Approved: March 21, 1995
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on March 15, 1995 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Brenda Dunlap, Committee Secretary

Conferees appearing before the committee: David Schauner, KNEA
Sue Chase for Craig Grant, KNEA
Gerry Henderson, USA
Mark Tallman, KASB
Sue Chase, KNEA

Others attending: See attached list

SB 136 - Teachers decisions at close of hearings on non-renewal or termination of contracts

Sue Chase, Kansas National Education Association, spoke on behalf of Craig Grant in opposition to the bill. The current system is the proper way to deal with the unpleasant situations when non-renewals or terminations take place. With the education reform movement, encouraging teachers to experiment with new methods and curriculum, those teachers must be afforded some protection from arbitrary or capricious action by a Board of Education. Previously, when local school boards made termination decisions, the school board always fired the teacher. Now, teachers win at least some of the time. The school boards want to change the law so they can again always win, whether they are right nor not. (See Attachment 1)

David Schauner, Kansas National Education Association, spoke in opposition to the bill. After sixteen years of participating in the operation of several versions of the Kansas due process statute, he has determined that the current version of the Kansas due process statute does work. The proposed amendment would place all meaningful functions of dismissal in the hands of the Board of Education, who would then become the accuser, judge and jury in dismissal decisions. This is unfair to everyone. Boards and teachers each have a vested interest in the protection of quality teaching performance. Giving Kansas Boards of Education carte blanche authority to dismiss teachers for any reason they choose creates a climate for abuse of authority. Of the decisions made by boards, virtually none have been overturned, because it is impossible to change their minds. The net result is that from 1861 to 1991, teachers had no due process. Now the boards are rebelling at the loss of control. (See Attachment 2)

Jim Barrett, Superintendent, U.S.D. 466, offered comments on Mr. Schauner's testimony on the bill. During Mr. Schauner's testimony, he referred to one of the Supreme Court decisions in the McMillen non-renewal case. Mr. Schauner accurately reported that the Supreme Court affirmed the legislative power to make Hearing Committee decisions binding upon the school board and the teacher. However, Mr. Schauner neglected to tell the Committee the Court makes a point of separating the constitutionality of the law from the quality of the law. Following are two quotes from *U.S.D. No. 380 v. McMillen*. "If a legislative enactment is constitutional, it is not for this court to set policy or to substitute its opinion for that of the legislature no matter how strongly individual members of the court may personally feel on the issue." "Thus, if the statute in question does not clearly contravene the provisions of Section 5 of Article 6 of the Kansas Constitution, our duty is to uphold the statute, regardless of any personal views individual members of this court may have as to whether the statute is "unwise, impolitic, or unjust." Boards of Education, individuals elected by the community and held accountable by the community, should have the responsibility of final decisions in tenured teacher non-renewals. (See Attachment 3)

HB 2173 - School districts, quality performance accreditation authorized

Ben Barrett briefly explained the bill. It would modify the language calling for a quality performance accreditation system to a school accreditation system. It would further require that accreditation of schools be based on improvement in performance, on outcomes identified by the State Board that reflect high academic standards, framed in measurable terms, and taking into consideration the goals established by the local boards of education. It also directs the State Board to establish standards indicating an identifiable level of academic

excellence and provide a means of assessment for pupils in grades K-12 in the skills of mathematics, science, communications and social studies.

