic situation. However, we also know the Legislature has made tax policy decisions that have contributed to these dire circumstances. Tax cuts made by the Legislature from FY 2005 through FY 2010 have totaled \$180 million. By FY 2011, that total will rise to nearly \$209 million (See Attachment 1). In contrast to the philosophy that "low taxes contribute to economic growth and high taxes detract from it," we believe instead the following:

- Kansas is not a "high tax" state, and the Kansas tax burden (taxes compared to personal income) has been stable for decades;
- Tax policy alone does not drive prosperity.
- Education attainment drives state income more than tax burden.
- Lower taxes will not help the economy in the long run if the State cannot support a strong public education system -- and that takes a significant investment.
- In prosperous economic times, the Legislature has been eager to reduce revenues. Now, in these difficult times, the Legislature must face the fact that it needs to replace some of that revenue.

In summary, the Commission believes we cannot sacrifice a generation of Kansas students because the economy is weak. It is time for the Legislature to take steps to ensure that the revenue and funding policies of the Legislature allow every Kansas student to achieve his or her full potential.

- **The Legislature should consider generating revenue from at least three specific revenue sources.** These are (1) reversing previous tax cuts, (2) increasing the state school mill levy back to its former level, and (3) increasing the state sales tax. It should be noted the Commission is not suggesting that all of these be implemented in full; rather, the Commission recommends the Legislature consider implementing one or a combination of these potential revenue sources. The Commission believes the revenue generated should equal the amount



needed to fund the statutorily mandated base state aid per pupil (BSAPP) for the 2009-2010 school year of \$4,492. This amount would have totaled approximately \$314 million for the 2009-2010 school year, given the recent enrollment growth.

- In addition to the knowledge that the education of children is the most important function of state government, there are practices we know make a difference in assuring that every child receives the maximum benefit of his or her education. These practices include the following:
 - Early childhood education.
 - Before- and after- school tutoring and support programs.
 - At-risk funding and programs.
 - Staff development.
 - Leadership academies, especially for principals who must be the educational leaders of their schools.
 - Highly qualified teachers. Nothing impacts the quality of education like the quality of the teaching staff.

The Commission recommends these items remain, or become, funding priorities.

- The Legislature should continue the three-year funding cycle. The Commission recommends public education funding in Kansas be implemented on a minimum of a three-year basis so school districts have the flexibility to plan for the future.
- The Legislature should change the formula for determining special education catastrophic aid. The Commission recommends a change in the calculation of the special education catastrophic aid. The threshold for qualifying for catastrophic aid should be based upon twice the previous year's categorical aid per teacher less any special education state aid.
- The Legislature should shift the *tiny-k* and Early Head Start programs' administration to the Kansas Department of Education. The Commission has made these recommendations in previous years and is making the same recommendations again.

Proposed Legislation: The Commission requests the introduction of two bills (special education catastrophic aid and placement of *tiny-k* and Early Head Start programs).

BACKGROUND

The 2006 Legislature created the 2010 Commission, which is composed of eleven members, nine voting and two serving as *ex*

officio nonvoting members. The statutory duties of the Commission include:

- Monitoring the implementation and operation of the School District Finance and Quality Performance Act and other

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provisions of law relating to school finance and the quality performance accreditation system;

- Evaluating the School District Finance and Quality Performance Act and determining if there is a fair and equitable relationship between the costs of the weighted components and assigned weightings;
- Determining if existing weightings should be adjusted;
- Determining if additional school district operations should be weighted;
- Reviewing the amount of base state aid per pupil and determining if the amount should be adjusted;
- Evaluating the reform and restructuring components of the Act and assessing the impact thereof;
- Evaluating the system of financial support, reform and restructuring of public education in Kansas and in other states to ensure that the Kansas system is efficient and effective;
- Conducting hearings and receiving and considering suggestions from teachers, parents, the Department of Education, the State Board of Education, other governmental officers and agencies, and the general public concerning suggested improvements in the educational system and the financing thereof;
- Making any recommendations it deems necessary to guide the Legislature to fulfill goals established by the Legislature in meeting its constitutional duties to: provide for intellectual, educational, vocational and scientific improvement in public schools and make suitable provision for the finance of the educational interest of the state;
- Examining the availability of revenues to ensure adequate funding of elementary and secondary education in the state;
- Examining voluntary activities, including extracurricular activities, which affect educational costs;
- Monitoring and evaluating associations and organizations that promote or regulate voluntary or extracurricular activities including, but not limited to, the Kansas State High School Activities Association; and
- Providing direction to the Legislative Division of Post Audit school finance audit team and receiving performance audits conducted by the team.

The statute authorizing the Commission will sunset on December 31, 2010.

The Commission is to submit an annual report to the Legislature on the work of the Commission.

