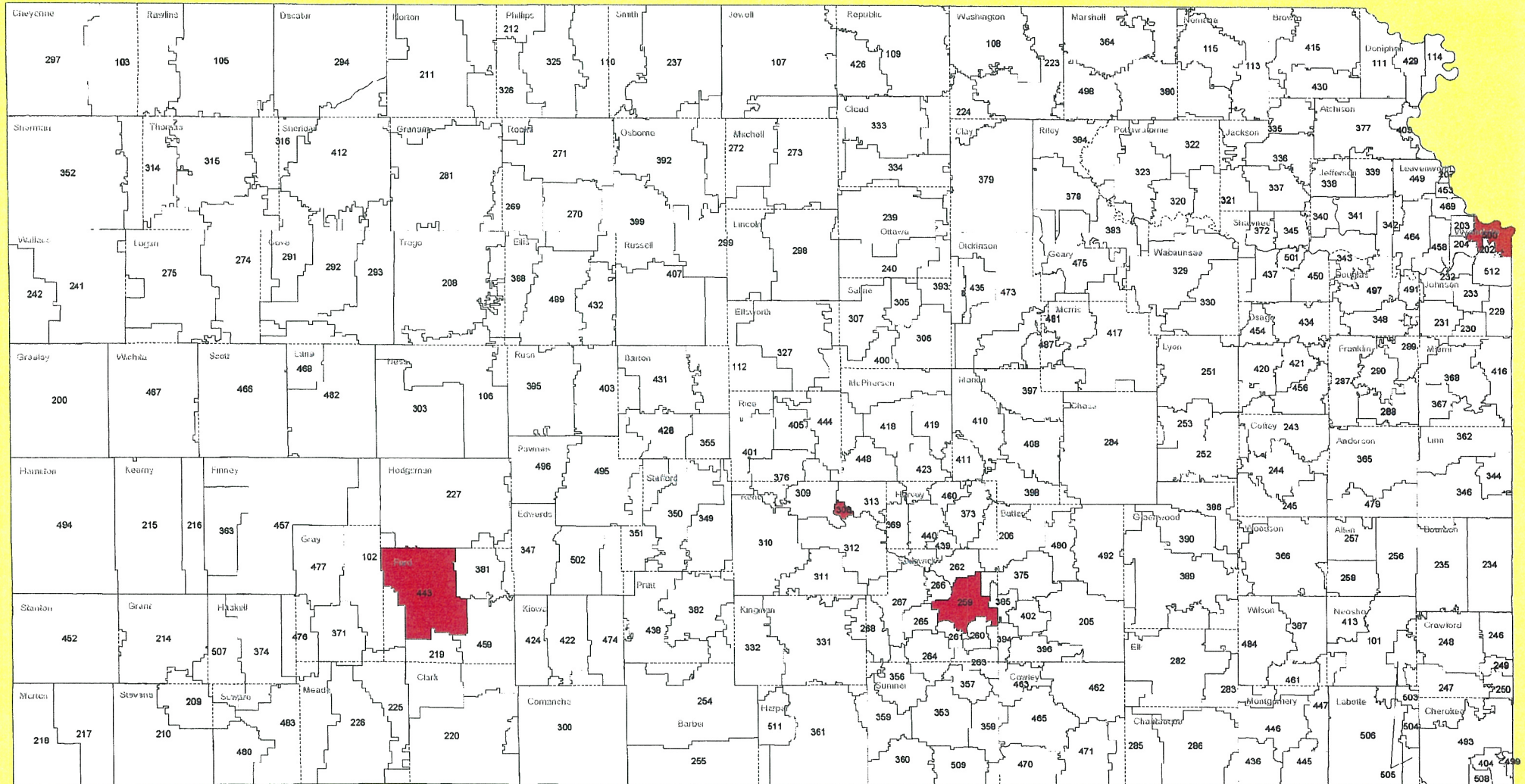


Kansas Unified School Districts

03/19/2012



Boundaries as of July 1, 2011
Kansas Legislative Research Department Sept 8, 2011

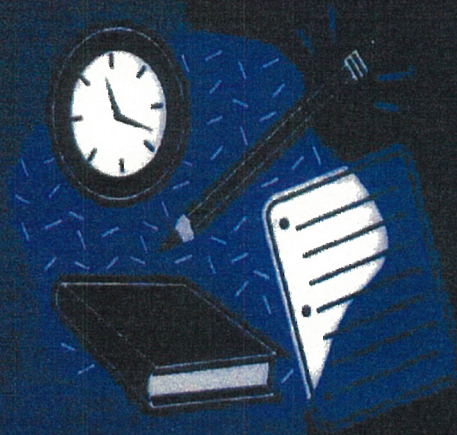
■ USD 259 Wichita, USD 308 Hutchinson, USD 443 Dodge City, USD 500 Kansas City

PLAINTIFFS'
EX. 17

990099

SEEF00525

Prepared for Learning In A New Age



- About half of our students, perhaps two-thirds, flourish
- The other one-third to one-half of our students flounder
- The key difference between the two groups is the level and quality of education available to them

