

Approved: 2-13-97
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 29, 1997 in Room 519-S of the Capitol.

All members were present except:

Representative Cindy Empson - Excused

Committee staff present: Ben Barrett, Director, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Mark Tallman - Kansas Association of School Boards
Trish Pfannenstiel - Legislative Post Audit

Others attending: See attached list

Mark Tallman, Kansas Association of School Boards, appeared before the committee to give a presentation on Trends in School & Student Performance. Student improvement has either improved or remained constant. The math results show the most improvement. Lower grades showed more improvement than the high school level. Low income students do much worse than middle or upper income students and some minority groups do much worse than whites.

Kansas has improved for the third year in a row on the ACT exam and also ranks well above the national average on the SAT, although the percentage of Kansas's taking the test is 9%. (Attachment 1)

Trish Pfannenstiel, Legislative Post Audit, appeared before the committee to report on the Post Audit Report involving Reviewing the Use of State Assessment Tests in Kansas. (To obtain a copy of the report contact Legislative Division of Post Audit, 800 SW Jackson Street, Topeka, Ks 66612.) The audit was designed to help address some of the concerns legislators and others had regarding the use and limitations of the state assessment tests and how Kansas' assessment tests compare with tests used in other states.

In the 1980's the Board of Education developed curriculum standards to reflect skills such as problem-solving and estimation. Once the standards were set the Board contracted with the Center for Educational Testing and Evaluation at the University of Kansas to develop assessment tests to measure Kansas schools' progress toward meeting the new curriculum standards. Developing assessment tests to measure whether students in Kansas schools were being taught what was required by the Kansas curriculum standards was seen as one of the quickest ways of ensuring that the standards would be adopted by schools across the state.

In 1992 the legislature adopted the Boards' Quality Performance Accreditation (QPA) process, which required state assessments in various grades in the major academic subject areas. The Board developed specified standards of excellence that identify the average score that students in each school are expected to achieve on the assessment tests. Students in Kansas haven't met the standard of excellence in any of the subject areas measured.

Post Audit found that the type of assessment tests selected by the Board of Education and the way they were developed imposes limitations on how the test results can be used. They were designed to measure students' progress toward meeting the Kansas curriculum standards, therefore, no national comparison can be made. The tests are criterion referenced, which means students are measured against some specific criteria where scores are expressed as a percentile that tells how well a student did in relation to other students who took the test. They also found that all tests go through a pilot stage for the first few years. There were concerns that the tests were constantly changing and that results from one year to the next could never be compared. The assessment tests were designed to be valid and reliable based on the purpose of the tests which was to measure students' average performance at the school level. They were also designed to provide feedback to educators in those schools to help identify where they needed to improve their teaching materials and teaching methods so students could progress towards the Kansas curriculum standards.

It was stressed that the assessment test results should not be used as the sole factor to compare individual student performance or make comparisons between or among schools or school districts because of the many other factors that could affect such comparisons. Post Audit surveyed public and private school

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on January 29, 1997.

superintendents, principals, and teachers, and found that generally school administrators are using the test scores as designed.

They also surveyed the same group and found that they expressed both positive and negative opinions about the assessment test results. They were positive about how the results could improve education in Kansas, but had concerns that the assessment tests didn't provide useful information, scoring was inconsistent, and they took a lot of time to administer. They also expressed concerns that attitude questions were included on the tests and that certain reading passages were inappropriate. Post Audit found that the attitude questions were no longer included in the assessment, and that a reasonable selection process to minimize any problems with the reading passages has been done.

Post Audit contacted 13 other states and found that some of the surrounding states and Iowa had dropped the assessment programs. California & Arizona dropped assessment test programs because the results were being used in ways that weren't appropriate. However, both of these states are developing new tests. Illinois, Kentucky, Maine, Maryland, and Oklahoma have assessment tests that were similar to the test being used in Kansas.

The committee meeting adjourned at 5:00 p.m. The next meeting is scheduled for January 30, 1997.

HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: January 29, 1997

NAME	REPRESENTING
Merle Free	KACC
Jacques Dales	SPE
Solow Rogard	KU - Lawrence
Sharon Axenden	Ks State Dept. of Ed.
Steven Powers	KAB
Lee Chase	KUEA
Craig Grant	HNFA
Leslie Alway	Ks Advisory Committee on Hispanic Affairs
Matthew M. Farris	Goddard High School / U.S.D. 265
Page, E. K.	" U.S.D. 265
Jennifer Baker	USD 265
Amy A. Biedl	USD 265
Charles A. Edick	USD 265
Bob Vancrum	USD 229
Richard D. Watson mo	D.O.D.
Marcia Dozies	USD 232



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: January 28, 1997

Trends in Kansas School Improvement Performance

KANSAS ASSESSMENT RESULTS

Mathematics

1994. Several parts of the state math test changed from 1993 to 1994, but many areas remained the same. For grades 4 and 7, student scores increased in each of the four areas reported (knowledge base, problem-solving, mathematical reasoning and communications), generally between three and four percentage points. For grade 10, scores in the areas of knowledge base and problem-solving increased about one point. Comparisons were not possible for reasoning and communications for grade 10.

1995. The state math assessment was changed from 1994 to 1995, so a direct comparison was not possible. The 1995 test reported results in reasoning, communications and problem-solving. It also reported a "power score." However, certain common items were included in both tests. The percent of common items answered correctly increased by nearly six points for grades 4 and 7, and by about 3 points for grade 10.

1996. The state math test did not change from 1995 to 1996. Each area tested (problem-solving, reasons and communications) showed an increase at all three grade levels, generally between one and two percentage points.

Reading

1994. The reading test selections and scoring methods were changed between 1993-1994. As a result, comparisons between these years are difficult. However, a study of student performance on common items on the expository test showed measurable improvement at grades 3 and 10, with no significant change at grade 7.

1995. Again, changes made on the reading test prevent direct comparisons. There were common items on the narrative test for both years. These items showed a slight (one percent or less) drop in scores.