Mark Tallman, Kansas Association of School Boards, testified in support of the bill. KASB has supported the concept of changing the focus of school accreditation from "inputs' to continuous improvement in student academic performance. They believe QPA should only require that every school adopt a school improvement plan, developed in cooperation with parents and community members, and approved by the local school board. QPA should not require any particular curriculum, instructional methods or teaching techniques. They believe that nothing in QPA should limit the ability of schools and school districts to adopt the highest academic, disciplinary or other standards they desire. If a school believes that QPA standards or assessments are too low or too easy, they should be free to maintain or increase their own standards and assessments. (See Attachment 4)

Gerry Henderson, United School Administrators of Kansas, testified in support of the bill. USA has been, and continues to be a strong supporter of the change toward accrediting schools based on demonstrated continuous improvement of student performance. The bill seeks to remove from statutes the language specific to Quality Performance Accreditation and the ten original required performance outcomes. They do not quarrel with such action. They believe that the statutory language in support of moving toward an accreditation system based on continuous improvement of student performance was helping to the beginning of QPA. Perhaps such statutory support is no longer needed. (See Attachment 5)

Sue Chase, Kansas National Education Association, testified in support of the bill. KNEA believes that both the State Board of Education and the legislature have a role in education. They see the changes in the statute as proposed in **HB 2173** as aligning the law with the appropriate role of each body. They believe it is the job of the state board to accredit schools. By making the reference to school accreditation less specific, the state board is allowed the latitude necessary to perform the function of school accreditation. (See Attachment 6)

SCR 5020 - Concurrent resolution urging State Board of Education to consider recommendations regarding school accreditation

Mark Tallman, Kansas Association of School Boards, spoke in support of the resolution. The language in **HCR 5020** seems to them entirely consistent with the positions they have outlined regarding **HB 2173**, and throughout the development of QPA. They support the resolution. See above testimony on **HB 2173**. (See Attachment 4)

Sue Chase, Kansas National Education Association, testified in support of the resolution. KNEA supports the legislature in the process they are using in addressing their concerns with school accreditation and to improve it. However, they would like to make three small changes to clarify language and reinstate part of Outcome V. (See Attachment 7)

Gerry Henderson, United School Administrators of Kansas, offered comments on the resolution. USA is in agreement with most of the provisions of the resolution, especially those which direct that the "How" of school improvement be left to local school communities. They also support efforts to reduce the reporting requirements and paperwork associated with accreditation. Their main concern lies in the statement which encourages the state board to examine means of incorporating nationally normed tests into the accreditation process. Nationally normed tests are designed to allow local schools to know how their students are doing compared to students in other areas of the nation, not as a measure of continuous improvement in student performance on agreed upon state and local outcomes. Furthermore,which nationally normed test a school uses ought to be the choice of the local community, not the state. (See Attachment 5)

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for March 16, 1995.

SENATE EDUCATION COMMITTEE COMMITTEE GUEST LIST

DATE: 3-15-95

NAME	REPRESENTING
Gene Neely	KNEA
Susan Chase	KNEA
David Chauncer	KNEA
Geraldine H Roberts	P.S.U.
Jim Barrett	Scott City, USD #466
Don C. Faner	USD # 441
Mark Tallman	KASB
Jan Collins	USD 425
Robert Elliott	Wichita Federation of Teachers
Karen Conklin	Sen. Janis Lee
Jim Yonally	USD #572
Robin Lehman	USD 233
Denise Apt	USA
Teresa Woodhead	Parents + Site council member
Kathy Hollingsworth	Parent " " "
Debbie Thiers	Parent " " "
Sue Storm	KNEA
Onan Burnett	USD 501 #
Bill Musick	St Bd of Ed

Diane Gjerstad USD 259

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before
Senate Education Committee
Tuesday, March 14, 1995

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee in opposition to SB 136.

Since I am a former social science teacher, I sometimes try to use a history lesson to present certain points. I think that we can learn from our past and especially learn the background of this issue if we review its history.

Prior to the enactment of the current law, the procedure of due process for a teacher was similar to the present statute except that there was a three-person panel instead of a single hearing officer. There would be a hearing and both the teacher and the Board of Education involved would present a case to the hearing panel. The panel would then render a decision-sometimes the Board's action was upheld and sometimes the Board's reasons were found to be arbitrary and the teacher won the decision.