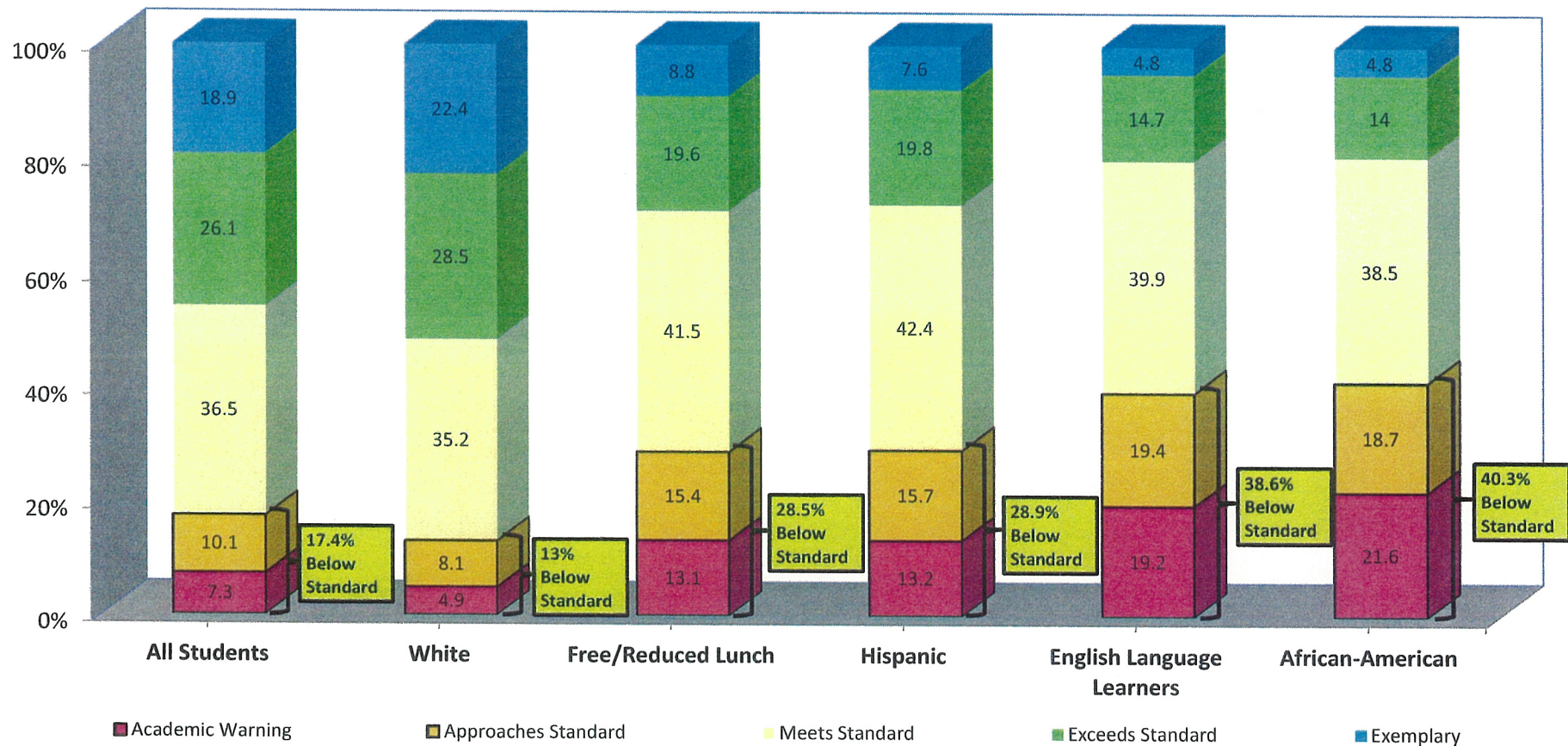
A005719

PLAINTIFFS'
EX. 88

JUD009914

The Achievement Gap

2011 State Assessment: Grade 11 Mathematics

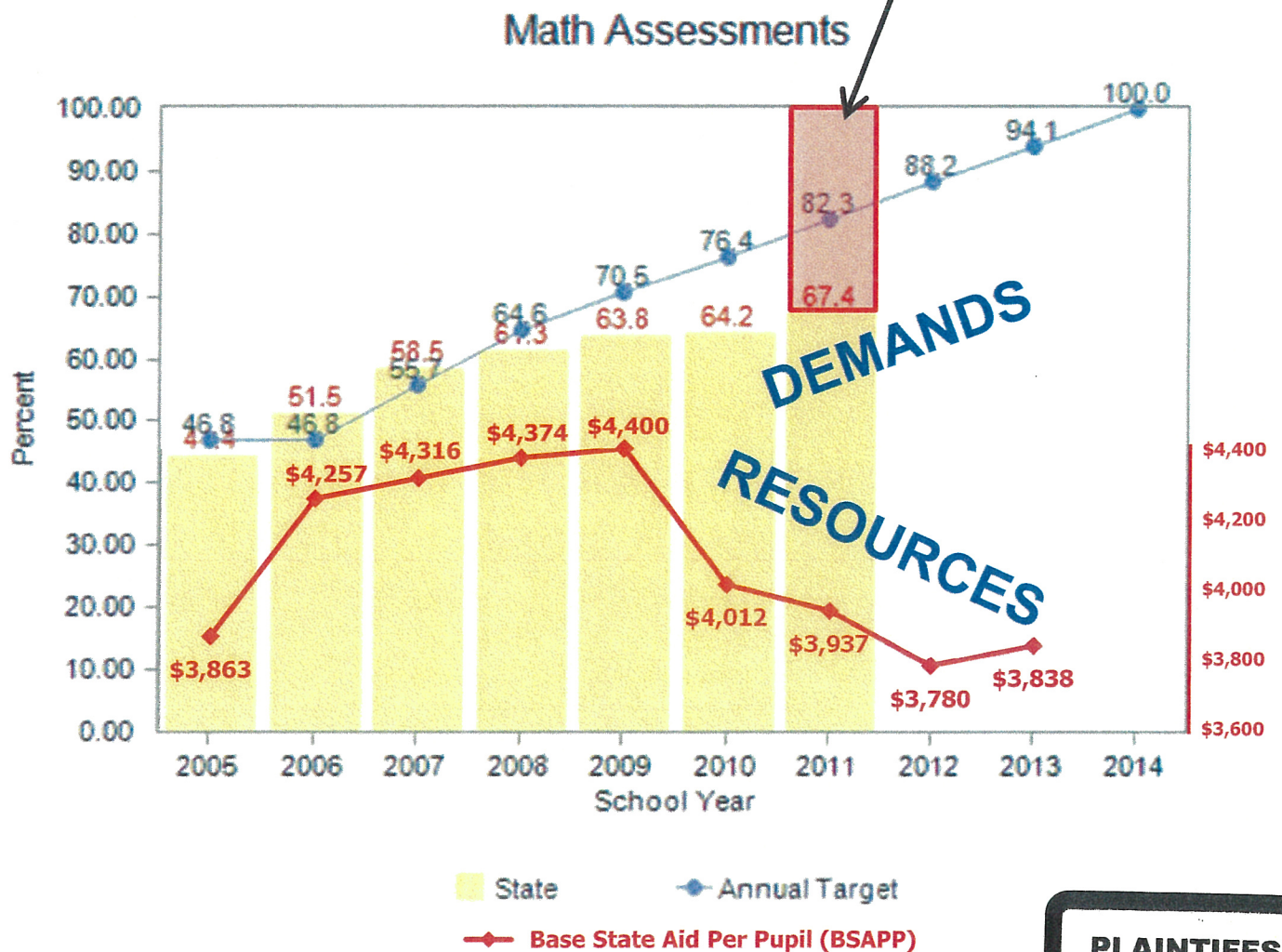




State Adequate Yearly Progress - Assessment Performance - African Americans

32.6% of all African American students in the state score below proficiency on state assessments. This is 11,569 kids.

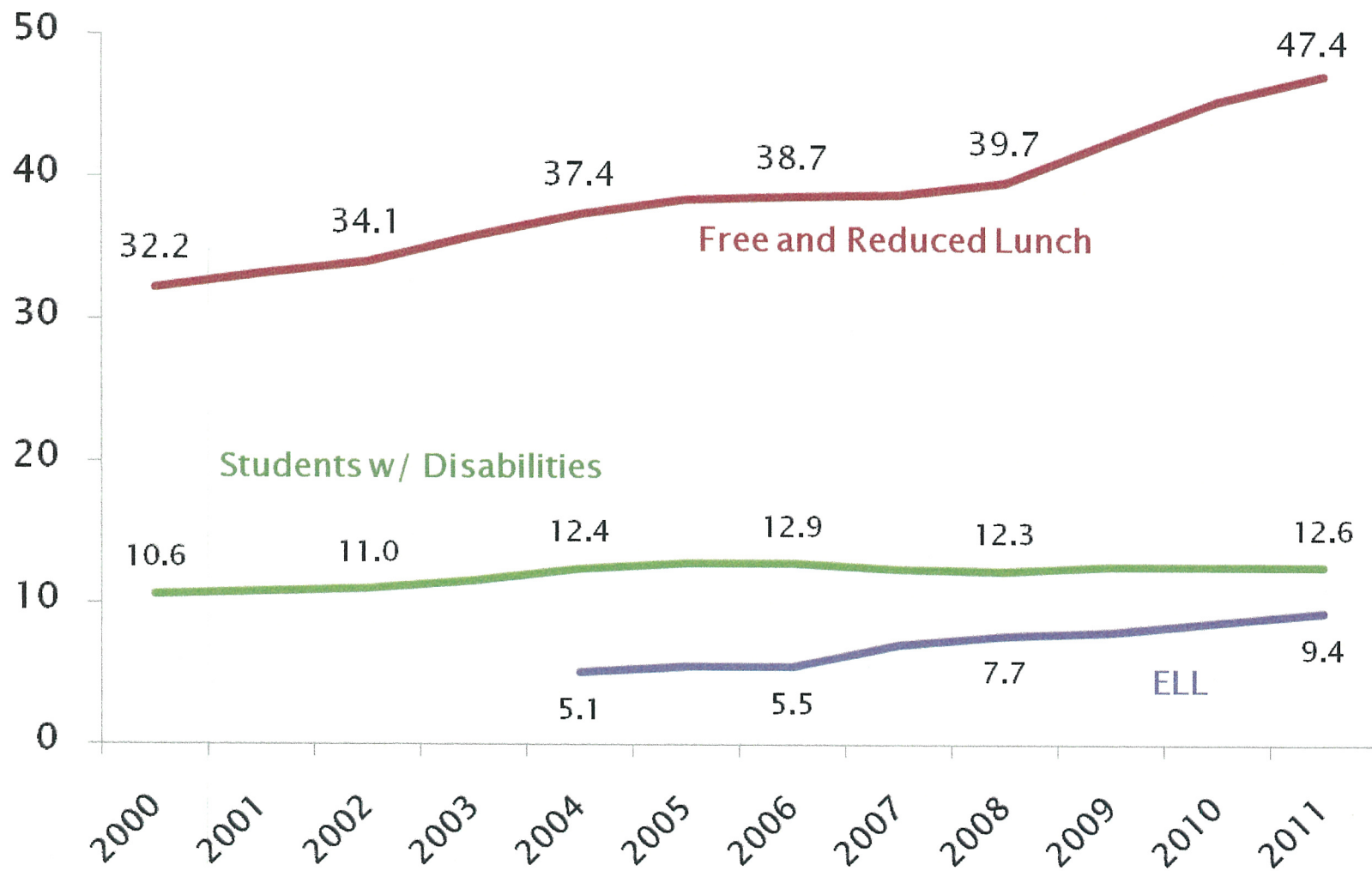
The graph shows the state's progress in meeting the annual targets for Performance on the Math Assessment. The given school, district, or state did not make AYP in this area.



**PLAINTIFFS'
EX. 105**

Kansas Student Population Trends

(Percent of K-12, September Unaudited Enrollment, Public Schools)



PLAINTIFFS'
EX. 107

KSDE138468

What is the State's duty under the Kansas Constitution regarding school finance?

Article 6, Section 6(b) of the Kansas Constitution requires the Kansas Legislature “make suitable provision for the finance of the educational interests of the state.” The Supreme Court of Kansas has, in interpreting the requirements of the Kansas Constitution, determined that – in addition to “whether students are provided a suitable education” – “the actual costs of providing a constitutionally suitable education and the equity with which the funds are distributed are critical factors for the legislature to consider in crafting a suitable formula for financing public education.” See *Montoy V*, at 10 (citing *Montoy II*, at 775).

PLAINTIFFS'
EX. 37

Kansas School Finance Scheme	
1.	Enrollment
2.	+ At Risk 4 year olds
3.	+ Low enrollment weighting
4.	+ High enrollment weighting
5.	+ Bilingual weighting
6.	+ Vocational weighting
7.	+ At-risk weighting
8.	+ High Density at-risk weighting
9.	+ Non-proficient student weighting
10.	+ New facilities weighting
11.	+ Transportation weighting
12.	+ Virtual student weighting
13.	+ Ancillary weighting
14.	+ Special Education weighting
15.	+ Declining enrollment weighting
16.	+ KAMS weighting
17.	+ Cost of living weighting
18.	= Total Weighted Enrollment
19.	x Base State Aid Per Pupil (\$3780)
20.	= Legal General Fund
21.	Authorized Local Option Budget Percentage
22.	Actual LOB Percent Actually Used
23.	x Legal General Fund <i>Re-computed</i> (\$4433)
24.	= Legal LOB
25.	Legal General Fund + Legal LOB



990108

SFFF000489

Kansas School Finance Scheme

1.	Enrollment on September 20, 2011 (or adjusted to account for declining enrollment by using prior year or 3 year average)
2.	At Risk 4 year olds- get counted as an additional .5 students
3.	Low enrollment weighting- for districts below 1622 pupils, each student counts for additional students according to a formula of between .03504 and 1.014331 additional students
4.	High enrollment weighting- for districts over 1622 pupils, each student counts for an additional .03504 students
5.	Bilingual weighting- each FTE of bilingual students gets counted as .395 additional students
6.	Vocational weighting- each FTE of bilingual students gets counted as .5 additional students
7.	At-risk weighting- each at-risk student gets counted as .456 additional students
8.	High Density At-risk weighting- each at-risk student in medium and high density districts get counted as either .06 or .1 additional students
9.	Non-proficient student weighting- each non-proficient student gets counted as .0465 additional students
10.	New facilities weighting- each student in a new facility gets counted as an additional .25 students
11.	Transportation weighting- each student that gets transported more than 2.5 miles gets figured by a formula and converted to additional students
12.	Virtual student weighting- each student enrolled in a virtual school gets funding figured by a formula and converted to additional students
13.	Ancillary weighting- (applies only to U.S.D. 229, Blue Valley, U.S.D. 230 Spring Hill, U.S.D. 232 DeSoto and U.S.D. 233 Olathe) is additional funding approved by the State Board of Tax Appeals for operation of a new facility and converted to additional students
14.	Special Education weighting- budgeted special education funding is figured according to a formula and then converted to an equivalent number of students by dividing the aid by the \$3780
15.	Declining enrollment weighting- (applies only to U.S.D. 468 Healy, U.S.D. 489 Hays and U.S.D. 512 Shawnee Mission) is an additional funding approved by the State Board of Tax Appeals in certain declining enrollment situations and converted to additional students
16.	KAMS weight- a weight added for each student enrolled in the Kansas Math and Science Academy
17.	Cost of living weight- (applies only to U.S.D 229 Blue Valley, U.S.D. 233 Olathe, U.S.D. 497 Lawrence and U.S.D. 512 Shawnee Mission) is additional funding to compensate for higher cost of housing in certain districts and converted to additional students
18.	Total Weighted Enrollment
19.	Base State Aid Per Pupil = \$4492 but actual is \$3780 due to lack of appropriation
20.	Legal General Fund is Total Weighted Enrollment times the Base
21.	Authorized Local Option Budget Percentage- district can adopt an additional local budget of up to 31% of their Legal General Fund <i>re-computed</i> using a Base of \$4433 instead of \$3780
22.	Actual LOB Percent Used- districts do not have to use all of their authority
23.	Legal General Fund Re-computed (\$4433)- Legal General Fund is <i>re-computed</i> using a Base of \$4433 instead of \$3780
24.	Legal LOB- is Legal General Fund Re-computed (\$4433) times Actual LOB Percent used
25.	Legal General Fund plus Legal LOB- amount used to fund the majority of school operations