House Education
1-29-97
Attachment 1

1996. The narrative text was changed this year, so only performance on the expository test could be compared with 1995. Slight (less than one percent) increases occurred for grades 3 and 7. Performance at grade 10 dropped by about one percent.

Writing

1994. The state writing assessment evaluates student skills in six "traits" - ideas and content; organization; voice; word choice; sentence fluency and conventions. These traits are rated on a five point scale. For grade 5, scores improved by at least 0.05 points in all six traits. For grade 8, scores improved in each area by at least 0.1 point. For grade 10, scores did not change by more than 0.05 points in any area.

1995. The state writing test was not given in 1995.

1996. The writing test was again given. After a study of rater reliability since 1993, comparisons were possible. For grade 5, scores improved by at least 1% in four areas, and were unchanged in two. For grade 7, scores improved by at least 1% in three areas, dropped 1% in one area, and were unchanged in two. At grade 10, scores were again unchanged in five areas, and dropped 2% in the final area.

Science and Social Studies

Over the past three years, science and social studies assessments have been given. These tests were in the pilot stage only, so no comparison over time is appropriate.

General Observations

Because of changes in the testing program, direct comparison from 1993 to 1996 are not possible. But in most cases, common items were included which do provide evidence of movement over time. In general, student performance has either improved or remained constant. No consistent pattern of decline is shown in any area. Improvement is strongest in the math assessment, which is the most established test. Math is also the area where state curriculum standards have been in place longest. More improvement has been shown in the lower grade levels; while performance at the high school level has been the most stagnant.

The state assessments have consistently shown that low income students do much worse than middle or upper income students; and that some minority groups do much worse than whites. (It is possible that minority groups do worse, in part, because minority students are more likely to come from low income families.)

NATIONAL COLLEGE ADMISSIONS TESTS

ACT Scores

The improvement in Kansas student performance on our own state assessments has been validated by the 1996 scores on the national ACT exam. For the third year in a row, the average Kansas score improved. Since 1990, the Kansas average score has increased from 20.9 to 21.3 for the last school year.

Nationally, only 14 states had higher scores than Kansas, which would place it in the top third of the 50 states. But it is important to stress that in many states, only a small number of high school graduates take the ACT. (In those states, the SAT test is more widely used.) Of the 26 states in which 50% or more of graduates took the ACT, only seven scored higher than Kansas. In fact, only one state had **both** a higher score **and** a higher percentage of graduates taking the test than Kansas.

For Kansas students who complete a core of college prep courses, the results are even better. Kansas core completers had an average score of 23.0. Only three states had higher scores for students completing this core curriculum.

However, an unusually low number of Kansas students who take the ACT completed the core curriculum (49%). Only eight states had a lower percentage of test-takers completing the core. It will be interesting to see if the new Qualified Admissions law passed last session increases the number of students taking this curriculum, and if this results in higher overall scores of Kansas.

SAT Scores

Kansas also ranks well above the national average on the SAT although it should be noted that a much smaller percentage of Kansas graduates take the SAT (9%). Kansas SAT scores have also been rising. Since 1993, Kansas verbal scores rose from 568 to 579, and Kansas math scores rose from 564 to 571.

INTERNATIONAL COMPARISONS

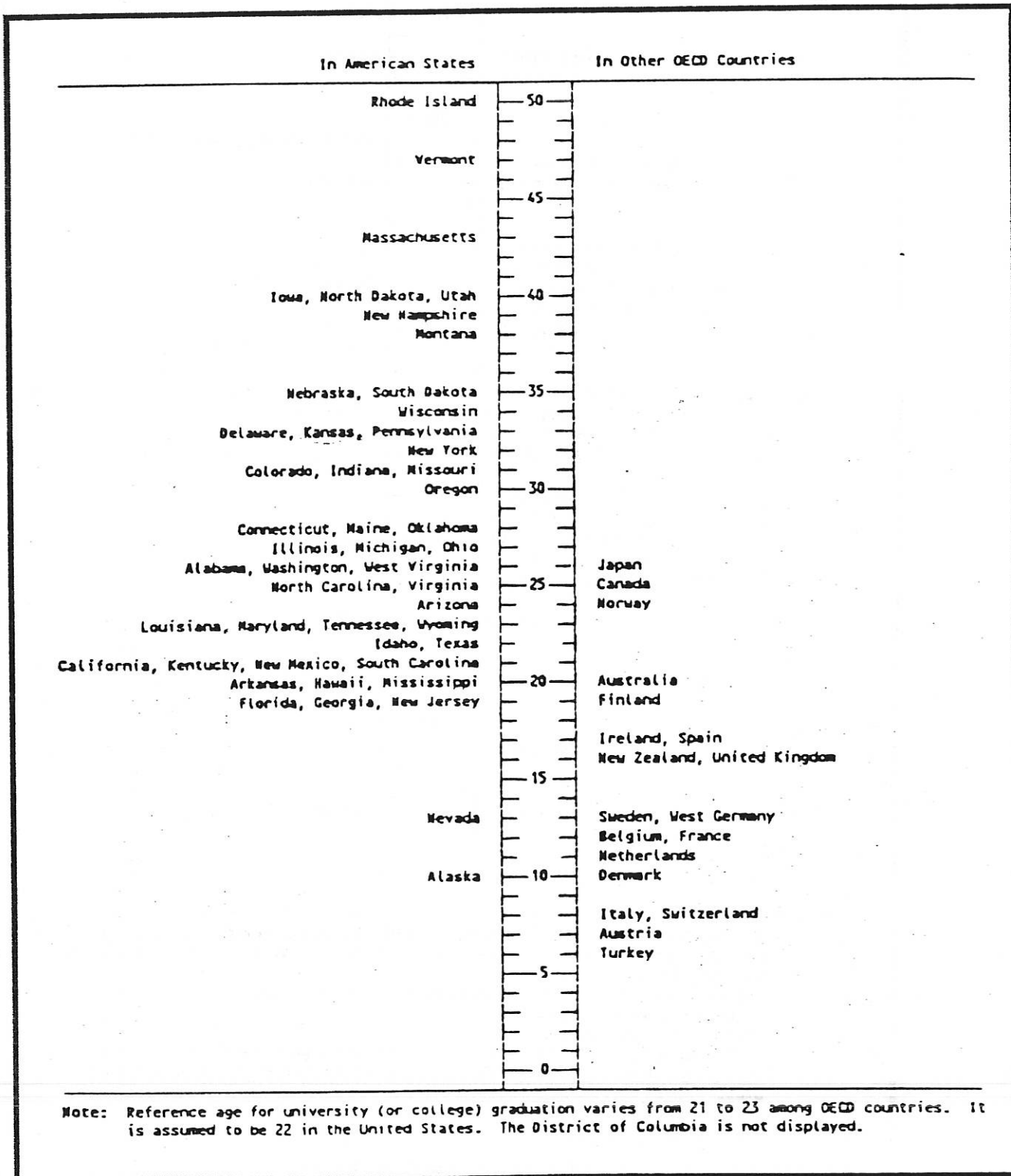
Some new studies suggest students in states like Kansas, which rank well above the national average on student performance indicators, would compare favorably with their international peers.