What happened before the decision was made binding by the Legislature? In 100%--not 20% or 55% or 80%--of the cases where the teacher won the hearing, the Board of Education reversed the decision and stayed with their previous decision to fire the teacher. In other words, a Board of Education, which made the original decision, would not even listen to an independent panel's decision that the Board was wrong. Even when the decision was unanimous, the Board ignored the panel.

Now what happens? If a Board fires a teacher and the teacher requests a hearing, a single independent, neutral third party hearing officer is

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Attachment 1

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appointed to conduct the hearing. Again, the Board wins some of the cases and the teacher wins some of the cases. It is obvious from the testimony and literature from the school boards that they still just cannot take being told they were wrong. They want to change the law dramatically so they get to win each and every time--even though they are wrong. Boards even want the upper hand on appeals.

Our general counsel, David Schauner, will talk about the two substantive legal issues contained in the scope of review (for the hearing officer) and the scope of appeal. My part today was to give that history lesson which, hopefully, will show that the current system is the proper way to deal with the unpleasant situations when nonrenewals or terminations take place. With the education reform movement encouraging teachers to experiment with new methods and curriculum, those teachers must be afforded some protection from arbitrary or capricious action by a Board of Education.

The present law provides some protection while SB 136 offers no real protection for teachers. We ask that you defeat SB 136. Thank you for listening to our concerns.

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Thank you Mr. Chairman. I am David Schauner and I represent the Kansas National Education Association. Thank you for this opportunity to visit with the committee **IN OPPOSITION TO SENATE BILL 136.**

In my role as Kansas NEA General Counsel for the past 16 years, I have had many opportunities to observe and participate in the operation of several versions of the Kansas due process statute. **THE CURRENT VERSION OF THE KANSAS DUE PROCESS STATUTE DOES WORK.** It provides meaningful protection to Kansas teachers against unjust dismissal of any kind - political, religious or personal.

The current law does not provide a lifetime guarantee of employment to any teacher. That is not its purpose and that is not its result.

The proposed amendment to the Kansas due process statute would gut the protections currently available to Kansas teachers. It would place all meaningful functions of dismissal in the hands of the Board of Education. The Board would become the accuser and ultimately the judge and jury in dismissal decisions.

It is not necessary to look any farther than the opinion of the Kansas Court of Appeals issued March 10, 1995, to observe that placing all of these decisionmaking processes in the hands of one Board is a mistake. In the case of Walker v. Unified School District 499, the Court of Appeals unanimously found that when Walker attempted to question Board members regarding their plan to remove her from her teaching position, the Board members had developed collective amnesia. All of the Board members and administrators could not remember what was discussed in executive session, neither specifically nor generally. Every Board member clearly recalled reading the entire 1,145 page transcript of the due process hearing, but none of them save one, and none of the five administrators, could remember any discussions about the plaintiff that had occurred in executive session. This was true

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even though the plaintiff was the only teacher in the district to have been nonrenewed in 15 years.

It is unfair to everyone in the dismissal process to allow the Board to become the accuser, the prosecutor, and the jury.

Senate Bill 136 would return teacher due process to the middle 1980's and make the decision of the hearing officer a recommendation only. The hearing officer could not substitute his/her judgment for that of the Board, but could only determine whether there was evidence in support of the reasons given for nonrenewal. Theoretically, the Board could decide that it did not want to retain red-headed employees, and as long as it could prove that the employee in question had red hair, the hearing officer would be powerless to make any other recommendation.

Further, the proposed changes would permit the Board to reject the hearing officer's recommendation and, after reviewing the records, set forth its own findings of fact and conclusion in a written opinion. The Walker case shows us that Boards of Education are not trained to perform that function. In Walker the Board remembered reading an 1,100 page transcript, but could neither remember any of the specifics or generalities of what they read, and yet the proposed amendment would require them to develop specific findings and conclusions based on their review of the record.