PLAINTIFFS'
EX. 18

Kansas School Finance Scheme

		U.S.D. 259 Wichita	U.S.D. 500 Kansas City	U.S.D. 443 Dodge City	U.S.D. 308 Hutchinson
1.	Enrollment 9/20/2011	44797.8	18591.9	5994.0	4641.0
2.	+ At Risk 4 year olds	956.0	285.0	74.5	28.0
3.	+ Low enrollment weighting	0	0	0	0
4.	+ High enrollment weighting	1606.0	661.4	212.6	168.5
5.	+ Bilingual weighting	2056.8	1426.4	763.6	61.0
6.	+ Vocational weighting	747.0	346.9	121.1	115.7
7.	+ At-risk weighting	14920.8	7467.5	2014.6	1275.0
8.	+ High Density at-risk weighting	3272.1	1637.6	441.8	279.6
9.	+ Non-proficient student weighting	112.4	36.7	11.8	11.2
10.	+ New facilities weighting	351.2	87.3	0	146.3
11.	+ Transportation weighting	2254.0	616.0	415.0	9.3
12.	+ Virtual student weighting	501.4	0	4.0	0
13.	+ Ancillary weighting	0	0	0	0
14.	+ Special Education weighting	10937.9	4211.4	1321.5	1048.1
15.	+ Declining enrollment weighting	0	0	0	0
16.	+ KAMS weighting	2.0	0	0	0
17.	+ Cost of living weighting	0	0	0	0
18.	= Total Weighted Enrollment	82595.0	35368.1	11374.5	7923.7
19.	x Base State Aid Per Pupil (\$3780)	\$3780	\$3780	\$3780	\$3780
20.	= Legal General Fund	\$313,499,186	\$132,704,460	\$42,995,610	\$29,125,221
21.	Authorized Local Option Budget Percentage	30%	30%	30%	30%
22.	Actual LOB Percent Actually Used	27%	29.8%	29.7%	25.6%
23.	x Legal General Fund <i>Re-computed (at \$4433)</i>	\$356,789,099	\$152,809,396	\$49,377,160	\$34,257,939
24.	= Legal LOB	\$96,249,466	\$45,495,582	\$14,675,900	\$8,773,919
25.	Legal General Fund + Legal LOB	\$409,748,652	\$178,200,042	\$57,671,510	\$37,899,140

990108

PLAINTIFFS'
EX. 20

SFFF000491

**EXAMPLE- GENERAL FUND AND LOCAL OPTION BUDGET:
CALCULATION VS. FUNDING**

HOW CALCULATED:

General Fund:

Assume district of 1187 students.
Assume computed weights for more costly kids add another 1038 students in weightings.
A total *weighted* enrollment of 2225.
Weighted enrollment of 2225 times Base of \$3780 produces General Fund of \$8,410,500.

Local Option Budget:

Recalculate General Fund using a Base of \$4433.
Weighted enrollment of 2225 times Base of \$4433 produces Recalculated General Fund of \$9,863,425.
Apply chosen LOB percentage of 24% to get LOB of \$2,367,222.

Combined General Fund and LOB:

\$8,410,500 plus \$2,367,222 equals \$10,777,722 to fund most district operations.

HOW FUNDED:

General Fund:

Every district must levy 20 mills of property tax locally and apply it toward funding General Fund. If the 20 mill local levy does not completely fund the General Fund the state makes up the difference with "state aid."
In hypothetical district the 20 mills raises about \$850,000 and the state pays the remaining \$7,560,500.

Local Option Budget:

Local Option Budgets are funded with a mix of local property tax and state equalization aid.

To partially equalize purchasing power and taxpayer equity across districts, the state calculates the assessed valuation per pupil of the district at the 81.2 percentile. It then assigns a state equalization aid percentage to all districts below this level, theoretically giving them all the purchasing power of the district at the 81.2 percentile. This partially equalizes purchasing power for the poorest 81.2% of the districts in the state. There is no equalization aid for the wealthiest 18.8% of districts.

The wealthiest 18.8% of the districts simply levy however many mills locally it takes to fund their LOB.

The poorest 81.2% of the districts calculate their LOB, and apply their state equalization aid percentage to the total. They then get state LOB equalization aid for that portion of the LOB. They simply levy however many mills locally it takes to fund the balance.

LOB Funding- wealthy district:

\$2,367,222 might be raised with a local 10 mill levy and no state aid.

LOB Funding- poor district:

Assume a 58% state equalization aid percentage.
\$2,367,222 times 58% is \$1,372,989 paid by LOB state equalization aid.
The balance, \$994,233 might be raised with a local 21 mill levy.

LOB Funding- poor district- LOB state aid under-appropriated and prorated:

Assume a 58% state equalization aid percentage.
\$2,367,222 times 58% is \$1,372,989 *supposed to be paid* by LOB state equalization aid.

For 2011-12 LOB state equalization aid was under-appropriated and thus only paid at 85.7% of entitlement.
Thus only 85.7% of \$1,372,989 or \$1,176,652 gets paid by the state, shifting another \$196,337 to local taxpayers.

The local balance of \$994,233 is increased by \$196,337 to \$1,190,570 and might be raised with a local 24.65 mill levy.
The under-appropriating of LOB state aid thus would cause a 3.65 local mill increase to keep the same dollars. A wealthy district would see no increased levy to keep the same dollars.

990109

**PLAINTIFFS'
EX. 21**

SFFF000492

UNIFIED SCHOOL DISTRICT NO. 229 v. THE STATE OF KANSAS
SUPREME COURT OF KANSAS
256 Kan. 232; 885 P.2d 1170; 1994 Kan. LEXIS 144
December 2, 1994

"The standard most comparable to the Kansas constitutional requirement of 'suitable' funding is a requirement of adequacy found in several state constitutions."

"One of the most frequently cited definitions of an adequate education was one proffered by the Kentucky Supreme Court when it iterated six goals of education:

(1) sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization; [**1186]

(2) sufficient knowledge of economic, social, and political systems to enable the student to understand the issues that affect the community, [***52] state, and nation;

(3) sufficient selfknowledge and knowledge of his or her mental and physical wellness;

(4) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;

(5) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and

(6) sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states whether competing in academics or the job market. *Rose v. Council for Better Education*, 790 S.W.2d at 212.

"The definitions in *Hunt*, *Rose* and *Abbott* bear striking resemblance to the ten statements or goals enunciated by the Kansas legislature in defining the outcomes for Kansas schools, which includes the goal of preparing the learners to live, learn, and work in a global society. K.S.A. 72-6439.

Through the quality performance accreditation standards, the Act provides a legislative and regulatory mechanism for judging whether the education is 'suitable'."

"The 10 goals referred to in the district court's opinion are found at K.S.A. 72-6439(a), a part of the Act, and are set forth as follows:

(1) Teachers establish high expectations for learning and monitoring pupil achievement through multiple assessment techniques;

(2) schools have a basic mission which prepares the learners to live, learn, and work in a global society;

(3) schools provide planned learning activities within an orderly and safe [***56] environment which is conducive to learning;

(4) schools provide instructional leadership which results in improved pupil performance in an effective school environment;

(5) pupils have the communication skills necessary to live, learn, and work in a global society;

(6) pupils think creatively and problem-solve in order to live, learn and work in a global society;

(7) pupils work effectively both independently and in groups in order to live, learn and work in a global society;

(8) pupils have the physical and emotional well-being necessary to live, learn and work in a global society;

(9) all staff engage in ongoing professional development;

(10) pupils participate in lifelong learning."

PLAINTIFFS'
EX. 38

990096
PRIMER 000187-000189

JUD009989

homeless shelter or a soup kitchen, organizing or assisting in fund raisers for disaster victims and other needy persons, assisting community-based nonprofit agencies that provide programs and services for low-income people, the disabled and the elderly, assisting fraternal organizations in charitable activities.

HISTORY: L. 2002, ch. 167, § 8; July 1.

72-1127 Accredited schools; mandatory subjects and areas of instruction; legislative goals.

(a) In addition to subjects or areas of instruction required by K.S.A. 72-1101, 72-1103, 72-1117, 72-1126 and 72-7535, and amendments thereto, every accredited school in the state of Kansas shall teach the subjects and areas of instruction adopted by the state board of education as of January 1, 2005.

(b) Every accredited high school in the state of Kansas also shall teach the subjects and areas of instruction necessary to meet the graduation requirements adopted by the state board of education as of January 1, 2005.

(c) Subjects and areas of instruction shall be designed by the state board of education to achieve the following goals established by the legislature to allow for the:

(1) Development of sufficient oral and written communication skills which enable students to function in a complex and rapidly changing society;

(2) acquisition of sufficient knowledge of economic, social and political systems which enable students to understand the issues that affect the community, state and nation;

(3) development of students' mental and physical wellness;

(4) development of knowledge of the fine arts to enable students to appreciate the cultural and historical heritage of others;

(5) training or preparation for advanced training in either academic or vocational fields so as to enable students to choose and pursue life work intelligently;

(6) development of sufficient levels of academic or vocational skills to enable students to compete favorably in academics and the job market; and

(7) needs of students requiring special education services.