COMMITTEE ACTIVITIES

The Commission met seven times during 2009. Among the issues discussed were:

- Current funding issues related to the economic downturn, including federal stimulus package funding, local property valuation reductions, changes in the number of students eligible for the federal free lunch program (which affects the amount of at-risk funding), and reduction in state revenues. The Commission also heard from a number of school district superintendents who described the effects of the funding cuts.
- Special education catastrophic aid and the recent dramatic increase in numbers of claims and total amount claimed.

- Early childhood education programming and related funding.
- Merit pay for teachers.
- Efforts to increase school district efficiency.

Additional detail on the Commission's activities is contained in the following section, "Conclusions and Recommendations."

CONCLUSIONS AND RECOMMENDATION

The Legislature should refocus its revenue and funding priorities to make education Priority Number One. Education is the single most important function provided by state government. It is at its essence how we prepare for the future. Whether a student is three or twelve or twenty years old, it is education that allows the student to succeed and to contribute to the state's economy and well-being. The Commission has heard repeatedly that education spending has a direct and positive impact on student performance, most recently in the 2006 Legislative Post Audit report entitled "Elementary and Secondary Education in Kansas: Estimating the Costs of K-12 Education Using Two Approaches." That report stated, in part:

"We found a strong association between the amounts districts spend and the outcomes they achieve. In the cost function results, a 1.0% increase in district performance outcomes was associated with a 0.83% increase in spending – almost a one-to-one relationship. This means that, all other things being equal, districts that spent more had better student performance. The results were statistically significant beyond the 0.01 level, which means we can be more than 99% confident there is a relationship between spending and outcomes." (Audit # 05PA19, Page 40.)

The Commission also has received information regarding the state's dire economic situation. This includes the following:

- For the state revenue situation in general:
 - Revenue estimates are still dropping in the current fiscal year. In comparison to the June 2009 Consensus Revenue estimate, the November 2009 estimate shows FY 2010 revenues decreased by another \$235.2 million. The revised estimate of \$5.301 billion represents a 5.1 percent decrease below final FY 2009 receipts.
 - The initial estimate for FY 2011 of \$5.301 billion is 2.3 percent below the newly revised FY 2010 figure. While the Consensus Revenue Estimating Group anticipates a modest improvement in tax receipts for FY 2011, it estimates a net change in over \$250 million for transfers out, in compliance with statutory requirements.

(Source: Kansas Legislative Research Department)

- Specifically with regard to K-12 education:
 - It is estimated that general state aid, using the current base state aid per pupil (BSAPP) of \$4,218, will require an increase of approximately \$100 million for the 2009-10 school year. The increase is due primarily to increases in school district enrollment, the number of students eligible for free lunches, and bilingual and virtual school enrollments and a decrease in assessed valuation. If an increase in appropriation is not approved, this will have the effect of reducing the BSAPP by approximately \$150 (\$4,218 - \$150 = \$4,068).

- Because approximately \$244 of the BSAPP increase in the recent past was a "trade" in which the enrollment weighting was decreased at the same time, the net result was no increased spending authority. This in effect means the \$4,068 BSAPP figure effectively would place education spending authority back to the 2000-01 level.

(Source: Kansas Department of Education)

However, we also know the Legislature has made tax policy decisions that have contributed to these dire circumstances. Tax cuts made by the Legislature from FY 2005 through FY 2010 have totaled \$180 million. By FY 2011, that total will rise to nearly \$209 million (See Attachment 1). In contrast to the philosophy that "low taxes contribute to economic growth and high taxes detract from it," we believe instead the following:

- Kansas is not a "high tax" state, and the Kansas tax burden (taxes compared to personal income) has been stable for decades. Kansas is a highly educated state, but not a "high tax" state, ranking 23rd in the nation on state and local tax collections as a percent of personal income according to the most recent report from the National Federation of State Tax Administrators. (Source: Kansas Association of School Boards [KASB])
- Tax policy alone does not drive prosperity. Prosperous states do not have low average tax burdens, and low income states do not have high tax burdens. If low taxes spur income growth and prosperity, low tax states should rank high on income measures. However, that is not the case. State per capita income in 2007 ranged from a high of \$54,981 in Connecticut to a low of \$28,541 in Mississippi. The top 10 states in per capita income had an average ratio of total

tax collections to state personal income of 12.17 percent. The 10 states with the lowest incomes had a slightly lower tax burden of 11.34 percent. Likewise the top 10 income states had an average national ranking of 22.4 (where 1 is the highest tax burden) and the bottom 10 had an average ranking of 26.3. In other words, high income states were more likely to be high tax states, not the reverse. (Source: KASB)

- Education attainment drives state income more than tax burden. In a presentation to the Commission, the KASB combined several measures of educational attainment (percent of population 18-24 who are high school completers and percent of population over age 24 with a high school diploma, bachelor's and advanced degrees), ranked the states based on this combined measure, and compared against a number of measures of wealth and tax burden. The analysis showed a stronger correlation to income than tax rates. The 10 highest income states had an average educational rank of 12. As state incomes decline, average education rankings also decline. The bottom 10 income states had by far the worst average educational ranking: 39.2.