In short, these amendments do great harm to the due process protections currently afforded Kansas teachers. The current system is not broken. Boards and teachers each have a vested interest in the protection of quality teaching performance. Giving Kansas Boards of Education carte blanche authority to dismiss teachers for any reason they choose sends the wrong message. Rather than developing a competent and loyal work force, these changes promote mischief and ill-will in the employment arena.

March 15, 1995

Senator Dave Kerr
State Capitol Building
Topeka KS 66612

Dear Senator Kerr:

Today Mr. Schauner, Counsel for K-NEA, gave testimony in opposition to S.B. 136. In his testimony he referred to one of the Supreme Court decisions in the McMillen non-renewal case. Mr. Schauner accurately reported that the Supreme Court affirmed the legislative power to make Hearing Committee decisions binding upon the school board and the teacher.

I believe it is important for you to also know how the Court felt about the law, even if it is constitutional. Attached are copies of excerpts from the McMillen decision. Please begin reading the last paragraph on page 460 through the first paragraph of page 462.

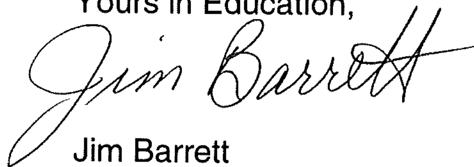
Mr. Schauner neglected to tell you the Court makes a point of separating the constitutionality of the law from the quality of the law. The court alludes to the quality of the law in paragraph 2 on page 461. Paragraph 1 of page 462 clearly states the Court's opinion of the quality of the law.

Just because the legislature has the power to make Hearing Committee decisions binding and just because it is constitutional, does not make it a good idea.

I again urge the Senate Education Committee to give favorable consideration to S.B. 136. Begin the process to restore to boards of education, individuals elected by the community and held accountable by the community, the responsibility to have the final decision in tenured teacher non-renewals.

Thank you for your time and consideration.

Yours in Education,



Jim Barrett
Superintendent, U.S.D. 466

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it from the hands of the local boards and placing it in the hands of a three-member hearing committee, in violation of the explicit language of § 5 of Article 6.

Nowhere does the school district argue that the power to hire and fire is a power granted by the Kansas Constitution to the state board of education. Section 2 of Article 6 limits the power of the state board of education to "general supervision" of public schools.

As used in § 2(a) of Article 6 of the Kansas Constitution, general supervision means the power to inspect, to superintend, to evaluate, and to oversee for direction. *State, ex rel., v. Board of Education,* 212 Kan. 482, Syl. ¶ 9, 511 P.2d 705 (1973). As found and employed both in the Kansas Constitution and in the statutes of this state, this court has held the term "general supervision" means something more than to advise and confer with, but something less than to control. 212 Kan. 482, Syl. ¶ 10.

The powers of the hearing committee pursuant to K.S.A. 1991 Supp. 72-5443 in no way unconstitutionally impinge on the state board of education's general supervisory authority. The hiring and firing of teachers and employees in a local school district has never been considered part of the supervisory duty of the state board of education and certainly is a duty best administered by local authorities within the statutory framework adopted by the legislature. The school district's argument that the statute in question violates § 2(a) of Article 6 is without merit, and the trial court erred in so holding.

The school district next asserts that K.S.A. 1991 Supp. 72-5443 violates § 5 of Article 6 of the Kansas Constitution. The school district (and the trial court) rely upon *Crane v. Mitchell County U.S.D. No. 273,* 232 Kan. 51, 652 P.2d 205 (1982), and *Schulze v. Board of Education,* 221 Kan. 351, 559 P.2d 367 (1977), for the proposition that the right to hire and fire school teachers is constitutionally vested in locally elected boards of education.

Please begin here.

The basic thrust of the school district's arguments and the trial court's decision is that the duty to select and maintain an efficient, knowledgeable, and adequate teaching staff is one that devolves upon the local school board under its constitutional mandate to maintain, develop, and operate the local school system. It is argued that the duty of determining whether a teacher should

be retained in a local school system is one that must vest in the local school board, which is accountable to the public through the political, elective process, and not a duty that should be delegated to a committee which may be totally ignorant of local school policy and needs and is not accountable to anyone.