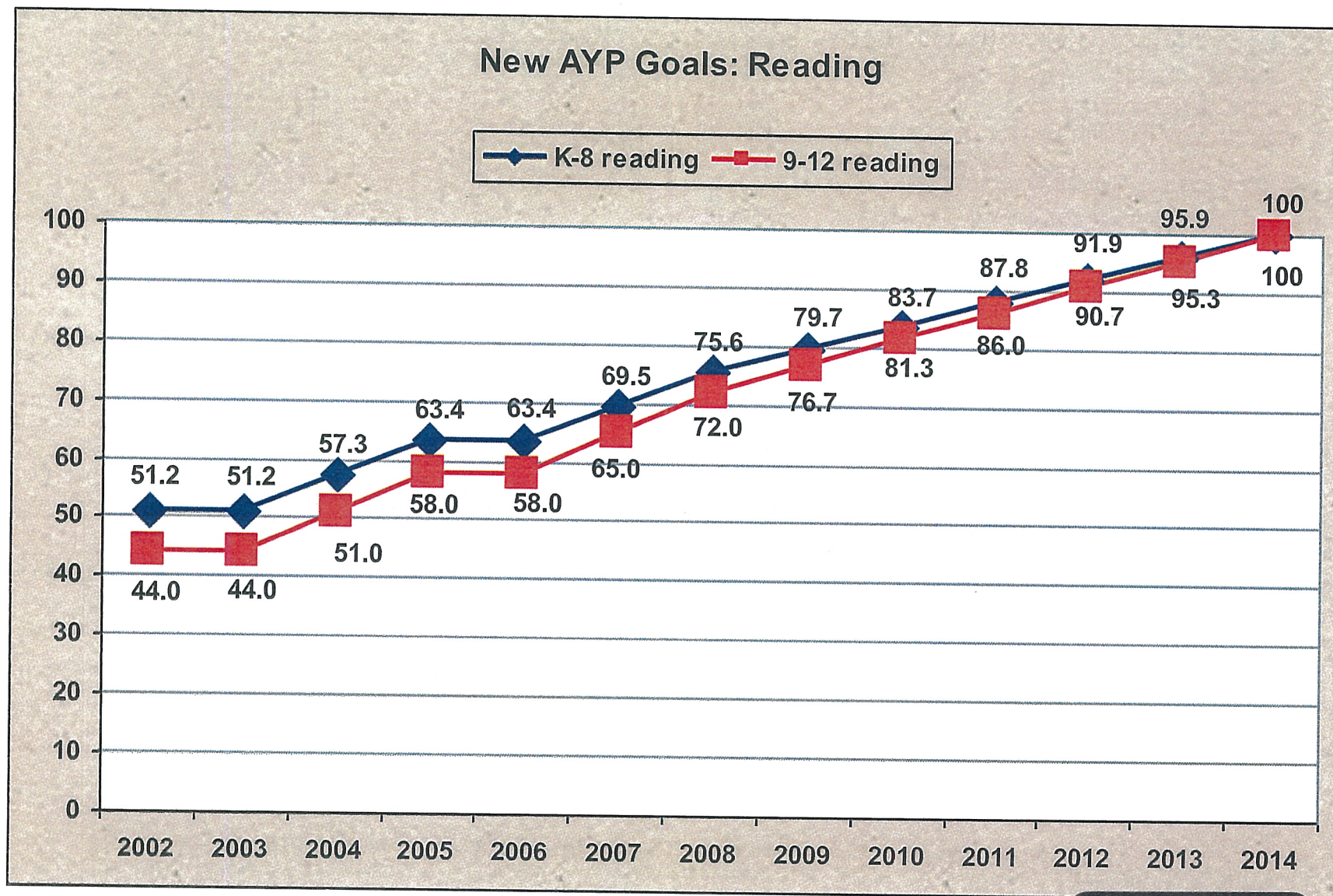
(d) Nothing in this section shall be construed as relieving the state or school districts from other duties and requirements imposed by state or federal law including, but not limited to, at-risk programs for pupils needing intervention, programs concerning special education and related services and bilingual education.

HISTORY: L. 2005, ch. 152, § 6; July 1.

KANSAS BOARD OF EDUCATION GOAL

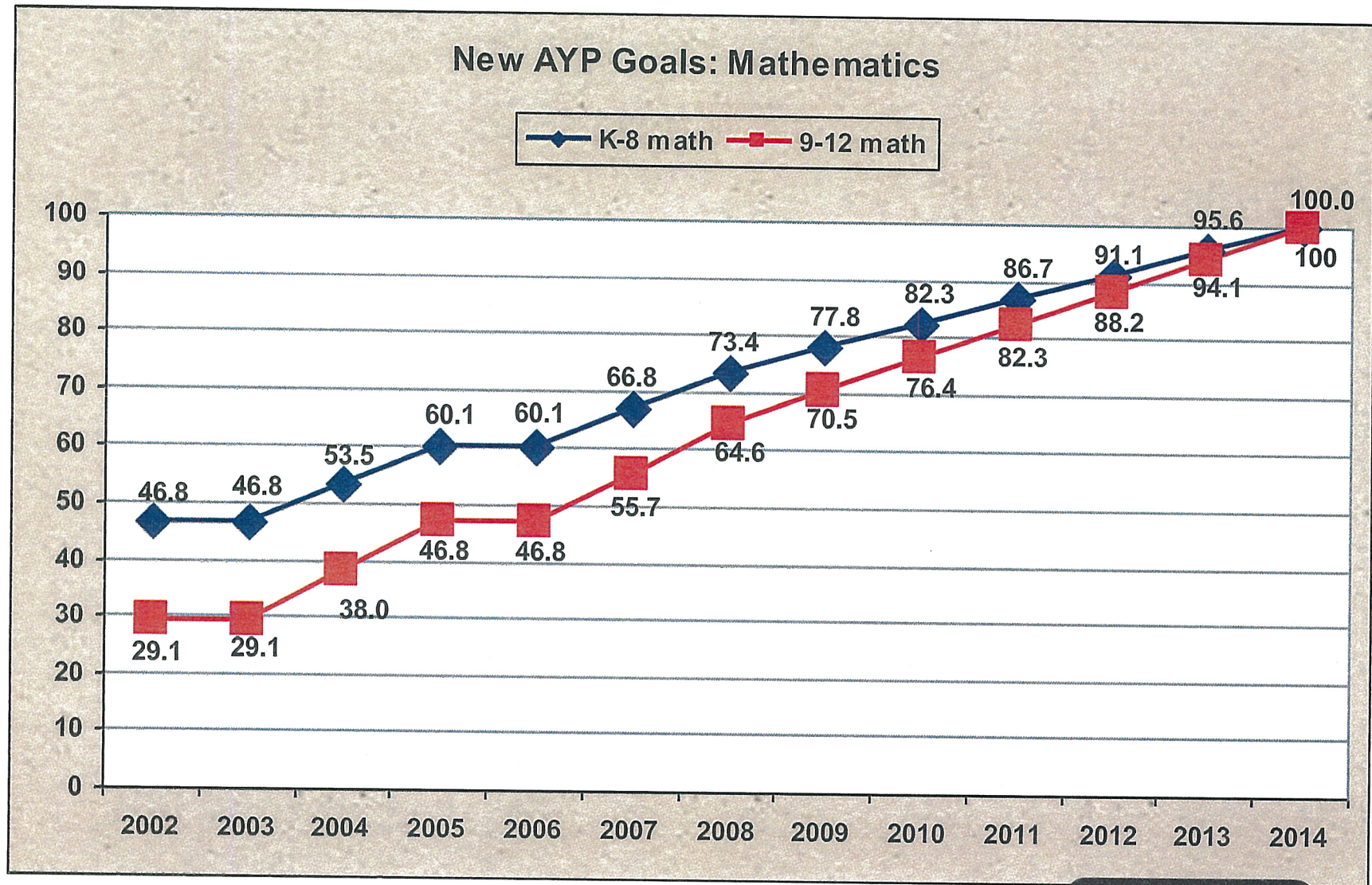
**Ensure that all students meet or
exceed high academic
standards and are prepared
for their next steps (e.g., the
world of work and/or post-
secondary education)**

AYP Targets 2002 – 2014 for Reading
Adopted by the Kansas State Board of Education May, 2007



PLAINTIFFS'
EX. 74

AYP Targets 2002 – 2014 for Mathematics
Adopted by the Kansas State Board of Education May, 2007



PLAINTIFFS'
EX. 74

BASE & CUTS

PLAINTIFFS'
EX. 241

EXPECTATION

2009 STATUTORY BASE =

\$ 4433

2010 STATUTORY BASE =

+ \$59 TO

\$ 4492

REALITY

CUT

- | | | | | |
|----|------------------------------------|---------|----|---------|
| 1. | 2/12/09 SB23 RESCISSION BILL | - \$33 | TO | \$ 4400 |
| 2. | 3/31/09 HB2354 APPROPRIATIONS BILL | - \$33 | TO | \$ 4367 |
| 3. | 5/7/09 HB2373 OMNIBUS BILL | - \$87 | TO | \$ 4280 |
| 4. | 7/2/09 GOVERNOR ALLOTMENT | - \$62 | TO | \$ 4218 |
| 5. | 11/23/09 GOVERNOR ALLOTMENT | - \$206 | TO | \$ 4012 |
| 6. | 3/11/11 GOVERNOR ALLOTMENT | - \$75 | TO | \$ 3937 |
| 7. | 5/13/11 APPROPRIATIONS BILL | - \$157 | TO | \$ 3780 |

LOSS

- \$653 FROM \$4433 (2008-09 AMOUNT)
TO
\$3780 (2011-12 AMOUNT)

PLUS

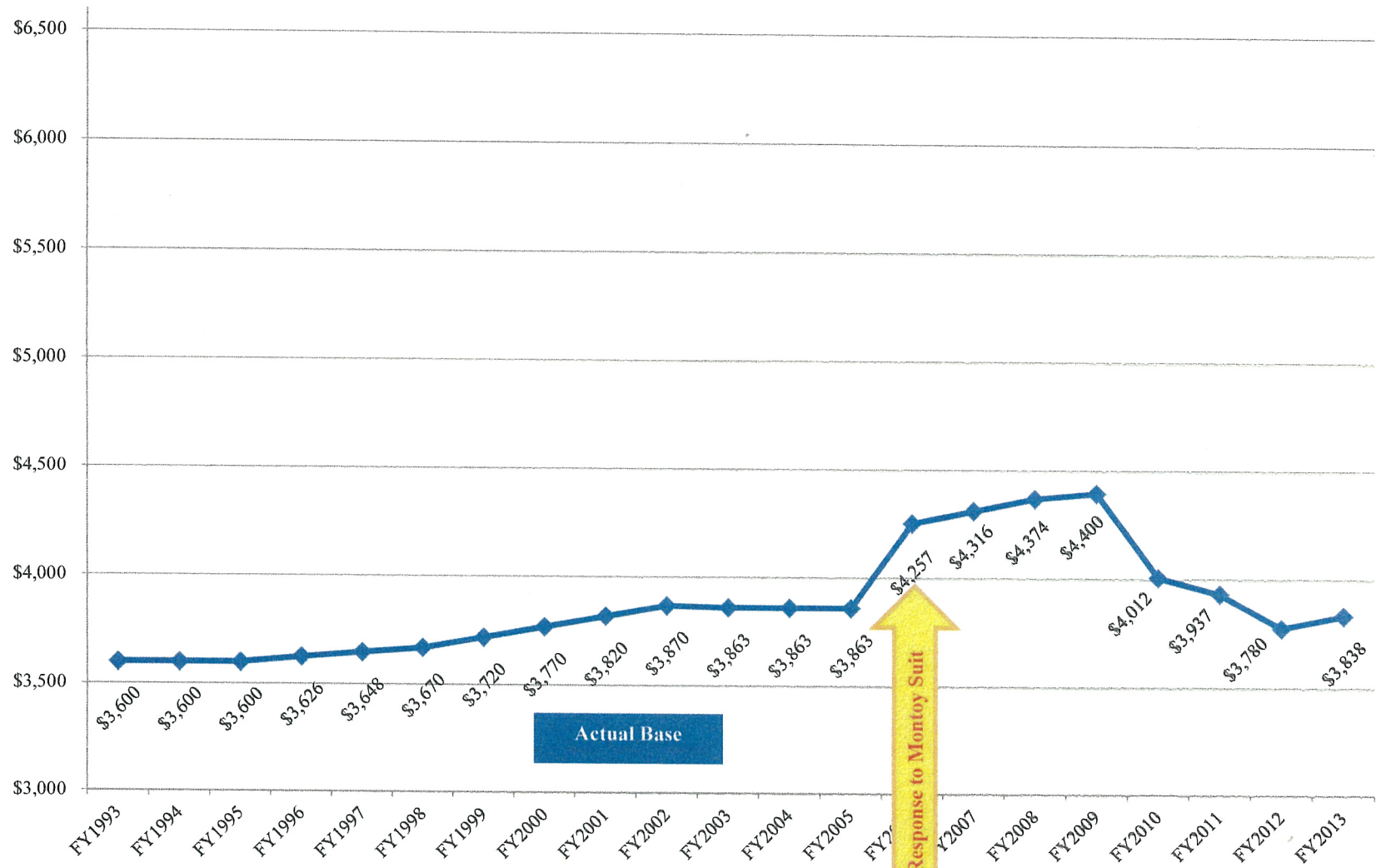
- | | | |
|----|--------------------------------------|--------------|
| 1. | 2/12/09 SB23 1% SPECIAL ED CUT | \$4,464,507 |
| 2. | 3/31/09 HB2354 1% SPECIAL ED CUT | \$4,464,514 |
| 3. | CAPITAL OUTLAY EQUALIZATION NOT PAID | \$21,989,096 |
| 8. | LOB EQUALIZATION AID REDUCED | \$56,594,224 |