For example, a recent analysis of international math performance shows that if certain states were treated as individual nations, they would compare much more favorably to other countries than the United States as a whole. While Kansas students did not participate in this assessment, Kansas students' scores on national college tests are closer to those states which ranked quite high than those who ranked very low. This suggests that Kansas students may be better prepared to compare with students around the world than students in many other states. (See attachment.)

In addition, the United States produces a much greater percentage of persons who graduate from a college or university. This reflects, in part, a strong national commitment to expanded opportunities for higher education. But it also suggests that elementary and secondary schools do provide the foundation required for success in college or university studies. If American education is viewed as a system, from kindergarten to college, the results appear favorably compared with the rest of the world.

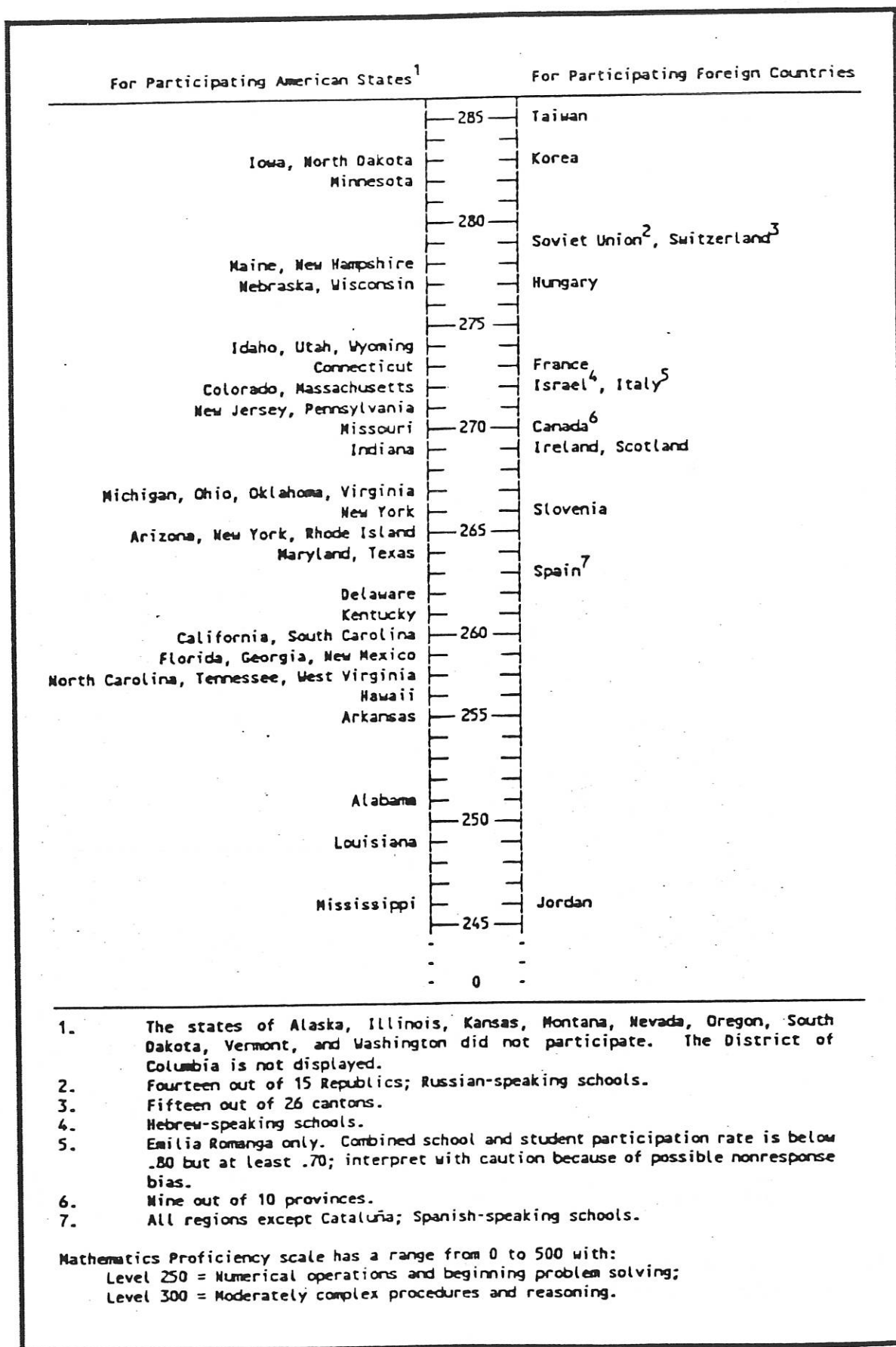
Despite continuing serious concerns and shortcomings, it should be noted that since the "Nation At Risk" Report in 1993 warned that American education was in decline, the U.S. has emerged as the world's only superpower, won the only major military conflict since that time, and has enjoyed a strong economic revival while other economies (notably Japan) have slumped. These results are the real "outcomes" of an education system.

