

## Senate Concurrent Resolution No. 1621

By Committee on Education

3-22

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9 A CONCURRENT RESOLUTION urging the United States Congress  
10 to reevaluate the requirements of the No Child Left Behind Act and  
11 to fund the authorized levels required by the act.

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13 WHEREAS, on January 8, 2002, President Bush signed into law the  
14 No Child Left Behind Act of 2001 (Act) which applies to all states that  
15 accept federal Title I education funds; and

16 WHEREAS, The State of Kansas receives federal Title I funds and  
17 therefor is subject to the requirements of the Act; and

18 WHEREAS, The Act mandates that every public school in Kansas to  
19 make adequate yearly progress toward the goal of 100% student profi-  
20 ciency in math, reading, language arts and science by school year 2013-  
21 2014; and

22 WHEREAS, The Act requires that an entire school be identified as  
23 not making adequate yearly progress in any school year whether it is the  
24 school as a whole or a single subgroup within that school which fails to  
25 make such progress; and

26 WHEREAS, It will be extremely difficult for the subgroup of students  
27 with disabilities to make adequate yearly progress because of significant  
28 educational challenges which adversely affect their capacities to achieve  
29 proficiency in the measured areas; and

30 WHEREAS, It will be extremely difficult for the subgroup of students  
31 with limited English proficiency to meet the adequate yearly progress  
32 standard in the area of reading and language arts since those students are  
33 required to be tested in English after only three years in the public school  
34 system, which is not likely to be a sufficient time-period for such students  
35 to become proficient in English; and

36 WHEREAS, Once a student has been identified as not being profi-  
37 cient, the Act requires schools to help such students to become proficient  
38 which may involve tutoring, mentoring, summer school or other costly  
39 programs that provide for more instructional time; and

40 WHEREAS, Prior to the enactment of the Act, the state of Kansas  
41 had reached high levels of educational achievement through the efforts  
42 of its students, teachers and schools and by establishing its own quality  
43 performance accreditation system and standards of learning; and

1       WHEREAS, There is a projected shortfall of \$6.15 billion in the orig-  
2       inal congressional appropriation of Title I funds for 2004 with Kansas  
3       receiving funds in an amount which is \$150 million less than projected  
4       costs: Now, therefore,  
5       *Be it resolved by the Senate of the State of Kansas:* That the Kansas  
6       Legislature, on behalf of the people of the state of Kansas and its out-  
7       standing system of public elementary and secondary school education,  
8       respectfully requests the President and Congress of the United States to  
9       hold harmless those states which, as a result of their own educational  
10      accountability systems, meet or exceed requirements of or standards of  
11      the Act; and  
12      *Be it further resolved:* That federal funding be provided in amounts  
13      consistent with the levels authorized in the Act for education programs  
14      and expanded information systems needed to accurately reflect student,  
15      school and school-district performance and to pay the costs of making  
16      students proficient; and  
17      *Be it further resolved:* That appropriate methods of assessments be  
18      authorized for students who are not yet proficient in English and for  
19      students with certain disabilities; and  
20      *Be it further resolved:* That an alternative methodology be allowed  
21      for determining adequate yearly progress targets and progress of students  
22      with disabilities or who are not proficient in English; and  
23      *Be it further resolved:* That current provisions relating to adequate  
24      yearly progress be modified to apply sanctions only when the same groups  
25      or subgroups within a grade level fails to meet adequate yearly progress  
26      targets in the same subject area for two consecutive years; and  
27      *Be it further resolved:* That flexibility be allowed in calculating ade-  
28      quate yearly progress for students belonging to multiple groups and sub-  
29      groups; and  
30      *Be it further resolved:* That provisions relating to school choice be  
31      modified by limiting the option only to those students whose performance  
32      consistently is below the proficient level; and  
33      *Be it further resolved:* That an implementation study be conducted,  
34      including Congressional hearings to be completed by July 1, 2005, re-  
35      garding federal and state funding, adequate yearly progress provisions and  
36      other significant provisions; and  
37      *Be it further resolved:* That the current law and any revisions thereof  
38      recognize that under our federal system of government, education is pri-  
39      marily a state and local responsibility; and  
40      *Be it further resolved:* That the Secretary of State send enrolled cop-  
41      ies of this resolution to the Honorable George W. Bush, President of the  
42      United States, the President of the United States Senate, the Speaker of  
43      the United States House of Representatives, the members of the Kansas

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- 1 Congressional Delegation, the United States House of Representatives
- 2 Committee on Education and the Workforce and the United States Sen-
- 3 ate Committee on Health, Education, Labor and Pensions.