

**Testimony before Senate Education Committee**  
**SB 49 – Amendments to the Building Needs Assessment Statute**  
**Mike O’Neal on behalf of Kansas Policy Institute**  
[mike@onealconsultingks.com](mailto:mike@onealconsultingks.com)

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**In-person testimony in SUPPORT**

Madam Chair and members of the Committee

For over 2 decades, Kansas has had a statute requiring local boards of education to conduct an assessment of the educational needs of each attendance center in the district.

Unfortunately, over time, few local school board members even knew of the statute’s existence and the statute was virtually ignored. It is arguably the most important function a local board can perform that will advance educational improvement. Targeting the areas of need in the schools is what informs strategic budget decisions.

Article 6, §5 of the Kansas Constitution states:

“Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards.”

The terms “school superintendent” or “building leadership team” are nowhere to be found in the Constitution. They exist solely by virtue of authority delegated to the local boards by the Legislature.

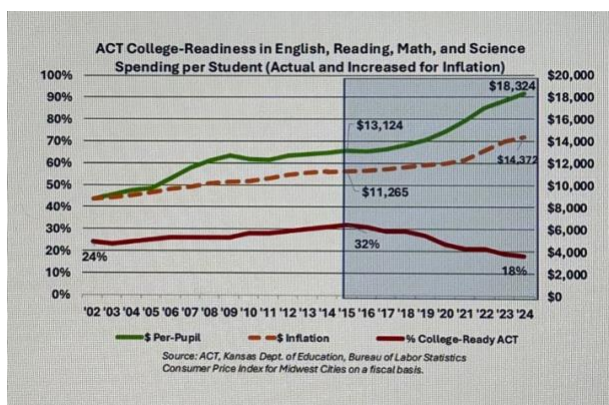
Statutory words have meaning and importance. KSA 72-1163 clearly requires the local boards to conduct the mandated building needs assessments. Few should be confused by what the verb “conduct” means. The dictionary definition of “conduct” as a verb is “to direct or take part in the operation or management of; to direct the performance of; to lead from a position of command.”

Sadly, over time, local boards have abdicated their role or have allowed superintendents or KSDE to usurp that role. Recent amendments to the statute, meant to reinforce the legislative intent of the statute have, instead, been torturously interpreted by the KSDE to merely require that the minutes of the board meeting reflect that the board was provided the needs assessments, ignoring the language of the statute that has always been there requiring the local board to “conduct” the needs assessments.

Setting aside the tortured interpretation that KSDE and superintendents use to avoid local board member participation in the conduct and development of the needs assessments,

why would anyone NOT want board members to participate in this important process? The way districts operate now, and the resource allocation decisions that are being made, are clearly not producing the results that students, parents and legislators want to see, and we won't get to where we need to be by doing the same things over and over again.

SB 49 will, once again, reinforce the critical role local boards must play in the development of budgets that will move the dial on student outcomes. What is being done now is clearly not working. An emergency in public education must be declared and an “all hands on deck” approach adopted. At the end of the day, though, the buck stops with the locally elected boards. Parents and taxpayers are paying more attention than ever before to what is happening in their local districts. They are aware, or should be, of the disconnect between what taxpayers are paying and what they are getting in return.



A good example comes from Lawrence this past week. An article in the Lawrence Journal World, Friday, Jan. 31, 2025, reported on invited public input. Results from a series of in-person feedback sessions and an online survey were presented to Lawrence School Board members. 1,193, mostly parents, participated. “Too much administration” was one of the lead areas of concern. The article reported that “some of the concerns were about high administrative salaries and the perceived mismanagement of resources, and respondents called for more funds to be redirected from the district offices to classrooms. One priority voiced in the public feedback efforts for the upcoming year was to increase salaries for teachers and staff and reduce administrative overhead.”

KPI has previously reported on the fact that as enrollment drops (700 this year), schools are hiring over 1,000 more non-instructional positions. <https://kansaspolicy.org/enrollment-declines-schools-hire-more-managers/>.

The building needs assessment law exists to assist local boards in getting their priorities right. The statute states: “Information obtained from such needs assessment shall be used by the board when approving the budget of the school district **to ensure improvement in student academic performance.**” Unfortunately, this last phrase is often ignored.