Exhibit 2.17 Percentage of Persons Age 22 in American States and Other OECD Countries Who Were University and College Graduates in 1988



—Source: *Education in the States and Nations* (National Center for Education Statistics, 1993a, pp. 60–61).

Exhibit 2.16 Average Mathematics Proficiency Scores for Public School 8th-Graders (in America) and 13-Year-Olds (in Other Countries): 1991 or 1992



1. The states of Alaska, Illinois, Kansas, Montana, Nevada, Oregon, South Dakota, Vermont, and Washington did not participate. The District of Columbia is not displayed.
2. Fourteen out of 15 Republics; Russian-speaking schools.
3. Fifteen out of 26 cantons.
4. Hebrew-speaking schools.
5. Emilia Romagna only. Combined school and student participation rate is below .80 but at least .70; interpret with caution because of possible nonresponse bias.
6. Nine out of 10 provinces.
7. All regions except Cataluña; Spanish-speaking schools.

Mathematics Proficiency scale has a range from 0 to 500 with:
 Level 250 = Numerical operations and beginning problem solving;
 Level 300 = Moderately complex procedures and reasoning.

STATUS OF SCHOOL REFORM INITIATIVES IN KANSAS

Prepared by the Kansas Association of School Boards

JANUARY 1997

This report is an overview of school reform and improvement initiatives in Kansas. It is designed to give education policy-makers a single reference point regarding the status of these key issues: accreditation, curriculum standards, assessments, accountability, governance, school choice, school deregulation, education personnel and technology. The organization of this document follows a framework used in a survey on school reform initiatives in each state conducted by the Education Commission of the States.

The Kansas Association of School Boards prepared this report to assist school board members, State Board of Education members, legislators and the general public in understanding the current status of school reform efforts. This report is not a position paper. KASB has supported many school improvement efforts contained in this report, but does not endorse every proposal advanced in the name of "school reform." Contact KASB for information regarding the association's position on school improvement and other policy issues.

ACCREDITATION

Overview: The foundation of Kansas school improvement efforts is a new school accreditation system initiated by the State Board of Education in 1991 called Quality Performance Accreditation (QPA), and a new school finance system adopted by the Legislature in 1992 which contained a number of reform elements. The State Board adopted final regulations for QPA in November, 1996.

Q. What does the state require schools to do in order to be accredited?

A. Schools must demonstrate improvement in targeted areas and meet certain other standards.

Q. How do we know if schools are improving?

A. Schools must report data related to student performance on tests, as well as other measures of student and school performance.

Data collection

State Board Regulation 91-31-17: "Each school and district shall collect, maintain and report to the state board data requested by the state board, including data concerning the following:

- (a) student achievement data on state assessments;
- (b) student achievement data on other assessment instruments;
- (c) student success indicators;
- (d) school performance on success indicators; and
- (e) school performance on staff development indicators."

Q. What does school improvement mean? Who determines what a school must do to improve?

A. Each school must have a plan that targets areas for improvement. It must be approved by the local board of education. The State Board of Education also reviews the plan and may recommend changes. The plan must "reflect" outcomes established by the State Board.

School improvement plan

State Board Regulation 91-31-18: "(a) Each school shall develop a school improvement plan. The school shall submit the plan to the State Board for review, after approval by the local board. Within 60 days, the local board shall be notified by the State Board of any deficiencies in the school improvement plan. (b) Each school shall write its school improvement plan for at least one accreditation cycle. (c) (1) Each school shall include in its school improvement plan the areas targeted for improvement. These targeted areas shall reflect the state outcomes established by the State Board."

The state outcomes established by the State Board are:

- Schools will implement effective school practices.
- Schools will work collaboratively with the community.
- Schools will demonstrate effective staff development.
- Students will demonstrate mastery of essential skills.
- Students will demonstrate effective communication skills.
- Students will demonstrate complex thinking skills.
- Students will be able to work effectively individually and in groups.
- Students will demonstrate physical and emotional well-being.

Q. Are these plans required to focus on academic areas?

- A. Yes. Unless the average scores in a school district have met the standards of excellence approved by the State Board, the plan must include targets from among the areas of math, reading, science, social studies and writing.

Required targets

State Board Regulation 91-31-18: "(2) Until the building standards of excellence established by the state board are met in each subject area, each school shall target for improvement three of the following academic areas; (A) mathematics; (B) reading; (C) science; (D) social studies; and (E) writing. (3) Two of the three areas targeted for improvement shall be mathematics and reading until the school has achieved the building standards of excellence established by the board for those subject areas."

Q. What are "Standards of Excellence?"

- A. Standards of excellence refer to scores on state assessments. When a student's score reaches a certain level on a particular state assessment, the student has met the standard of excellence for that test. When the average score of all the students in a building reaches the same level, the building has met the standard of excellence.

Standards of excellence

Standards of Excellence		
<i>Assessment</i>	<i>Building Standard</i>	<i>Student Standard</i>
Math, Grade 4 Total Power Scores	75	75
Math, Grade 7 Total Power Score	80	80
Math, Grade 10 Total Power Score	80	80
Reading, Grade 3 Total Power Score	77	77
Reading, Grade 7 Total Power Score	81	81
Reading, Grade 10 Total Power Score	81	81
Writing, Grade 5 Index/Total Score	3.5	3.5
Writing, Grade 8 Index/Total Score	3.7	3.7
Writing, Grade 10 Index/Total Score	4.0	4.0

Q. Are schools allowed to choose other targets in addition to those required by the state?

- A. Yes, schools may choose locally developed improvements targets. The school must document student performance in all targeted areas.

Additional targets

State Board Regulation 91-31-18: "(d) Each school may include in its school improvement plan additional areas targeted for improvement selected from local outcomes.
(e) Each school shall document and maintain records regarding student performance in each area targeted for improvement."

Q. What other kinds of requirements do schools have to meet in order to be accredited?

- A. They must use certified staff in positions where certification is authorized; offer certain required programs, impose minimum graduation requirements, have at least 10 students (elementary schools) and follow state regulations for interscholastic athletics.

Staff certification, etc.