This can be seen even more clearly in Kansas' neighboring states and the other Plains states. Of the five regional states with a lower tax burden than Kansas, only Colorado has a higher per capita income and median household income, and only Iowa had a (slightly) lower poverty rate. Lower taxes on low income is not a benefit. For example, Kansans paid about one percent more of their personal income in state and local taxes than Oklahoma, but had a 7.7 percent higher per capita income, 8.5 percent higher household income, and 4.7 percent fewer people living in poverty. Kansas also had better wealth measures than two states with higher tax burdens: Nebraska and North Dakota. On the other hand, Colorado has a low tax rate but

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a high ranking on income measures (but also a higher poverty rate). What the top income states in the region (Minnesota, Colorado and Kansas) have in common is not low taxes, but high education attainment. Likewise, the lowest wealth states have the lowest education levels. (See Attachment 2)

- Lower taxes will not help the economy in the long run if the State cannot support a strong public education system – and that takes a significant investment.
- In prosperous economic times the Legislature has been eager to reduce revenues. Now, in these difficult times, the Legislature must face the fact that it needs to replace some of that revenue.

In summary, the Commission believes we cannot sacrifice a generation of Kansas students because the economy is weak. It is time for the Legislature to take steps to ensure that the revenue and funding policies of the Legislature allow every Kansas student to achieve his or her full potential.

The Legislature should consider generating revenue from at least three specific revenue sources. These are (1) reversing previous tax cuts, (2) increasing the state school mill levy back to its former level, and (3) increasing the state sales tax. It should be noted the Commission is not suggesting that all of these be implemented in full; rather, the Commission recommends the Legislature consider implementing one or a combination of these potential revenue sources:

- Reversing Previous Tax Cuts—As mentioned previously, the Legislature has reduced the State's tax base and resulting revenues by making a number of tax cuts, and the Commission believes the policy decision on several of these cuts should be reviewed and reversed. If the tax cuts – which, as mentioned previously, have resulted in a

cumulative total of \$180 million in revenue lost from FY 2005 through FY 2010 – were reversed for FY 2011, the total recovered for that year would be almost \$30 million. Furthermore, if the Highway Fund were not repaid in FY 2011 from a previous "loan" to the State General Fund, approximately \$31 million would remain in the State General Fund to help finance education.

- Increasing the Statewide School Mill Levy – In 1992, the statewide school mill levy was 32 mills. It increased to 33 mills in 1993 and rose again to 35 mills in 1994, remaining at that level through 1996. The current rate is 20 mills. According to recent estimates, each 1.0 mill increase in the statewide school mill levy would generate approximately \$29 million in FY 2011.
- Increasing the State Sales Tax – According to a recent estimate, a 1-cent increase in the state sales tax rate would generate \$351 million in FY 2012 receipts.

The Commission believes the revenue generated should equal the amount needed to fund the statutorily mandated base state aid per pupil (BSAPP) for the 2009-2010 school year of \$4,492. This amount would have totaled approximately \$314 million for the 2009-2010 school year, given the recent enrollment growth.

In addition to the knowledge that the education of children is the most important function of state government, there are practices we know make a difference in assuring that every child receives the maximum benefit of his or her education. These practices include the following:

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The Legislature should change the formula for determining special education catastrophic aid. The Commission recommends a change in the calculation of the special education catastrophic aid. The threshold for qualifying for catastrophic aid should be based upon twice the previous year's categorical aid per teacher less any special education state aid.

The current statutory formula allows a school district to receive the aid if the cost for a special

education student exceeds \$25,000. This amount was placed in law in 1994 with no provision to adjust the threshold for inflation. Because special education costs have increased while the \$25,000 threshold amount remained the same, the number of special education students who qualify for catastrophic aid has increased.

In addition, the current formula allows districts to count certain special education expenditures in the \$25,000 amount, even though districts receive state aid already for these costs. This results in a "double counting" of transportation and teacher costs, both of which qualify for significant amounts of state aid.

Finally, catastrophic aid has spiked dramatically because one or more districts have begun applying for catastrophic aid for every single student costing over \$25,000. More reportedly are planning to do so.

Since catastrophic aid "comes off the top" of special education state aid distributed to teachers, these catastrophic aid increases likely will result in a dramatic decrease in the amount of special education teacher aid, (categorical special education aid).

The Legislature should shift the tiny-k and Early Head Start programs' administration to the Kansas Department of Education. The Commission has made these recommendations in previous years and is making the same recommendations again.