Recent amendments to the statute have required that the budget approved by the local boards must allocate sufficient moneys in a manner “reasonably calculated such that all students may achieve the goal set forth in K.S.A 72-3218(c).” [Rose standards] The quoted language is directly from the *Gannon* case. If current allocations don’t improve student performance, reallocation is needed, and in SB 49, required.

Every year we repeat the language found in KSDE’s “*Accounting Handbook for USD’s*” regarding the importance of the instruction portion of the budget. It bears repeating here.

**“Although all other functions are important, this function acts as the most important part of the education program, the very foundation on which everything else is built. If this function fails to perform at the needed level, the whole educational program is doomed to failure regardless of how well the other functions perform. Instruction not only includes the regular face-to-face classroom teaching but also such things as lab sessions, independent work, and education field trips.”**

This language screams for a budgeting system that is built from the classroom up, not the administration building down. But for that to happen, local boards need to make it happen. Local superintendents and KSDE resist change, even though the current situation is clearly not working to improve student outcomes.

In 2005, the Kansas Legislature, in an effort to address the Kansas Supreme Court’s concern about poor student performance, enacted a state policy goal of allocating 65% of school funding to the classroom or for instruction. (K.S.A. 72-5191) Sadly, average per-student spending exceeded \$18,000 last year and barely half went to instruction. The cumulative cost of local school boards ignoring the state policy goal is now more than \$13 BILLION since 2005. <http://kansaspolicy.org/school-districts-spent-18324-per-student/>

That’s money the Legislature appropriated for the schools and spent by the schools on non-instructional items, based on budgets approved by local school boards. What in the building-based needs assessments in those districts caused local boards to ignore the needs of the classroom and teachers? Did local board members have any input? Who was actually responsible for diverting funds away from the core function of education?

The 2024 recap of KPI’s KORA investigation is here <https://kansaspolicy.org/2024-needs-assessments-survey/> . NONE of the 25 districts in the survey had evidence that local board members were even invited to participate, and most admit no invitations were extended. What is alarming is that local board members should be the ones conducting the assessments and “inviting” the key stakeholders who need to participate, not the other way around. SB 49 makes clear who should participate. Needless to say, boards will rely on district staff expertise when needed but should not be blindly wedded to it to the exclusion of the mandate that the needs assessments are there to ensure budgets that will improve student performance.

A look at the KSDE website regarding the building needs assessment process is telling.

“Leadership at each attendance center should evaluate their needs assessment through usual district procedures (i.e., Teacher Leadership Teams, Site Councils, Building Leadership Teams [BLT], professional Learning Communities, etc.) and submit to district leadership for consideration. District leadership will use the needs assessment completed for each attendance center to create the USD official needs assessment by building that may then be shared with USD board of education.”

KSDE does not see the local board having any role in developing the “USD official needs assessment”! This is not what is required under the statute and SB 49 makes the current law even clearer. Local boards don’t exist to “rubber stamp” what administration sends them.

SB 49 also adds a requirement that each member of the local board receive state assessment results indicating the number of students at each of the levels 1,2,3 and 4. What is often missing in board discussions and in legislative hearings is the actual number of students we’re talking about. All we hear are percentages. Those numbers represent actual kids. They all have names. They have dreams, ambitions and hopes for an rewarding education. Too often they’re seen as just a number that drives a funding entitlement.

With 33,645 total third-graders last year and 31.47% in Level 1, there are 10,588 reading below grade level ... and 13,239 in 10<sup>th</sup> grade. 81,000 of the students tested in grades 3-8 and 10 are below grade level. If the other 5 grades not tested had similar results that would add another 58,000. The percentages sound bad enough. The actual number of kids sounds much worse.

Finally, SB 49 also requires transparency when funds are allocated or reallocated from one fund to another. Reallocation of available funds to target district needs to meet the mandate of ensuring improvement in academic performance is an important fiduciary duty of local boards.

To borrow a phrase Dave Trabert with KPI often uses: “Student outcomes won’t change until adult behaviors change.” Kids don’t vote; they don’t write checks; they don’t testify. They are depending on you to help them achieve the promise of a meaningful and successful education.

Thank you for your time.