TOTAL

TOTAL CUTS \$ 511,020,560 / YEAR

989494

Kansas Base State Aid Per Pupil



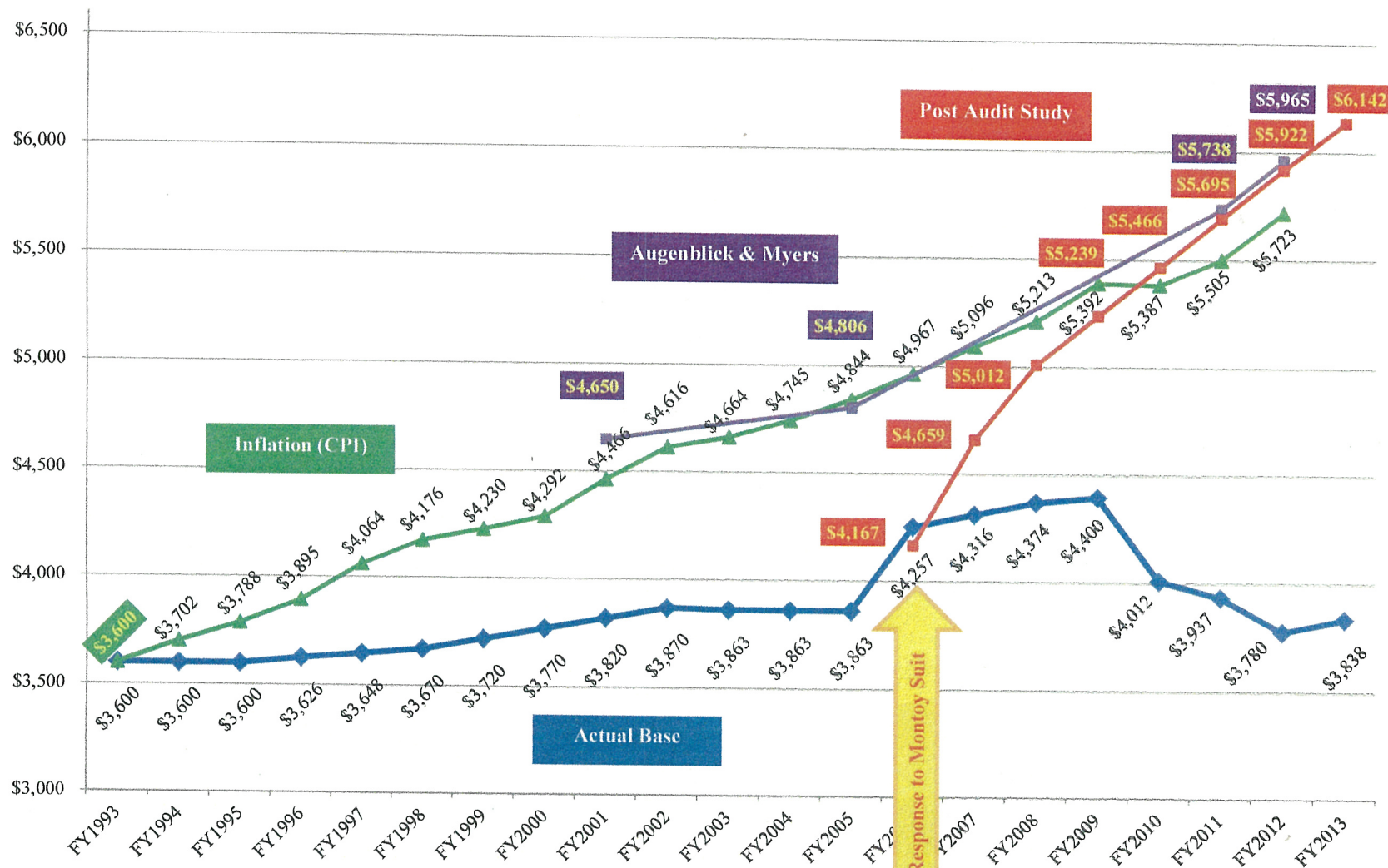
■ Actual Base: from Kansas Fiscal Facts (LEG003707) & SB294

PLAINTIFFS'
EX. 233

990141

SFFF000620

Kansas Base State Aid Per Pupil



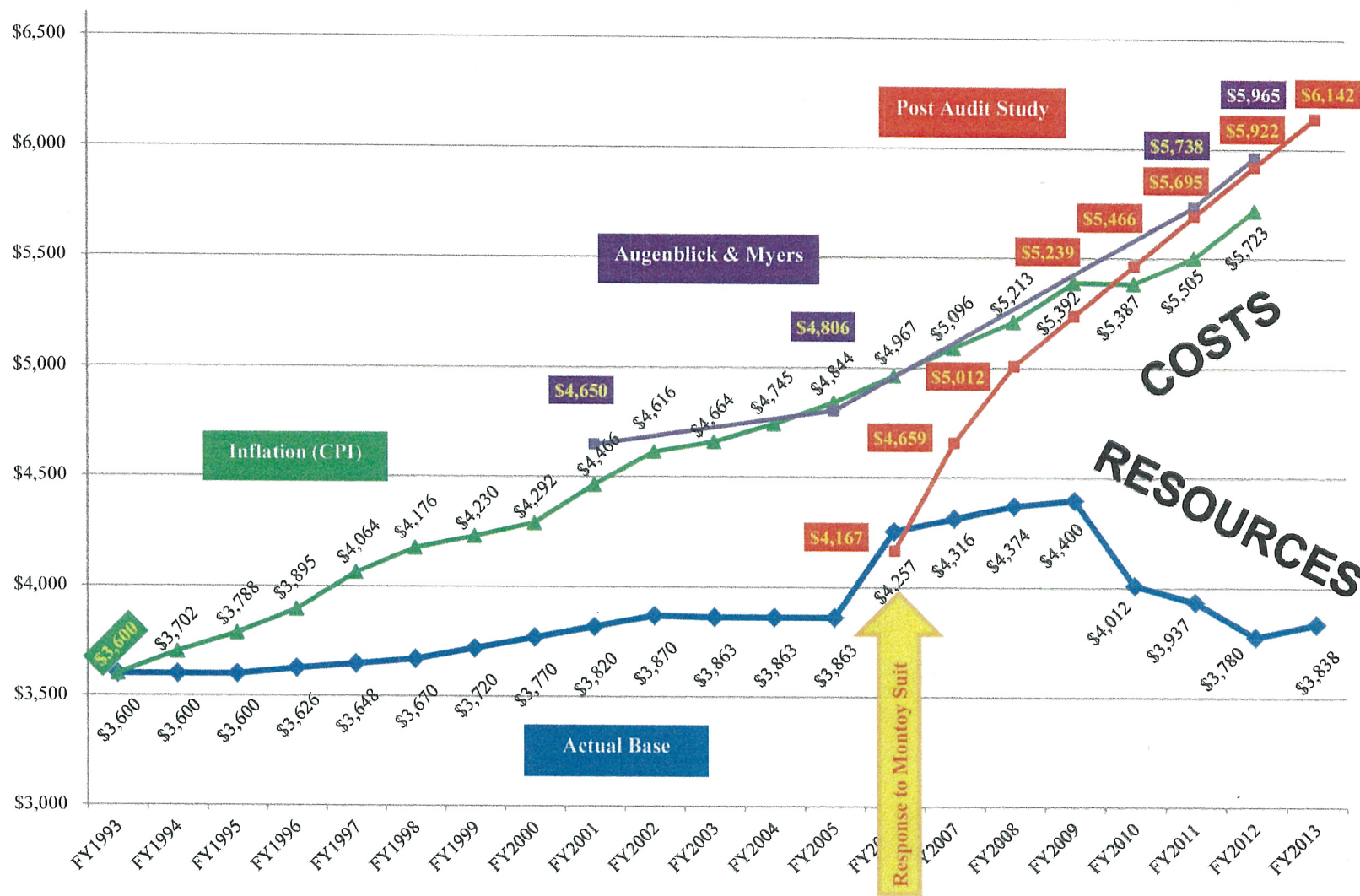
Actual Base: from Kansas Fiscal Facts (LEG003707) & SB294

Inflation (CPI): from U.S. Department of Labor - All Urban Consumers - Kansas City, MO-KS - All Items, Base of 3600 adjusted for inflation each year (BLS000001-4)

Augenblick & Myers: from May 2002 Study (LEG001414), June 2005 Update (LEG003516), October 2011 Update (EXP-MYERS000073), all amounts direct from reports except 2012 adjusted for inflation

Post Audit Study: from January 2006 Cost Study (USD443 001586), January 17, 2006 Memo (LEG003410), all amounts direct from reports. 2007 through 2012 amounts are in 2007 dollars

Kansas Base State Aid Per Pupil



■ Actual Base: from Kansas Fiscal Facts (LEG003707) & SB294

■ Inflation (CPI): from U.S. Department of Labor - All Urban Consumers - Kansas City, MO-KS - All Items, Base of 3600 adjusted for inflation each year (BLS000001-4)

■ Augenblick & Myers: from May 2002 Study (LEG001414), June 2005 Update (LEG003516), October 2011 Update (EXP-MYERS000073), all amounts direct from reports except 2012 adjusted for inflation

■ Post Audit Study: from January 2006 Cost Study (USD443 001586), January 17, 2006 Memo (LEG003410), all amounts direct from reports. 2007 through 2012 amounts are in 2007 dollars

990142

SFFF000649

**Cost-Cutting and Efficiency Measures Accomplished by
Kansas School Districts as Described by:**

- Standard & Poor's Kansas School District Efficiency Study (7/2007)
- Testimony of School District Superintendents to the Kansas House Appropriations Committee (August 2009)
- Kansas Department of Education (Survey of USDs in 2009 and 2004 Cost Savings Survey)
- Site visits by the Center for Innovative School Leadership (at Emporia State)
- Selected School Superintendents

Staff Cost-Cutting and Efficiency Measures

Eliminated 2,101 licensed positions in the 2009-10 school year.