State Board Regulation 91-31-19 requires that: (a) the board assure that each school meets the following requirements;

- (b) "in filling positions for which a certificate is issued by the state board, each school shall employ persons who hold appropriate certificates," except in limited emergency situations;
- (c) each school must accept the credit of any student transferring from another accredited school;
- (d) each school must permanently retain records relating to student academic performance, attendance and activities; and
- (e) schools may not allow athletic practice for competition during physical education classes or be counted for credit or as part of the school term.

Program requirements

State Board Regulation 91-31-20 requires that: (a) students must have the opportunity to study a minimum of two years of a foreign language in either elementary or secondary school;

- (b) a comprehensive education program in human sexuality, including information on sexually transmitted diseases, must be offered, including instruction at the elementary and secondary levels, instruction by certified teachers, a provision for excusing any student upon the request of the parent or guardian, with the specific curriculum and grades in which it is offered determined by the local board;
- (c) a nine week course in Kansas history and government offered between grades seven and twelve; and
- (d) an organized physical education program in each elementary school.

Graduation requirements

State Board Regulation 91-31-21 requires students to complete at least the following:

- (a) four units of English language arts, including three units of English;
- (b) three units of social studies, including one unit of U.S. history and at least 1/2 unit of U.S. government, including the Constitution of the U.S.;
- (c) two units of science, including one unit as a laboratory course; two units of mathematics;
- (e) one unit of physical education, which may be waived in certain circumstances;
- (f) nine units of elective courses.

Boards may increase the number of units required. With approval of the State Board and "broad-based community involvement," boards may adopt different graduation requirements, but must include 21 total units of credit.

Elementary schools

State Board Regulation 91-31-22: "An elementary school shall not be, or retain its status as a candidate, accredited or accredited conditionally, if the school does not have an enrollment of 10 or more students on September 20 of any school year."

Interscholastic athletics

State Board Regulation 91-31-23: Boards may not allow students below sixth grade to participate in interscholastic athletics. Boards may allow students above sixth grade to participate, but must comply with State Board guidelines for such interscholastic athletics.

Q. Who determines whether a school has met the requirements for accreditation?

- A. An independent accreditation team assists the school in developing an improvement plan and makes the initial recommendation on accreditation.

Onsite accreditation team

State Board Regulation 91-31-24:

- (a) The school shall prepare for two onsite visits during each accreditation cycle;
- (b) if possible, the same onsite team will conduct both visits;
- (c) each onsite team shall be comprised of a chair appointed by the State Board and at least two other members with background and skills in school improvement who have not had formal relationships with the school for at least five years;
- (d) on the first visit the team will review and react to the school's self-review, school improvement plan and improvement targets and determine if assistance is needed; and
- (e) an accreditation visit will be conducted before June 30 of the fifth year of the accreditation cycle.

Q. What information does the accreditation team consider in making a recommendation?

- A. The school presents information concerning the school, its improvement plan, progress toward meeting improvement targets, and other information on student performance.

Accreditation information

State Board Regulation 91-31-24:

The team will make a recommendation for accreditation status based on:

- (A) the school's annual reports;
- (B) other school improvement data;
- (C) the first onsite visit;
- (D) the school improvement plan;
- (E) data related to improvement of student performance in each area targeted for improvement, and;
- (F) data related to the school's performance on state outcomes not targeted for improvement.

Q. What happens after the accreditation team makes a recommendation on accreditation status?

- A. If the school disagrees with the recommendation, there is an appeal process. The final decision is made by the State Board of Education.

Recommendation and appeal

State Board Regulation 91-31-25:

- (a) The onsite team prepares a written recommendation, including whether there is reasonable justification for lack of improvement on targeted areas.
- (b) Within 30 days of the visit, the recommendation shall be submitted to the local board and the commissioner of education.
- (c) If the local board disagrees with the recommendation, it may appeal.
- (d) If the local board appeals, an appeal team shall be appointed. If no agreement is reached, a hearing officer will be appointed to develop a recommendation to the State Board.
- (e) The recommendation for accreditation status shall be acted upon by the State Board.

Q. What options are available for accreditation status?

- A. A school enters the accreditation process as a candidate. If approved by the state, it becomes accredited. It may also be given conditional accreditation, which is a one year period for improvement. If the school does not meet improvement requirements, it is denied accreditation.

Accreditation classification

State Board Regulation 91-31-26: Each school shall be classified as one of the following:

- (a) candidate, which means the school has begun the accreditation process for the first time;
- (b) accredited, which shall be effective for five years;
- (c) accredited conditionally, which means the school must adopt a one-year modified improvement plan approved by the State Board;
- (d) denied accreditation, which means that sanctions shall be applied.

Q. Are there positive rewards for receiving accreditation?

- A. If a school is accredited, it receives positive recognition from the State Board. It also avoids the sanctions imposed for losing accreditation.

Rewards

State Board Regulation 91-31-27:

- (a) A letter of accreditation and press release will be sent by the State Board.
- (b) The school may be recognized in other ways.

Q. What happens if a school loses accreditation?

- A. First, the school will receive negative publicity. Second, the State Board may require the school district to reallocate staff or resources, which means a loss of local control. Finally, the State Board may ask the Legislature to enact financial penalties or even reorganize the district.

Sanctions

State Board Regulation 91-31-28:

- (a) A letter of notification and press release will be sent by the State Board if a school received conditional accreditation or denial of accreditation.
- (b) The State Board may:
 - (1) direct that district personnel or resources be reassigned or reallocated by the local board;
 - (2) direct that the local board hire one or more designated persons to assist the school in making changes necessary to improve student performance;
 - (3) recommend that the Legislature reduce state funding to the school district by an amount which shall be added to the local district property tax;
 - (4) recommend Legislature abolish or restructure the district;
 - (5) other actions as appropriate.

Q. What does state law require for an accreditation system?

- A. The system must be based on improvement in performance.

Performance accreditation

State Law: K.S.A. 72-6439-The State Board of Education shall design and adopt a school performance accreditation system based upon improvement in performance that reflects high academic standards and is measurable.

