

STATE OF KANSAS
SENATE CHAMBER

STATE CAPITOL
TOPEKA, KANSAS 66612
(785) 296-7368
DOUG.SHANE@SENATE.KS.GOV



6014 W. 295TH STREET
LOUISBURG, KANSAS 66053
(913) 963-6640

DOUG SHANE
37TH DISTRICT

Chair Erickson and Senate Committee on Government Efficiency,

My name is Senator Doug Shane. I am pleased to provide proponent testimony for the draft bill SB 387, which I introduced to committee. The National School Lunch Program has been a vital tool in ensuring children do not go hungry while at school. This bill does not seek to reduce access to free and reduced lunches for qualifying families. Rather, it is to help ensure fiscal sustainability and to eliminate waste.

At-Risk Funding for K-12 education is predominately tied At-Risk Weightings. In School Year 2024 – 2025, the Statewide Total funding for At-Risk was \$752.6 million (Table 1). At-Risk Weightings, alone, now represent more than 14% of total State Foundation Aid, with 194,681 student FTE qualifying for free meals (Table 2). Each At-Risk Student provided, at a minimum, \$2,603 in additional funding (Table 3).

Table 1

Statewide At-Risk, High-Density At-Risk, and LOB At-Risk Funding for SY2024 - 2025		
	Statewide Weighted FTE	Statewide Total Funding
At-Risk Weighting	94,224.8	\$506.7 Million
LOB At-Risk Transfer	-	\$168.4 Million
High-Density At-Risk Weighting*	14,387.4	\$77.4 Million
<i>Total</i>	<i>108,612.2</i>	<i>\$752.6 Million</i>

A lot of incentive exists to enroll as many students in Free and Reduced Lunch as possible, due to the additional funding the student provides. Earlier this session, the House Committee on Welfare reform learned that, during the 2023-2024 school year, somewhere between **54% - 72%** of students receiving free or reduced lunch were likely ineligible. The auditors estimated this resulted in **\$38M - \$53M** in excess at-risk funding.

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Table 2

Fiscal Year	At-Risk Weighting			High Density At-Risk Weighting		
	FTE	Amount of State Aid	Percent of Total State Foundation Aid	FTE	Amount of State Aid	Percent of Total State Foundation Aid
1993	3,632.3	\$13,076,280	0.70%	0.0	\$0	0.00%
1994	5,044.8	\$18,161,280	0.96%	0.0	\$0	0.00%
1995	5,274.7	\$18,988,920	0.99%	0.0	\$0	0.00%
1996	5,371.7	\$19,477,784	1.00%	0.0	\$0	0.00%
1997	5,408.6	\$19,730,573	0.99%	0.0	\$0	0.00%
1998	7,242.6	\$26,580,342	1.29%	0.0	\$0	0.00%
1999	8,697.5	\$32,354,700	1.53%	0.0	\$0	0.00%
2000	9,654.0	\$36,395,580	1.68%	0.0	\$0	0.00%
2001	9,870.5	\$37,705,310	1.72%	0.0	\$0	0.00%
2002	11,388.1	\$44,071,947	1.97%	0.0	\$0	0.00%
2003*	12,192.8	\$47,100,786	2.11%	0.0	\$0	0.00%
2004*	12,988.5	\$50,174,576	2.23%	0.0	\$0	0.00%
2005*	13,481.1	\$52,077,489	2.32%	0.0	\$0	0.00%
2006	25,969.1	\$110,550,459	4.57%	0.0	\$0	0.00%
2007	38,132.5	\$164,579,870	6.44%	5,676.4	\$24,499,342	0.96%
2008	52,792.3	\$230,913,520	8.61%	6,633.6	\$29,015,366	1.08%
2009	69,365.4	\$305,207,760	10.94%	8,580.7	\$37,755,080	1.35%
2010**	78,010.4	\$312,977,725	11.91%	10,255.5	\$41,145,066	1.57%
2011	81,739.5	\$321,808,412	12.27%	11,086.8	\$43,648,732	1.66%
2012	85,137.6	\$321,820,128	12.65%	11,866.3	\$44,854,614	1.76%
2013	87,075.5	\$334,195,769	12.88%	12,896.4	\$49,496,383	1.91%
2014	89,399.3	\$343,114,513	13.08%	13,500.6	\$51,815,303	1.98%
2015	88,122.9	\$339,449,411	12.94%	13,223.8	\$50,938,078	1.94%
2016***	87,900.3	\$338,591,956	12.82%	13,188.5	\$50,802,102	1.92%
2017***	86,042.1	\$331,434,169	12.64%	12,863.3	\$49,549,432	1.89%
2018	90,371.1	\$362,026,627	13.03%	13,020.1	\$52,158,521	1.88%
2019	86,945.8	\$362,129,257	12.62%	12,220.4	\$50,897,966	1.77%
2020	86,035.1	\$381,651,704	12.59%	11,937.0	\$52,952,532	1.75%
2021	81,439.7	\$372,097,989	12.08%	11,170.5	\$51,038,015	1.66%
2022	76,528.3	\$360,142,180	11.52%	9,813.3	\$46,181,390	1.48%
2023	94,616.4	\$458,511,074	14.05%	14,397.9	\$69,772,223	2.14%
2024	95,944.2	\$488,164,090	14.19%	14,766.6	\$75,132,461	2.18%