Eliminated 1,603 non-licensed positions in the 2009-10 school year.

Some specific examples, include:

Used early retirement options.

Froze salaries.

Reduced or eliminated professional development.

Shared food service manager with local hospital.

Shared a school nurse with the county health department.

Reduced or eliminated out-of-state conference travel.

Shared staff with other districts, such as a technology coordinator.

Eliminated bonuses for teachers in high-poverty schools.

Reduced new teacher orientation and induction.

Reduced and eliminated school resource officers, counselors, librarians, educational aides, administrators, paraprofessionals, social workers, school nurse, and parent educators.

Filled a coaching position with private funds from the community.

Used part-time staff.

Reduced overtime for non-licensed staff.

Utility-Related Cost-Cutting and Efficiency Measures

Contracted with a company to evaluate energy systems and recommend replacement and savings.

Created an "energy czar" position which monitors energy use and implementation of energy cost-saving measures.

Retrofitted buildings with energy saving lights.

Updated heating and cooling systems.

Installed new energy-efficient heating and cooling systems.

Lowered room temperatures in the winter and increased room temperatures during the summer.

Purchased natural gas via a bulk-buying group.

Created a student advisory council who assisted with finding energy savings through the district's buildings.

Programming Efficiencies

Increased pupil-teacher ratio.

Reduced or eliminated early childhood programs.

Reduced the number of activity buses taken to out-of-town athletic events.

Reduced the number of activity trips.

Reduced the number of curriculum-related field trips.

Reduced extracurricular activities, such as clubs, organizations, etc.

Reduced alternative school programs.

Reduced or eliminated before school, after school, and summer school programming.

Reduced or eliminated support to Parents as Teachers programs.

Reduced or eliminated fine arts, language arts, and family and consumer science programs.

Reduced athletic programs.

Reduced tutoring.

Reduced instructional time.

Lengthened school day and shortened school year, which saved money on custodial, utility, and transportation services.

Eliminated field trips, unless paid for by parents or boosters.

Raised class sizes in some or all subjects.

Revenue Increases

Increased school lunch, drivers' education, and facility rental fees.
Increased scrutiny of Medicaid-eligible services so billing of services increased.

Operations and Maintenance

Closed school buildings.
Discontinued contracted bus service.
Eliminated or reduced bus routes, making some routes longer than one hour.
Deferred maintenance, repairs, and improvements to buildings and equipment.
Bid large ticket items such as milk, fuel, technology software/hardware/services, telecommunications, vehicles, and other large equipment.
Installed hand blowers in restrooms to reduce paper towel use.
Installed automatic flush toilets to reduce custodial time.
Joined cooperative buying units.
Used State contract when purchasing various equipment and supplies.
Delayed purchases of textbooks, supplies, and school buses.
Entered into agreements with local units of government for some services, such as school security services with a local police department.
Reduced maintenance to a minimum.
Eliminated transportation of students to day care providers.
Used bigger buses or passenger vans.
Reduced funding available to purchase necessary school supplies, which increases the cost to teachers and parents, who still must provide supplies.

Finance

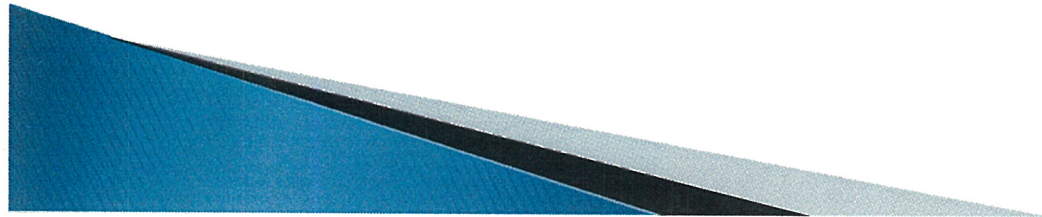
Refinanced bonded indebtedness.
Reduced cash reserves (which is of concern for future budgets.)

Insurance

Promoted wellness and safety issues in an attempt to keep health insurance renewal rates as low as possible.
Changed to higher deductibles on insurance policies.
Joined the State Health Insurance Plan (while initial costs are high, the long term benefit of the larger group helps keep annual increases low.)

Money Matters

- ▶ A study released in January 2006 by Legislative Post Audit found, “. . . 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 things being equal, districts that spend more had better student performance.”



Legislative Division of Post Audit

Elementary and Secondary Education in Kansas: Estimating the Costs of K-12 Education Using Two Approaches – January 2006

“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.”

Kansas Assessments
Recommended Performance Level Scores

General Reading Assessment
 % correct

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

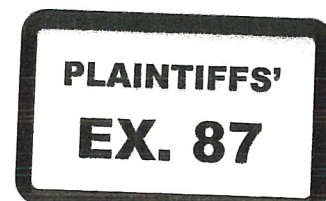
Grade	Academic Warning	Approaches Standard	Meets Standard	Exceeds Standard	Exemplary
3 rd	0-57	58-69	70-84	85-92	93-100
4 th	0-53	54-62	63-79	80-88	89-100
5 th	0-53	54-61	62-77	78-87	88-100
6 th	0-52	53-62	63-78	79-89	90-100
7 th	0-43	44-55	56-70	71-83	84-100
8 th	0-44	45-57	58-72	73-85	86-100
High School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

COMPARISON

KANSAS PERFORMANCE CATEGORIES VS. NAEP ACHIEVEMENT LEVELS

Kansas Performance Categories	NAEP Achievement Levels
Exemplary Reading: When reading grade level material, understands the material completely and is able to relate it to other materials Math: When working on grade level math, always performs consistently and accurately and effectively uses multiple problem solving strategies	Advanced Superior performance
Exceeds Standard Reading: When reading grade level material, understands the material completely Math: When working on grade level math, performs consistently and accurately and effectively uses problem solving strategies	Proficient Solid academic performance, competency on challenging subject matter
Meets Standard Reading: When reading grade level material, understands most of the material Math: When working on grade level math, usually performs consistently and accurately, and uses some problem solving strategies	Basic Partial mastery of the knowledge and skills that are fundamental to proficient work at a given grade
Approaches Standard Reading: When reading grade level material, understands some of the material Math: When working on grade level math, usually performs inconsistently and/or inaccurately	Below Basic
Academic Warning Reading: When reading grade level material, does not fully understand the material Math: When working on grade level math, performs inconsistently and/or inaccurately	
from KSDE145210	from NAEP000048

990097



SFFF000534

NAEP 2011

4th Grade Reading Performance Data

% of students sampled	Below Basic	Basic	Proficient	Advanced
National: All students sampled	34	34	25	7
Kansas: All students sampled	29	35	28	8
White	24	34	32	10
Black	54	28	15	3
Hispanic	45	36	17	2
Asian/Pacific Islander	27	30	28	15
Am Indian/Alaska Native				
Free and Reduced Lunch	42	35	20	3
Students with Disabilities	67	21	10	2
ELL Students	52	32	15	1

4th Grade Math Performance Data

Below Basic	Basic	Proficient	Advanced
18	42	33	6
10	42	41	7
7	37	47	9
28	54	17	1
17	57	25	1
5	36	48	11
15	52	30	3
34	47	17	2
17	60	22	1

8th Grade Reading Performance Data

% of students sampled	Below Basic	Basic	Proficient	Advanced
National: All students sampled	25	43	29	3
Kansas: All students sampled	21	43	33	3
White	16	43	38	3
Black	42	43	14	1
Hispanic	34	47	19	0
Asian/Pacific Islander	24	30	39	7
Am Indian/Alaska Native				
Free and Reduced Lunch	32	46	21	1
Students with Disabilities	65	29	6	0
ELL Students	51	38	11	0

8th Grade Math Performance Data

Below Basic	Basic	Proficient	Advanced
28	39	26	8
20	39	32	8
14	39	37	10
41	43	14	2
35	43	20	2
15	32	31	22
32	44	21	3
57	33	8	2
50	41	9	0

NAEP Participation (Inclusion) Rates

	Reading		MATH	
Students with Disabilities	grade 4	grade 8	grade 4	grade 8
National	77	76	84	80
Kansas	87	84	89	89
English Language Learners				
National	89	86	96	93
Kansas	94	98	98	99

Kansas State Department of Education
State-Level Four- and Five-Year Adjusted Cohort Graduation Rates for 2010-2011

The 2010-2011 four-year adjusted cohort graduation rate formula is as follows:

$$\frac{\# \text{ 2011 graduates (\# of cohort members earning a regular HS diploma by Sept. 30, 2011)}}{\# \text{ 1st time 9th graders in fall 2007 plus transfers in minus students who transfer out, emigrate, or die during 2010-2011, 2009-2010, 2008-2009 and 2007-2008}} \times 100\% = \text{rate}$$

