

State of Kansas



**Speaker Mike O'Neal**  
Kansas House of Representatives

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**TESTIMONY IN SUPPORT OF HCR 5019**  
**MARCH 8, 2011**

Chairman Aurand and members of the Committee, I'm pleased to appear in support of HCR 5019, a resolution requesting that the State Board of Education study and make recommendations for an administrative reorganization of school districts.

In the quest for discovery of efficiencies in school districts facing reductions in current levels of funding it is troubling to me that there is far more talk of teaching staff reductions than administrative staff reductions. In 2005, in the wake of the *Montoy* decision, the Legislature passed legislation establishing a public policy of having 65% of state-appropriated school funds expended in the classroom or otherwise for instruction. At the time, all monies attributable to the increase in BSAPP were required to be spent in the classroom or otherwise for instruction. The definition of "instruction" was very broad, but generally related to the "activities dealing directly with the interaction between teachers and students". (See K.S.A. 72-64c01).

The genesis of this requirement came from the *Montoy* decision itself, where the Court noted:

"In addressing the appropriate remedy, as the district court noted, there are "literally hundreds of ways" the financing formula can be altered to comply with Art. 6, § 6.

Similarly, there are many ways to re-create or reestablish a suitable financing formula. We do not dictate the precise way in which the legislature must fulfill its constitutional duty. That is for the legislators to decide, consistent with the Kansas Constitution.

It is clear increased funding will be required; however, increased funding may not in and of itself make the financing formula constitutionally suitable. The equity with which the funds are distributed and **the actual costs of education, including appropriate levels of administrative costs,** are critical factors for the legislature to consider in achieving a suitable formula for financing education. (emphasis added)”

Our actual history on the 65% policy, however, has never been met. While some districts reportedly were able to get to 65%, I am advised that the state, overall, peaked at a little over 61% and now has declined to a statewide average that is around the 55% level that existed before Montoy. In the current fiscal environment it is difficult to justify the current practice of having multi-tiered administration in each and every school district irrespective of size. Many school districts currently share a number of educational services but cling to their separate layers of school administration, often at the expense of teachers and those who directly impact the area of student instruction.

Every legislative member will have his or her own story regarding the amount of administration represented in their own districts and counties. For me, the issue crystallized shortly before the 2011 session started when the Superintendents from my two biggest districts, Hutchinson & Buhler, came into my Hutch office to discuss the upcoming session. One had already announced he was leaving to take a position in Missouri and the other was the acting interim superintendent pending selection of a new superintendent.

Both superintendents were concerned about the potential loss of BSAPP from the expiration of ARRA funding. I told them they had a wonderful opportunity, given their current employment status, to work cooperatively to

merge administrations. I was disappointed that both rejected the notion out of hand. This issue was completely “off the table” as far as they were concerned but laying off teachers was a real possibility. These were two superintendents I respected and I told both of them that either was more than capable of handling districts twice the size of their own.

None of us has the stomach to pull the trigger on forced school district consolidation, but administrative reorganization, under the guidance of the State Board of Education, is long overdue. HCR 5019, as drafted, suggests no more than 1 superintendent per 10,000 students. There may be better thresholds or criteria for developing a reorganization plan and I will gladly defer to this committee to adjust the language of the resolution accordingly.