CURRICULUM STANDARDS

Overview: Kansas law requires the State Board to develop curriculum standards. Local school boards are not required to adopt these standards. However, the state assessment program, which is one indicator used for school accreditation, is linked to these standards. Current and proposed State Board regulations require that districts offer certain programs in foreign language, human sexuality and Kansas history and government.

Q. What general standards for education are set by the state?

- A. Libraries, courses of study and curriculum, accreditation of elementary and secondary schools and certification of school personnel.

General standards

State Law: K.S.A. 72-7513 - "The State Board of Education shall adopt and maintain standards, criteria, guidelines or rules and regulations for the following: (1) school libraries and other educational materials with the exception of textbooks; (2) courses of study and curriculum; (3) accreditation of schools including elementary, secondary and junior colleges, public and private; and (4) certification of administrators, teachers, counselors, school nurses and supervisors of school districts and of the state department of education and of teachers and administrators of nonpublic schools."

Q. What specific curriculum standards are required by law?

- A. The State Board must develop standards for math, science, reading, writing and social studies.

Curriculum standards

State Law: K.S.A. 72-6439 - "The State Board of Education shall provide for assessments in the core academic areas of math, science, reading, writing, and social studies and shall establish curriculum standards for such core academic areas."

Q. Are local boards required to use these curriculum standards?

- A. No. Local boards are allowed to set their own curriculum, regardless of state standards.

Local curriculum authority

State Law: K.S.A. 72-6439 - "Nothing in this section shall be construed to in any manner so as to impinge upon any district's authority to determine its own curriculum."

State Law: K.S.A. 72-8205 - "The local board of education shall have authority to prescribe courses of study for each year of the school year of the school program and provide rules and regulations for teaching in the school district and general government thereof."

Q. Does the state require that certain courses be taught in school?

A. Yes. Certain academic subjects are required by state law.

Required subjects

State Law: K.S.A. 72-1101 - "Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with other subjects as the State Board shall determine. The State Board shall be responsible for the selection of subject matter within several fields of instruction and for its organization into courses of study and instruction for the guidance of teachers, principals, and superintendents."

Q. What does the state require students to pass or complete in order to graduate?

A. State law requires students pass a course in U.S. government. State Board of Education regulations require students to complete 21 units of credit; including credit in core academic subjects.

Graduation requirements

State Law: K.S.A. 72-1103 requires that students pass a course in the government of the United States to graduate from an accredited high school.

State Board Regulation: K.A.R. 91-31-12h requires that students complete 21 units of credit, including 4 units of language arts (at least 3 in English), 3 units of social studies (at least 1 unit of American history and 1/2 unit of American government), 2 units of science, 2 units of mathematics and 1 unit of physical education.

Q. May schools receive waivers from state curriculum requirements?

A. Yes, if the waivers are approved by the State Board of Education.

Curriculum waivers

State Board Regulation 91-31-30: Any school may request a waiver from one or more accreditation requirements imposed by the State Board. (Accreditation requirements include required courses and graduation requirements.)

Q. Does the state require districts to purchase certain textbooks?

A. No. State law allows local boards to select their own textbooks and study materials.

Textbook selection

State Law: K.S.A. 72-7513 - "The State Board of Education shall adopt and maintain standards, criteria, guidelines or rules and regulations for the school libraries and other educational materials with the exception of textbooks."

State Law: K.S.A. 72-8205 - "The local board of education shall have the authority to approve and adopt suitable textbooks and study materials to use therein subject to the plans, methods, rules and regulations formulated and recommended by the State Board of Education."

Q. Does state law require students to meet standards for admission to state universities?

A. Yes. A new set of admission standards for the six state universities under the control of the Board of Regents was enacted in 1996.

University admission

State Law: Under the new law, students will be required to qualify for admission by completing a college preparatory curriculum with a 2.0 grade point average, earn a score of 21 on the ACT or rank in the top third of the high school graduating class. Up to 10% of each freshman class may be admitted as exceptions without meeting this standard. Provisions are also made for transfer students and students over 21.

ASSESSMENTS

Overview: State law requires students to be tested at three different grade levels in five core academic areas. Currently, students are tested every year in math at grades 4, 7, and 10 and in reading at grades 3, 7, and 10. In even-numbered years, students are tested in writing at grades 5, 8 and 10. In odd-numbered years, students are tested in science at grades 5, 8 and 10 and social studies at grades 5, 8, and 11.

Q. Does the state have a mandatory student assessment program?

A. Yes. Students are tested in the core academic areas of math, science, reading, writing and social studies.

Mandatory assessments

State Law: K.S.A. 72-6439 - "The State Board of Education shall provide for assessments in the core academic areas of math, science, reading, writing, and social studies."

(K.S.A. 72-9404-requiring exams for assessing the attainment by pupils of the minimum competency objectives in basic skills, has not been repealed but is no longer in use.)

Q. Are students tested in every subject every year?

A. No. State law requires testing at three grade levels in each subject. It does not require annual testing. Currently, the math and reading tests are given every year at three grade levels. The writing test alternates with the science and social studies tests. These tests are administered in every public school and accredited private school to every child in that grade level unless a special education student's individual education plan does not support the testing.

Required testing levels

State Law: K.S.A. 72-6439-The State Board of Education assessments in the core curriculum areas shall be administered at three grade levels, as determined by the State Board.

Q. Are a school's student assessment results public information?

A. Yes. A school cannot release the results of individual students, but the local school board must receive a report on the testing program for assessing education performance of district students.

Assessment report

State Law: K.S.A. 72-8231 - "In each school year, the board of education of every school district shall cause to have prepared a report concerning the academic achievement testing program conducted during the school term to assess the educational performance of pupils enrolled in the school district."

Q. Are the state assessments linked to state curriculum standards?

- A. Yes. State law requires the State Board to ensure compatibility between state assessments and curriculum standards. This means that if a school's curriculum is substantially different from the state curriculum standards, that school's students may not do well on the assessment.

Standards and Assessment

State Law: K.S.A. 72-6439 - "The State Board shall ensure compatibility between the statewide assessments and the curriculum standards."