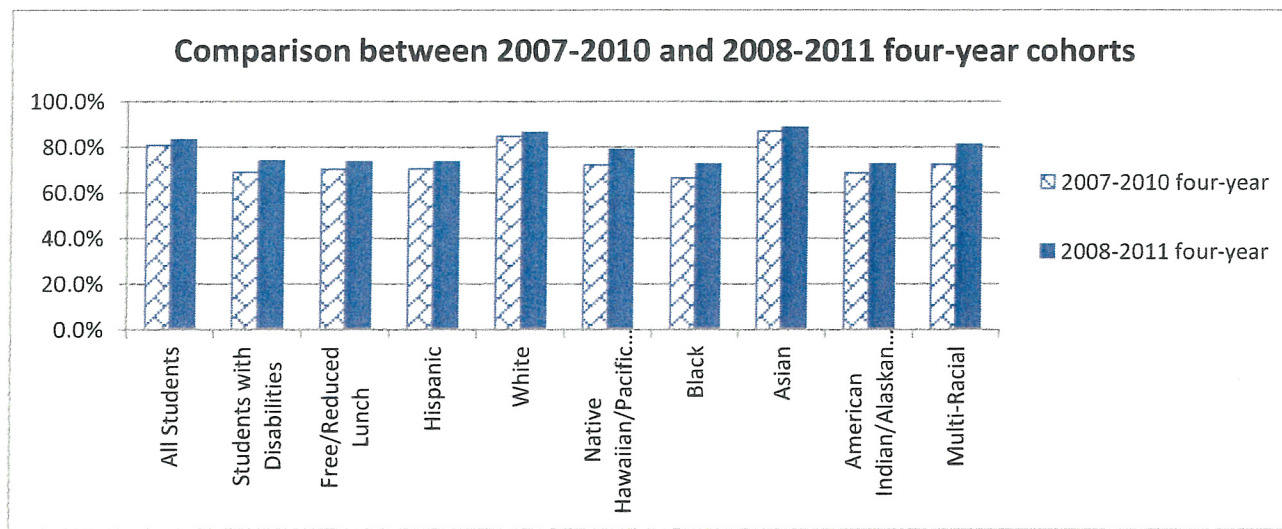
The 2010-2011 five-year adjusted cohort graduation rate formula is as follows:

$$\frac{\# \text{ 2011 graduates (\# of cohort members earning a regular HS diploma by Sept. 30, 2011)}}{\# \text{ 1st time 9th graders in fall 2006 plus transfers in minus students who transfer out, emigrate, or die during 2010-2011, 2009-2010, 2008-2009, 2007-2008 and 2006-2007}} \times 100\% = \text{rate}$$

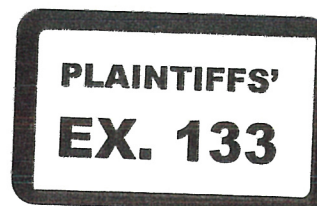
Note: The table below shows two different cohorts that graduated in 2011. The four-year cohort began in 2008 and the five-year cohort started in 2007.

Four-Year and Five-Year Adjusted Cohort Graduation Rates for 2010-2011

Student Group	Four-Year Rate (2008–2011)	Five-Year Rate (2007–2011)
All Students	83.0%	82.1%
Students with Disabilities	73.6%	71.8%
Free/Reduced Lunch	73.2%	72.2%
Hispanic	73.2%	72.9%
White	86.1%	85.5%
Native Hawaiian/Pacific Islander	78.6%	78.7%
Black or African American	72.4%	69.0%
Asian	88.3%	89.0%
American Indian/Alaskan Native	72.4%	71.9%
Multi-Racial	80.8%	73.6%



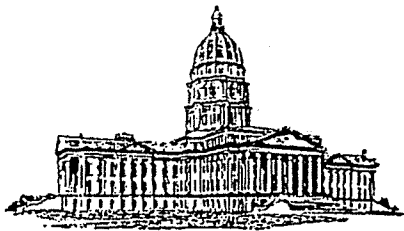
January 9, 2012



989882

KSDE142246

MARY ANN TORRENCE, ATTORNEY
REVISOR OF STATUTES
JAMES A. WILSON III, ATTORNEY
FIRST ASSISTANT REVISOR
GORDON L. SELF, ATTORNEY
FIRST ASSISTANT REVISOR



OFFICE OF REVISOR OF STATUTES
KANSAS LEGISLATURE

Legal Consultation—
Legislative Committees and Legislators
Legislative Bill Drafting
Legislative Committee Staff
Secretary—
Legislative Coordinating Council
Kansas Commission on
Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

TO: 2010 Commission
FROM: Theresa Kiernan, Senior Assistant Revisor of Statutes
DATE: July 10, 2008
RE: Montoy v. State

M E M O R A N D U M

The education provisions of the Constitution are contained in Article 6. Two key provisions concerning the legislature's duties which were construed in the Montoy case are found in Sections 1 and 2 of Article 6 which provide:

Section 1. 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.

Section 2. (a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents.....

The Court found that these Constitutional provisions impose a mandate that the Kansas educational system cannot be static or regressive; that it must be a system which advances to a better quality or state.

Factors which were critical to the Court in Montoy when determining that the Legislature's efforts in 2005 and 2006* were in substantial compliance with the Court's prior orders to correct the flaws in the school finance law that was in place when Montoy was filed in 1999 included:

- Adequacy of funding
- Equity in the distribution of funding among school districts
- Cost-based funding scheme which: Was based on the actual and necessary costs of education; reliance on relevant and accurate information; included cost of the outcomes required by rules and regulations of the State Board of Education which require the achievement of measurable standards of student proficiency
- Continual monitoring and oversight of the school finance system

- Funding provisions which the Court held in disfavor:
 - District-based property tax measures which are: Disequalizing; not beneficial to all districts; or exacerbate district wealth-based disparities
 - District-based measures because they demonstrate that the state is not meeting its constitutional duties

*The constitutionality of the 2006 SB 549 was not before the Court: the Court stated it was new legislation and if challenged it must be in new litigation.

300 SW TENTH AVE - STE 010-E, Statehouse—TOPEKA, KANSAS 66612-1592
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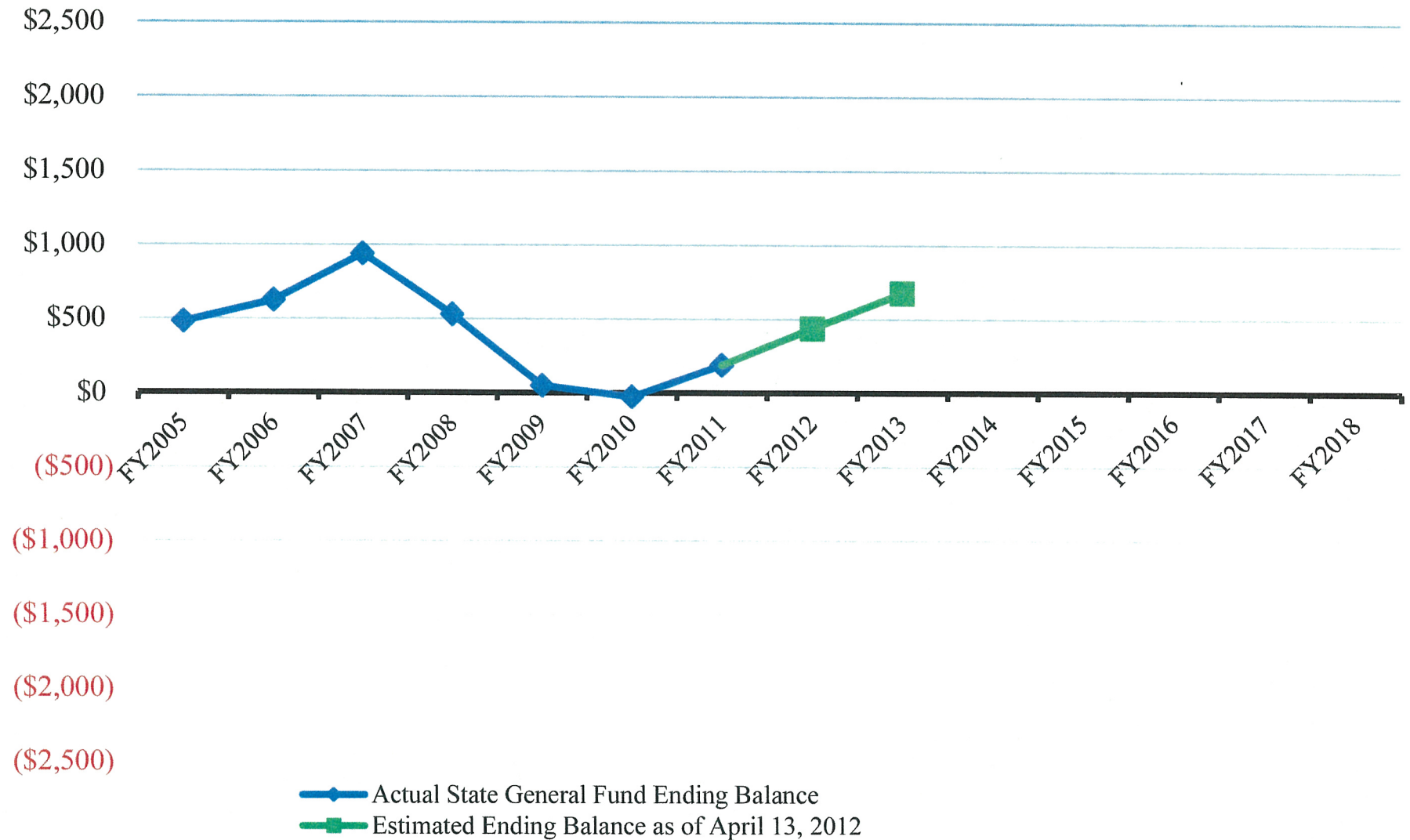
989440

PLAINTIFFS'
EX. 387

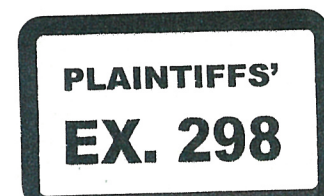
LEG003954

State General Fund Ending Balance

(in Millions)