The position of the trial court and the school district is one that has considerable support, arguably makes sense, and certainly appeals to several, if not all, of the members of this court. However, if a legislative enactment is constitutional, it is not for this court to set policy or to substitute its opinion for that of the legislature no matter how strongly individual members of the court may personally feel on the issue.

The duty of an appellate court in considering a constitutional attack upon a legislative enactment was stated in *Harris v. Shanahan,* 192 Kan. 183, 206-07, 387 P.2d 771 (1963), as follows:

"It is sometimes said that courts assume a power to overrule or control the action of the people's elected representative in the legislature. That is a misconception. . . . The judiciary interprets, explains and applies the law to controversies concerning rights, wrongs, duties and obligations arising under the law and has imposed upon it the obligation of interpreting the Constitution and of safeguarding the basic rights reserved thereby to the people. In this sphere of responsibility courts have no power to overturn a law enacted by the legislature within constitutional limitations, even though the law may be unwise, impolitic or unjust. The remedy in such a case lies with the people."

See *Kansas Malpractice Victims Coalition v. Bell,* 243 Kan. 333, 341, 757 P.2d 251 (1988). In *Samsel v. Wheeler Transport Services, Inc.,* 246 Kan. at 348-49, this court stated:

"The interpretation of constitutional principles is an important responsibility for both state and federal courts. In determining whether a statute is constitutional, courts must guard against substituting their views on economic or social policy for those of the legislature. Courts are only concerned with the legislative power to enact statutes, not with the wisdom behind those enactments. When a legislative act is appropriately challenged as not conforming to a constitutional mandate, the function of the court is to lay the constitutional provision invoked beside the challenged statute and decide whether the latter squares with the former—that is to say, the function of the court is merely to ascertain and declare whether legislation was enacted in accordance with or in contravention of the constitution—and not to approve or condemn the underlying policy."

Thus, if the statute in question does not clearly contravene the provisions of § 5 of Article 6 of the Kansas Constitution, our duty is to uphold the statute, regardless of any personal views individual members of this court may have as to whether the statute is "unwise, impolitic, or unjust."

As previously indicated, the school board and the trial court both relied upon *Schulze v. Board of Education,* 221 Kan. 351, and *Crane v. Mitchell County U.S.D. No. 273,* 232 Kan. 51, to support the contention that K.S.A. 1991 Supp. 72-5443 was unconstitutional. We find such reliance to be misplaced.

In *Schulze,* the plaintiff was issued a letter of reprimand by his employer, the local school board, which was placed in his personnel file. Schulze then filed suit against the school board seeking an injunction against the action of the board and damages for malicious prosecution, libel, and slander. The trial court granted the board's motion for summary judgment and Schulze appealed. The issues before this court involved the jurisdiction of the school board over the administrative proceedings, the sufficiency of the due process granted Schulze, and whether the action of the board was a quasi-judicial function with immunity for the board members. There is nothing in *Schulze* which supports the contention that the constitutional duty of a local school board to maintain, develop, and operate the local school system includes the absolute right to hire and fire employees and precludes any statutory direction or control by the legislature.

Crane was another due process case that involved a nontenured teacher whose employment by the school board was terminated during the contract year for which he had been hired. Following administrative proceedings in which the school board terminated Crane's employment, he filed a separate action for damages claiming his termination had been wrongful. This court found that Crane's constitutional right to due process had been complied with by the board and that Crane's refusal to participate in the administrative proceedings constituted a waiver of his right to a due process hearing or of any complaints he may have had as to the procedure followed by the board.