SB 387 will simply require written evidence of household income when applying to receive free or reduced lunch (unless directly qualifying). Some will argue this law conflicts with federal law surrounding verification.

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Table 3

At-Risk and High-Density At-Risk Weighting Factors and Estimated Funding for SY 2024 – 2025*		
<i>BASE Aid = \$5,378</i>	Weighting Factor	Estimated Funding per 1.0 FTE
At-Risk Weighting	0.484	\$2,603
High-Density At-Risk Weighting 0 – 35%	0.00	\$0
High-Density At-Risk Weighting 35.1% - 49.9%	0.0007 – 0.104	\$4 - \$559
High-Density At-Risk Weighting 50.0% - 100%	0.105	\$565

42 U.S.C. § 1758(b)(3)(D) states...

(ii) Verification of sample.—Each school year, a local educational agency shall verify eligibility of the children in a sample of household applications approved for the school year by the local educational agency, as determined by the Secretary in accordance with this subsection.

(iii) Sample size.—Except as otherwise provided in this paragraph, the sample for a local educational agency for a school year shall equal the lesser of—

(I) 3 percent of all applications approved by the local educational agency for the school year, as of October 1 of the school year, selected from error prone applications; or

(II) 3,000 error prone applications approved by the local educational agency for the school year, as of October 1 of the school year.

First, I would like to note that these laws set a minimum number of children/applications which MUST be verified. Nowhere does a prohibition on exceeding the national minimum appear.

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Second, because At-Risk Funding provided by the State is tied to the Free and Reduced Lunch Program qualifications, it is the State's right and interest to verify income to ensure At-Risk funds are appropriately reaching those who qualify. If the verification as part of Free and Reduced Lunch is a concern, the committee could also explore language around income qualification for At-Risk Weighting.

Finally, the Biden administration radically changed the Community Eligibility Provision threshold by lowering the identified student percentage (ISP) from 40% to 25%. This means that if just 25% of students qualify for free or reduced lunch, then every student receives a taxpayer funded lunch. Instead of collecting applications from families and accepting reimbursement according to that number, CEP schools are reimbursed by a federal funding formula. This low standard allows high-income students to receive meals and potentially causes even more children being considered At-Risk, when they would not otherwise be considered so. From the 2016-2017 school year to the 2022-2023 school year, the number of students in CEP schools more than doubled from 9.7M to 19.9M.

It is important that Kansas set an example for all States on this issue. Most of us teach our kids there is no such thing as a free lunch. These programs come at a real cost to taxpayers, who are happy to ensure kids have access to meals. However, most taxpayers also want their money going to the correct qualified recipients.

I encourage the committee to favorably consider this bill.

Regards,

A handwritten signature in blue ink, appearing to read "Doug Shane". The signature is stylized with loops and a long horizontal stroke extending to the left.

Senator Doug Shane, DVM, PhD

Senator, District 37