

## SENATE RESOLUTION No. 1834

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

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

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

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

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

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

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

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

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

WHEREAS, There is a projected shortfall of \$6.15 billion in the original congressional appropriation of Title I funds for 2004 with Kansas receiving funds in an amount which is \$150 million less than projected costs: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Kansas Legislature, on behalf of the people of the state of Kansas and its outstanding system of public elementary and secondary school education, respectfully requests the President and Congress of the United States to hold harmless those states which, as a result of their own educational accountability systems, meet or exceed requirements of or standards of the Act; and

*Be it further resolved:* That federal funding be provided in amounts consistent with the levels authorized in the Act for education programs and expanded information systems needed to accurately reflect student, school and school-district performance and to pay the costs of making students proficient; and

*Be it further resolved:* That appropriate methods of assessments be authorized for students who are not yet proficient in English and for students with certain disabilities; and

*Be it further resolved:* That an alternative methodology be allowed for determining adequate yearly progress targets and progress of students with disabilities or who are not proficient in English; and

*Be it further resolved:* That current provisions relating to adequate yearly progress be modified to apply sanctions only when the same groups or subgroups within a grade level fails to meet adequate yearly progress targets in the same subject area for two consecutive years; and

*Be it further resolved:* That flexibility be allowed in calculating adequate yearly progress for students belonging to multiple groups and subgroups; and

*Be it further resolved:* That provisions relating to school choice be modified by limiting the option only to those students whose performance consistently is below the proficient level; and

*Be it further resolved:* That an implementation study be conducted, including Congressional hearings to be completed by July 1, 2005, regarding federal and state funding, adequate yearly progress provisions and other significant provisions; and

*Be it further resolved:* That the current law and any revisions thereof recognize that under our federal system of government, education is primarily a state and local responsibility; and

*Be it further resolved:* That the Secretary of State send enrolled copies of this resolution to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Kansas Congressional Delegation, the United States House of Representatives Committee on Education and the Workforce and the United States Senate Committee on Health, Education, Labor and Pensions.

Senate Resolution No. 1834 was sponsored by Committee on Education.

I hereby certify that the above RESOLUTION originated in the SENATE, and was adopted by that body

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*President of the Senate.*

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*Secretary of the Senate.*