Data from:
Kansas Legislative Research Department
State General Fund Profiles

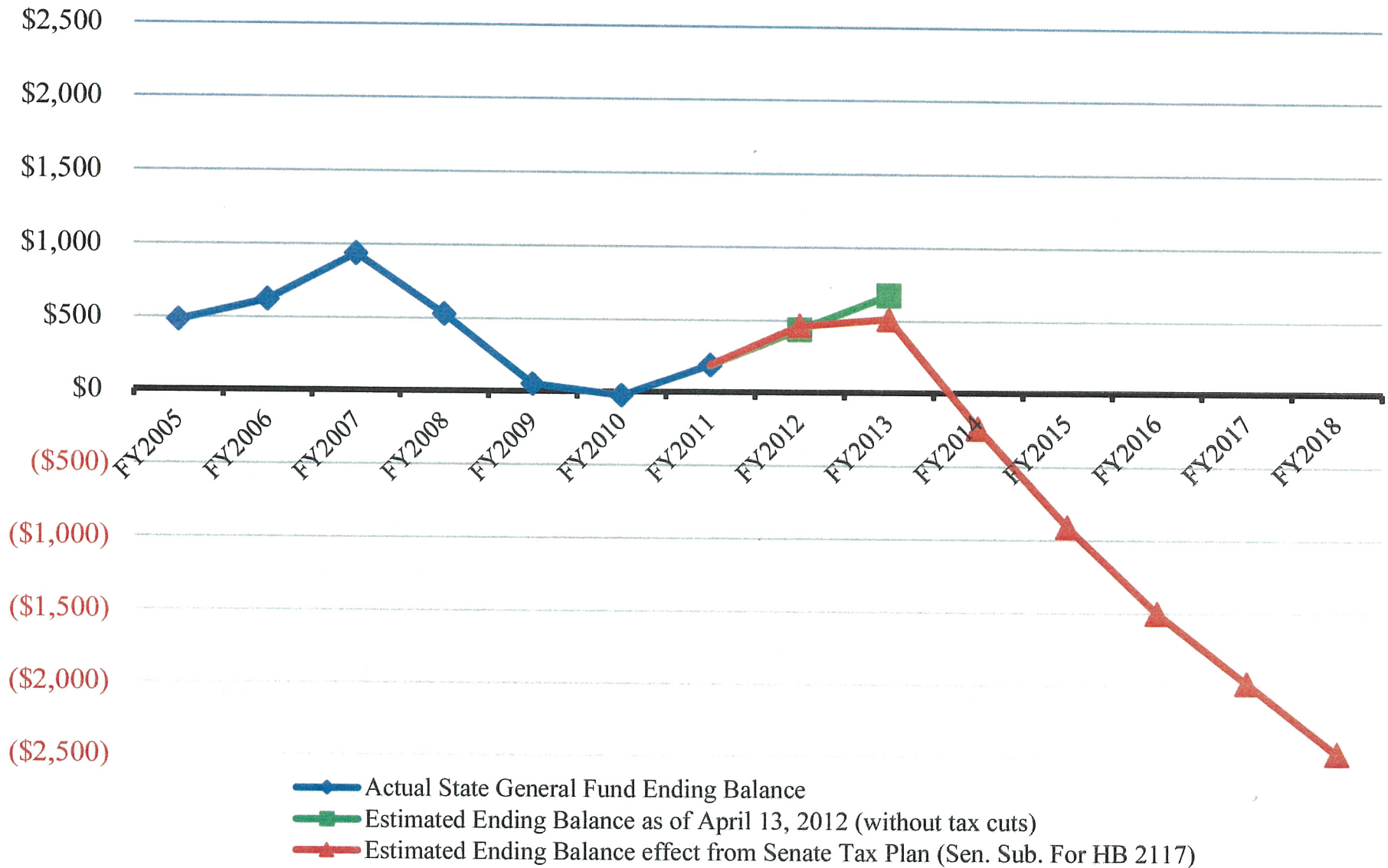


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SFFF000602

State General Fund Ending Balance

(in Millions)



Data from:
Kansas Legislative Research Department
State General Fund Profiles

PLAINTIFFS'
EX. 299

990120

SFFF000609

2010 Commission

REPORT

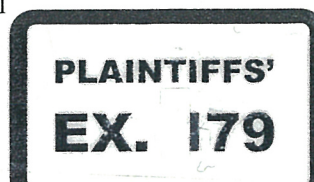
CONCLUSIONS AND RECOMMENDATIONS

- **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



2005-06	1 st YEAR MONTROY MONEY
2006-07	1 st YEAR OF 3 YEAR PLAN
2007-08	2 nd YEAR OF 3 YEAR PLAN
2008-09	{ 3 rd YEAR OF 3 YEAR PLAN 1 st YEAR OF CUTS
2009-10	CUTS
2010-11	CUTS
2011-12	CUTS
2012-13	MODEST INCREASE

2011-12 Preliminary Assessment Data by State with Subgroups 6-22-2012									
Percent Proficient by Subgroup by Grade - State									
Reading- AYP 1 year waiver target 86.0 (90.7 original target)	State %	State Pool	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	High School
All Students	87.6	234641	84	88.4	86.5	87.7	89	88.2	89.4
Free and Reduced Lunch	79.8	110464	75.9	82.1	79.2	79.9	81.3	80.2	80.9
Students with Disabilities	71.2	34546	70.3	75.4	71.3	73.3	71.8	66.9	68.1
ELL Students	71.8	23755	68.3	77.6	71.5	73	73.4	70.3	63
African-American Students	71.1	16275	65.7	73.4	71.9	68.9	72.2	72.8	73.6
Hispanic	77.9	38618	72.8	81.1	75.9	78	80	78.9	79.2
White	91.7	160568	89	91.9	90.7	92.3	93.1	91.8	92.9
Asian	89.1	5763	86.9	91.1	89.6	87.3	88.1	92.1	88.6
American Indian or Alaska Native	84.7	2650	84.9	86.9	83.4	86.1	82.3	83.5	86.2
Multi-Racial	85.9	10431	81.8	88.6	86.4	85.2	86.7	84.8	87.9
Native Hawaiian/Pacific Islander	84.8	336	83.6	96.1	78.9	79.1	91.1	79.6	81.8
Math- AYP 1 year waiver target 82.3 (88.2 original target)	State %	State Pool	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	High School
All Students	85.9	233952	88	89	88.2	84.3	82.5	84.8	84.6
Free and Reduced Lunch	78.2	109955	81.8	83.2	81.9	75.3	72.7	76.1	74.3
Students with Disabilities	68.6	34337	74.2	75.4	72.9	66.8	62.6	63.7	61.4
ELL Students	75.2	23707	78.8	82.2	79.8	72.3	67.8	70	64.7
African-American Students	67.7	16213	69.6	73.3	72.1	64.8	60.8	67.2	65.5
Hispanic	77.8	38498	81.1	83.7	81.2	74.5	72	75.2	74.3
White	89.8	160102	92	91.9	91.6	88.9	87.4	88.4	88.4
Asian	92.3	5788	92.4	93.9	93.3	90.5	90.1	94.2	91.4
American Indian or Alaska Native	81.4	2639	86.6	89.4	85.8	80	75.2	79	77.1
Multi-Racial	83	10378	86	88.8	86.5	79.8	78.6	80.6	79.2
Native Hawaiian/Pacific Islander	86.5	334	90.9	88.2	86.8	86	87.7	80	85
		Did not make revised AYP 1 year waiver target							
		Made revised AYP 1 year waiver target							990146

Plaintiffs'
Ex. 412

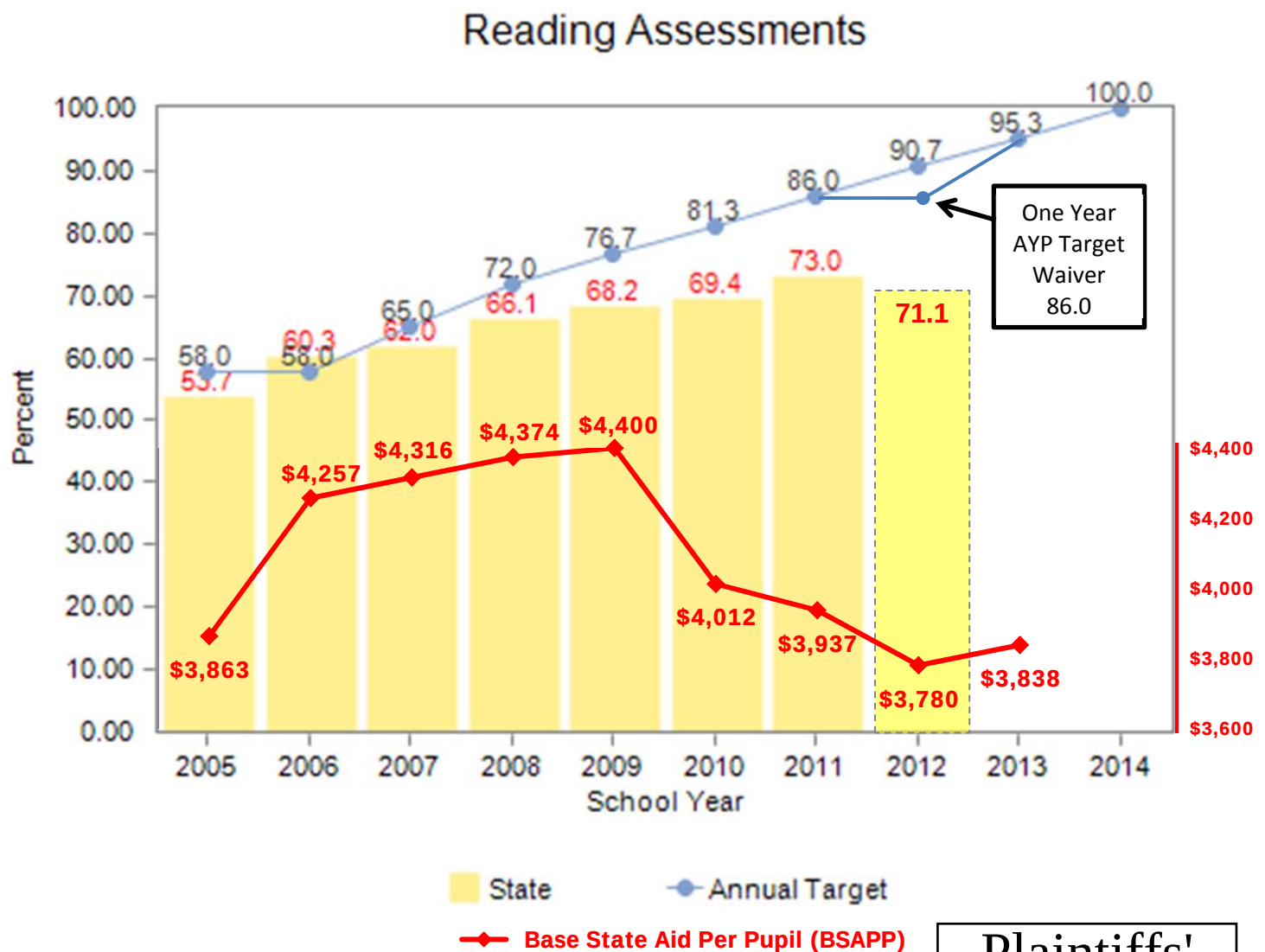
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Native Hawaiiin/Pacific Islander	86.5	334	90.9	88.2	86.8	86	87.7	80	85
		Did not make original AYP target							
		Made original AYP target							990146

Plaintiffs'
Ex. 413



State Adequate Yearly Progress - Assessment Performance - African Americans

The graph shows the state's progress in meeting the annual targets for Performance on the Reading Assessment. The given school, district, or state did not make AYP in this area.



Plaintiffs'
Ex. 416