Q. Is there a waiver process for the state assessment program?

- A. There are no specific provisions to allow any school a waiver from the state assessment program. However, schools may seek waivers from any requirement of the school accreditation process.

ACCOUNTABILITY

Overview: Both state law and State Board accreditation regulations require collection and reporting of school performance information. This data is the basis of school accreditation.

Q. How is school performance measured?

- A. The State Board of Education has identified specific measurements which will be used for evaluating school performance.

Performance indicators

State Board Policy: Progress on goals for school accreditation will be measured by at least the following:

- Attendance, drop-out and graduation rates.
- Student scores on state-mandated assessments.
- Student scores on locally-determined assessments.
- Student mastery of algebraic concepts.
- Students enrolling in higher level courses.
- Incidents of crime and violence against students and school staff.

Q. Does the state require a state or building level report card?

- A. Yes. State law requires both state and building report cards be prepared. The law requires these reports contain performance information related to accreditation.

Performance Report Cards

State Law: K.S.A. 72-6439-On or before January 1, 1997, the State Board of Education shall prepare a public performance report card consisting of statewide aggregated data pertaining to performance on statewide assessments and other measurable performance indicators specified by the State Board as part of the accreditation system. The State Board shall also prepare a school building report card for each school building operated by a district and shall provide the board of each district with information showing statewide data and school building data.

Q. Is school accreditation based on achieving state goals or standards?

- A. The accreditation team is directed by State Board regulations to consider whether the school is demonstrating improvement toward meeting targets. Unless the school is achieving at a "Standard of Excellence," these targets must include areas required by the state.

Accreditation determination

State Board Regulation: 91-31-24 - The accreditation team shall examine the following in determining whether to recommend accreditation: (A) The school's annual reports; (B) school improvement data not included in the annual reports; (C) the first onsite visit report; (D) the school improvement plan; (E) data relating to continuous improvement of student performance in each area targeted for improvement; and (F) data relating to the school's performance on state outcomes not targeted for improvement.

Q. Is there a state level reward or incentive?

- A. The only reward or incentive is provided for receiving accreditation.

Public recognition

State Board Regulation: 91-31-27 - Rewards. (a) A letter of accreditation and press releases announcing a school's accredited status shall be sent by the State Board. (b) A school may be recognized in additional ways by the State Board.

Q. Is there a state level sanction for lack of performance?

- A. Lack of performance may lead to denial of accreditation. The only automatic sanction for loss of accreditation is public notification. The State Board may require the school or district to take other steps, such as reallocation of resources or receiving technical assistance. Other proposed sanctions would require legislative action.

Possible sanctions

State Board Regulation: 91-31-28 - Sanctions. (a) The following sanctions related to the failure to make progress, to maintain appropriate student performance levels, or to achieve accredited status shall be applied by the State Board: (1) A letter of notification identifying the lack of progress or maintenance documented on the annual report or (2) A letter of notification and press releases announcing conditional accreditation status or denial of accreditation status. (b) One or more of the following sanctions may be applied by the State Board to a school denied accreditation. (1) The State Board may direct that district personnel or resources be reassigned or reallocated within the district by the local board of education. (2) The State Board may direct that the local board of education hire one or more designated persons to assist the school in making the changes necessary to improve student performance. (3) The State Board may recommend to the Legislature that it approve a reduction in state funding to the local school district by an amount which shall be added to the local property tax imposed by the local board of education. (4) The State Board may recommend that the Legislature abolish or restructure the local district. (5) The State Board may recommend other action as deemed appropriate.

GOVERNANCE

Overview: Local elected school boards are given broad, enumerated powers to manage local schools. This includes the responsibility for all personnel and program decisions, except where laws and regulations impose mandates or restriction on the local board.

- Q. How much authority do local school boards have in operating public schools in their district?**
- A. Local boards only have powers and authority which are expressly provided by the Legislature through state law.

Board authority

State Law: K.S.A. 72-8205 (b) Except as otherwise provided in the unification acts, the board shall have and may exercise the same powers and authorities as were immediately prior to this act conferred uniformly upon boards of education in cities of the first class, and, in addition thereto, the powers and authority expressly conferred by law.

- Q. Does the board have the authority to make decisions about the academic program and governance of the district?**
- A. The board has the authority to prescribe the courses of study and rules and regulations for teaching and the general governance of the district, subject to the rules and regulations of the State Board of Education.

Courses, rule and regulations

State Law: K.S.A. 72-8205 (c) "The board shall have the authority to prescribe courses of study for each year of the school program and provide rules and regulations for teaching in the district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and recommendations formulated and recommended by the state board of education."

- Q. How is the board of education of each school district chosen?**
- A. With one exception, every school district has a seven-member board of education, chosen by the voters under an election method and voting plan authorized by law. Board members serve four year terms. (The exception is U.S.D. 207, Fort Leavenworth, which has a three-member board appointed by the commanding officer of the military base.)

Composition of school boards

State Law: K.S.A. 72-7901. "The governing body of a unified school district is and shall be a board of education composed of seven (7) members, except as specifically otherwise provided in K.S.A. 72-5333b. The members may be elected by any combination of method of election and voting plan authorized by law, and shall serve for a term of four (4) years."

Q. Does the state require any type of site-based council or management structure?

- A. Every public school is required to have a school site council. These councils do not have management authority, but are responsible for providing advice and council to the district in setting performance goals and determining methods to meet those goals.

School site councils

State Law: K.S.A. 72-6439 - "Every school in every district shall establish a school site council which shall be responsible for providing advice and counsel in evaluating state and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives."

Q. Who serves on the school site council?

- A. State law requires that each council include the principal and representatives of school personnel, parents, business and community members. It does not specify how these representatives are to be chosen, so the method of selection is determined by the school district.

Site council members

State Law: K.S.A. 72-6439 - "The council shall be composed of the principal and representatives of: Teachers and other school personnel, parents of pupils attending the school, the business community, and other community groups."

SCHOOL CHOICE

Overview: Kansas allows wide latitude for selection of public schools, but the decision on whether to accept a child from another district or allow choice within a district is determined by the local school board.

