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MEMORANDUM

To: Special Committee on Education
From: Office of Revisor of Statutes
Date: November 30, 2021
Subject: School District Budgeting – Attendance Center Needs-Assessment

Beginning in the 2006-07 school year, K.S.A. 72-1163 has required each board of education of a school district to conduct an assessment of the educational needs of each attendance center in the district and to use the information obtained from such needs-assessment when preparing the annual budget of the school district.

2021 HB 2134 revised this statute to require each board of education of a school district to use the needs-assessment to prepare annual budgets that ensure improvement in student academic performance. The bill requires each board of education of a school district to adopt budgets that allocate sufficient moneys in a manner that is reasonably calculated such that all students in the district may achieve the legislative goal of providing each and every student with the *Rose* capacities as set forth in K.S.A. 72-3218(c).

The *Rose* capacities are as follows:

1. Sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization;
2. Sufficient knowledge of economic, social and political systems to enable the student to make informed choices;
3. Sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation;
4. Sufficient self-knowledge and knowledge of his or her mental and physical wellness;
5. Sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;
6. 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

7. Sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market.

Concise History of the *Rose* Capacities

The *Rose* capacities were codified into Kansas law in 2014 after the Kansas Supreme Court held in *Gannon I* that the constitutional test for judging whether the state has met its duty to provide an adequate public school finance system is to determine whether the education finance system, through structure and implementation, is reasonably calculated to have all Kansas public education students meet or exceed the achievement goals established in the *Rose* capacities.

The *Rose* capacities originate from a 1989 Kentucky school finance decision rendered by the Kentucky Supreme Court in *Rose v. Council for Better Education*, 790 S.W.2d 186 (Ky. 1989). Such decision held that the Kentucky constitution requires the state's education system to be adequately funded and designed to provide every child with such capacities.

In adopting the *Rose* capacities as the minimum standard for constitutional adequacy, the Kansas Supreme Court recognized that similar educational goals had been expressed in Kansas statutes. First, the Court noted that similar goals were codified in 1992 in K.S.A. 72-6439, and then later removed by a 1995 amendment. Second, the Court noted that similar goals had again been codified into law in 2005 in K.S.A. 72-1127 and that such goals continued to exist in statute. In reviewing those legislative goals provided in K.S.A. 2013 Supp. 72-1127, even though slightly different than the *Rose* capacities, the Court opined that the goals appeared to signal a deliberate legislative decision to adopt the *Rose* capacities.

Following the Kansas Supreme Court's decision in *Gannon I*, the Legislature officially adopted the *Rose* capacities as the Legislative goal of the public education system in K.S.A. 72-3218.