Although the issue of the school board's power to hire and fire schoolteachers was not directly involved in either *Schulze* or

Crane, this court did state in both cases that the right to hire, fire, and discipline employees, including teachers, is vested in the local school board by statute. *Schulze,* 221 Kan. at 353; *Crane,* 232 Kan. at 63. In *Crane* the court also stated:

"It is clearly the intention of our legislature that school boards in this state conduct hearings and make decisions regarding the dismissal of teachers for cause. Absent bias or other disqualifying reasons *these decisions should remain with the body deemed by the legislature to be best qualified to make them.*" (Emphasis added.) 232 Kan. at 63.

In the present case, the school district glosses over the fact that in both *Schulze* and *Crane* this court stated that the right to hire and fire was a right provided to school boards by statute. Although that determination was not directly controlling of the issues in the cases, *Schulze* and *Crane* do imply that the hiring and firing of teachers is not a right conferred directly upon the local school board by § 5 of Article 6 of the Kansas Constitution but, to the contrary, is statutory. As a right created by statute, it is within the authority of the legislature to modify or refine that right so long as the legislation is in harmony with, and not in derogation of, the constitutional provisions relating to the same subject. *NEA-Fort Scott v. U.S.D. No. 234,* 225 Kan. 607, 610, 592 P.2d 463 (1979). In 1977, when this court rendered its opinion in *Schulze,* it was clearly the intention of our legislature that school boards in this state conduct hearings and make decisions regarding the dismissal of teachers. See L. 1974, ch. 301, § 8. This was also the law in effect when *Crane* was decided. In 1991, the legislature deemed a hearing committee the body best qualified to assume these functions and, consequently, modified the statutes to reflect that determination.

In determining whether the statute in question is constitutional, we must weigh the powers granted the legislature by § 1 of Article 6 of our constitution against the authority of the local school board, under § 5 of Article 6, to maintain, develop, and operate the local school system. Section 1 of Article 6 provides:

"The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law."

KANSAS ASSOCIATION OF SCHOOL BOARDS

1420 S.W. Arrowhead Rd, Topeka, Kansas 66604
913-273-3600

TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 14, 1995

RE: Testimony on H.B. 2173 and H.C.R. 5021

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to offer our support for H.B. 2173 and H.C.R. 5020, which address the Quality Performance Accreditation system. From its inception, KASB has supported the concept of changing the focus of school accreditation from "inputs" to continuous improvement in student academic performance. QPA has begun that shift. KASB has supported QPA before the State Board and in the Legislature, and we have devoted significant internal resources and countless hours toward helping school board members understand their role in the new system.

Our support has not been unqualified. When we have disagreed with the direction QPA has taken, we have said so. Furthermore, we have supported numerous changes in the system; what might be called "mid-course adjustments." QPA has been controversial from the beginning; that controversy has intensified in recent months. Some of that controversy has been essentially administrative: how much paperwork is required, how tests are administered, etc. The most important criticisms have been philosophical. We think much of that criticism is based on a misunderstanding of what QPA actually requires and what QPA really allows.

Criticism 1 - QPA erodes local control over curriculum.

We believe that QPA should only require that every school adopt a school improvement plan, developed in cooperation with parents and community members, and approved by the local school board; that the planned target areas for improvement be based on the needs of that school; that the only state-imposed target areas should be in measurable indicators of student academic performance; and that accreditation be based on whether or not the school met those improvement targets (with reasonable flexibility for extenuating circumstances). QPA should not require any particular curriculum, instructional methods or teaching techniques.

We believe the State Board of Education has addressed this through the accreditation criteria it adopted in December. That action should help separate those elements of QPA which are recommendations or suggestions from those elements which are actually required. With the exception of Student Outcome V, we believe the Board's position is consistent with the above statement.

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Criticism 2 - QPA will impose mediocrity in education.

We believe that nothing in QPA should limit the ability of schools and school districts to adopt the highest academic, disciplinary or other standards they desire. If a school believes that the QPA standards or assessments are too low or too easy, they should be free to maintain or increase their own standards and assessments.

Let us briefly review how the Legislation before you compares to this position.

H.B. 2173

This bill removes the name QPA from statute. Frankly, we do not really care what the system is called as long as it meets the standards we have outlined; but we would note that changing the name may lead to more confusion. (The bill would not require the State Board to change the name in any event.) The bill also removes the ten original outcomes that were placed in statute; these are not being followed anyway. The rest of section (a) directs that accreditation be based on improvement in performance, high academic standards framed in measurable terms, and consideration of local goals. We are in complete agreement with this new language.

We are uncertain of the intent of the House in removing the language in section (b) relative to the state assessment program. It removes reference to "higher order thinking skills" and the requirement that state standards be equal to or greater than other states and nations. While we do not oppose the current language, we would note that the State Board has had a great deal of difficulty implementing the standards. At a minimum, the expectations of the Legislature should be clarified.

Finally, the bill removes the "sunset" on site councils. KASB does not oppose statutory reference to site councils as advisory bodies to local school boards. We are not entirely sure the current requirement should be made permanent before any formal evaluation is completed. We would also suggest that the local districts be given more flexibility in how site councils are structured.

H.C.R. 5020

The language in H.C.R. 5020 seems to us entirely consistent with the positions we have outlined above and throughout the development of QPA. We support the resolution.

Thank your for your consideration.

HB 2173 and HCR 5020

Testimony presented before the Senate Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
March 15, 1995

Mister Chairman and Members of the Committee:

United School Administrators of Kansas has been and continues to be a strong supporter of the change toward accrediting schools based on demonstrated continuous improvement in student performance. USA was at the forefront in encouraging the Kansas State Board of Education to assume leadership in facilitating the agreements necessary to begin this change. I emphasize the word **begin**. Under the leadership of then board chairman Emert, that beginning was initiated.

Likewise, USA was actively involved during the 1991 Session, when in an effort to tie accountability to the new school finance formula, the language of Quality Performance Accreditation was added to the finance bill. Our purpose was to suggest that if accountability language was to be added to the finance bill, it ought to be coordinated with the process already being piloted in 1991 under the leadership of the state board. Such was the case and Quality Performance Accreditation became part of statute.

HB 2173 seeks to remove from statutes the language specific to Quality Performance Accreditation and the ten original required performance outcomes. We do not quarrel with such action. We believe that the statutory language in support of moving toward an accreditation system based on continuous improvement of student performance was helpful to the beginning of Quality Performance Accreditation. Perhaps such statutory support is no long needed.

USA is in agreement with most of the provisions of **HCR 5020**, especially those which direct that the **HOW** of school improvement be left to local school communities. We likewise support efforts to get a handle on reporting requirements and paperwork associated with

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accreditation, but we believe real progress is being made in this arena. Our main concern lies in the statement which encourages the state board to examine means of incorporating nationally normed tests into the accreditation process. Nationally normed tests are designed to allow local schools to know how their students are doing compared to students in other areas of the nation, not as a measure of continuous improvement in student performance on agreed upon state and local outcomes. Furthermore, which nationally normed test a school uses ought to be the choice of the local school community, **not** the state.

Finally, I must express our dismay, our regrets, and yes our apologies for the meanings which have been attached to Quality Performance Accreditation which were never intended. That the word **outcomes** has come to mean other than an expression of what is wanted from the local educational system is unfortunate. I place a bit of the blame for this erroneous growth in meaning with the state board, but I place an enormous amount of the blame on my members, the principals and superintendents of Kansas. We simply, for the most part, have not done a good enough job of communicating with our communities as we worked through this huge shift in how we think about schools. I can assume the bulk of the responsibility for lack of communication on the part of my members, because I have witnessed what happens when school leaders expertly guide their communities through the process of school improvement. School improvement can be simply stated, but can be accomplished only with great difficulty. When, under the leadership of an informed administrator, a community addresses these questions together, fewer expansions of meaning occur.

1. What do we want of our schools?
2. What do we know about our present circumstances? (Gather data)
3. What are we prepared to do to move from where we know we are to where we said we wanted to be?

This is the process which will be evaluated by Quality Performance Accreditation. My regret is that the leadership has not existed which might have allowed us to remain focused on answering these three questions in every Kansas community. My prayer is that the paradigm toward which Kansas is shifting will survive long enough for us to know if we made a difference.

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase Testimony Before
Senate Education Committee
Wednesday, March 15, 1995

Thank you, Mr. Chairman. I am Susan Chase and I represent the Kansas National Education Association. I appreciate your giving me the opportunity to appear before this committee in support of HB 2173.

KNEA believes that both the State Board of Education and the legislature have a role in education. We see the changes in the statute as proposed in HB 2173 as aligning the law with the appropriate role of each body. We believe it is the job of the state board to accredit schools. By making the reference to school accreditation less specific, you are allowing the state board the latitude necessary to perform the function of school accreditation.

KNEA also believes it is important for the legislature to inform the state board of their concerns and beliefs regarding accreditation. The avenue for this is a resolution such as the one you are considering today.

We urge this committee to pass this bill out favorably. Thank you for listening to our concerns.

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Attachment 6

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Susan Chase Testimony Before
Senate Education Committee
Wednesday, March 15, 1995

Thank you, Mr. Chairman. I am Susan Chase and I represent the Kansas National Education Association. I appreciate this opportunity to address the committee on HCR 5020.

KNEA supports the legislature in the process they are using in addressing their concerns with school accreditation. We also support much of what you have in the resolution. Our concerns are threefold. First, we believe that there needs to be some change in language that would clarify what we believe is the intent of this body. In recommendation number 7, you begin by addressing "Assessment Tests", which is not only redundant but also unclear. We would like to recommend that in place of those two words you insert "State-developed student assessments". We also believe in recommendations 2 and 3, where you refer to "student academic performance" and "academic indicators", you should drop the word "academic". Our concern is if you leave the word "academic" in those phrases it might be inferred that things such as student attendance, drop out rates, or discipline referrals might not be included.

Secondly, we are concerned about some of the content. You recommend, in line 40 of the resolution, the elimination of Outcome V without statement as to intent, purpose, or reason. As we have testified before, we have concerns about Outcome V, but we also believe it contains some very important pieces of the educational system such as Health and Physical Education. We see these as integral parts of our education system and hope you will expand the statement on Outcome V to reflect your true concerns on this outcome.

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Lastly, we believe the beginning of the resolution, where you state your beliefs, sends a very unclear and confusing message. Questions arise such as: Are you asking the board to do away with QPA?, and What does "Aim for an Improvement Model" mean? We would suggest you model the resolution statements you used in the resolution you passed on this subject in 1993. We believe this sends a clearer message to the State Board.

We urge this committee to seriously consider the suggestions we have made and to pass this resolution out favorably as amended.

ATTACHMENT

SUGGESTIONS FOR CHANGES

WHEREAS, The State Board of Education is charged by the Kansas Constitution with the general supervision of public schools and other educational interests of the state; and

WHEREAS, The State Board of Education, recognizing the responsibility it holds for Kansas educational systems, developed a strategic plan designed to position Kansas schools and communities for the present and the future. As a part of this strategic plan, the State Board of Education adopted on March 12, 1991, the Quality Performance Accreditation (QPA) System, an effort to address school improvement, accountability, and individual pupil performance; and

WHEREAS, The Legislature evidenced its support for State Board of Education efforts to accredit schools based upon results or outcomes rather than inputs by enacting legislation in the 1992 session which required the establishment of world class standards in the core areas of mathematics, science, social studies and communications and the provision of a means of assessment of pupils against such standards; and

WHEREAS, The Legislature confirmed its support for implementation of the QPA System by requiring every school in every school district to participate in the System upon commencement of the 1995-96 school year.