Q. Does the state allow open enrollment?

A. School boards are allowed, but not required, to accept students who reside in other districts.

Enrollment of nonresidents

State Law: K.S.A. 72-1046a "The board of education of any school district is hereby authorized to permit pupils who are not residents of a school district to enroll in and attend the schools in the district. The board of education may permit such pupils to attend school without charge or may charge such pupils for attendance at school to offset, totally or in part, the costs of providing such attendance. Non-resident pupils who are attending school in a district under the provisions of 72-8233 shall not be charged for attendance at school; however, the district of residence shall pay costs of providing for the attendance. Amounts received for attendance shall be deposited in the general fund of the school district."

State Law: K.S.A. 72-6757 - "The board of education in any school district may make and enter into contracts with the board of education of any receiving school district located within the state for the purpose of providing for the attendance of pupils at school in the receiving school district."

Q. Does state law allow charter schools?

A. Yes. State law provides for the establishment of charter schools.

Charter school creation

State Law: K.S.A. 72-1904 - "The board of education of any school district may authorize the establishment of a non-sectarian, outcomes-oriented educational program, hereinafter referred to as a charter school."

State Law: K.S.A. 72-1906 - "After the local board of education approved an application for a charter school, the State Board shall determine whether the charter school is in compliance with applicable state and federal laws and rules and regulations. If the charter school is found to be in compliance, the State Board shall approve the establishment of the charter school."

Number of charters permitted

State Law: K.S.A. 72-1905 - "The total number of charter schools operating in the state in any school year shall not exceed 15. No school district may operate more than two charter schools in any school year. The State Board of Education shall establish a procedure for effectuating the provisions of this section by providing the school districts with information concerning the number of charter schools currently being operated, the availability of an opportunity for establishment of a charter school due to discontinuance of a previously established charter school, and criteria for determining the order in which additional charter schools may be established."

Charter school funding

State Law: Funding for charter schools would be provided through the terms of the charter.

Q. Have any charter schools been approved?

A. No. In 1995, the attorney general opined that a key provision of the act is unconstitutional. However, over 20 districts have requested funding for charter school development under a new grant program.

Q. Does state law allow for private school vouchers?

A. No. In fact, the attorney general has opined that the Kansas Constitution would prohibit the use of state financed vouchers at private religious schools.

Sectarian education

State Constitution: Art. 6, Sec. 6 (c) - "No religious sect or sects shall control any part of the public educational funds."

Q. Does state law allow secondary students to dual enroll for postsecondary credit?

A. Yes. High school juniors and seniors may enroll in courses for both high school and college credit if approved by the principal and accepted by the postsecondary institution.

Concurrent enrollment

State Law: K.S.A. 72-11a01-11a05-Kansas Challenge to Secondary School Pupils - "Concurrent enrollment pupils means a pupil in the 11th or 12th grade who has demonstrated the ability to benefit from participation in the regular curricula of eligible postsecondary education institutions, has been authorized by the principal of the school attended to apply for enrollment at an eligible postsecondary education institution, and is accepted or has been accepted for enrollment at an eligible postsecondary education institution."

DEREGULATION

Overview: Generally speaking, there several ways a school can be exempted from certain regulations. First, the State Board may waive its own regulations. Second, the state's charter school act allows schools to apply to the State Board for waivers of both State Board regulations and state statutes. (A recent Attorney General's opinion has stated that this provision is unconstitutional because the State Board cannot waive statutes passed by the Legislature.) Third, districts may seek waivers for alternative educational programs.

Q. Are there ways schools can receive waivers from regulations?

- A. Schools may seek waivers from state regulations by establishing alternative schools, by asking for waivers of accreditation requirements, or by establishing charter schools. In each case, the State Board of Education must approve the waiver.

Alternative schools

State Law: K.S.A. 72-9201 - Alternative Schools. "The board of education of any school district may establish an alternative school or schools at any of the levels of grade seven or above to provide an educational alternative for students determined by such board of education to be unable to benefit from other schools of the school district. In the event the board of education determines that it is desirable to vary in some manner from the terms and conditions of a statute or the rules and regulations of the State Board of Education, such board of education shall make application to the State Board of Education for a complete or partial waiver of such statutory or rule and regulation requirement, and upon approval of such application, or amendment and approval thereof, the board of education shall be authorized to operate such alternative school under the terms and conditions of such waiver until such time as the waiver may be rescinded or modified by the State Board."

Accreditation waivers

State Board Regulation: K.A.R. 91-31-4 - "Schools that have special, exemplary or innovative programs that do not meet all accreditation requirements may, prior to the beginning of the school term, request approval from the State Board to conduct those programs."

Charter schools

State Law: K.S.A. 72-1906 - "If a charter school that has been approved for establishment has sought waiver from any school district policy, State Board of Education rules and regulation, or statutory requirements, the district board of education, if the board determines that such requests are meritorious, may grant waiver of district policy and request that the State Board of Education waive State Board rules and regulations or statutory requirements."

EDUCATION PERSONNEL

Overview: Although local schools have considerable authority to set curriculum, they are much more regulated when it comes to the personnel responsible for teaching that curriculum.

Q. Do elementary and secondary teachers have tenure rights?

- A. Yes. After three years of teaching in a public district, a teacher receives special due process rights, usually referred to as tenure. If a tenured teacher moves to another district, these rights are granted after two years. Such "tenured" teachers can only be fired for good cause.

Due process rights

State Law: K.S.A. 72-5445 provides due process rights to "(1) Teachers who have completed not less than three consecutive years of employment, and have been offered a fourth contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed; and (2) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of provision (1)."

Q. Have there been modifications in the teacher tenure law to allow the dismissal of tenured teachers for good cause or changes in the district's educational program?

- A. No. If a tenured teacher requests a hearing, an outside hearing officer decides whether the teacher should be removed. State law does not provide a list of reasons for dismissing a tenured teacher. The hearing officer's decision is binding. The school board may appeal that decision to the courts, but the court give deference to the hearing officer's decision, not the board's reason for action as the employer. The board must pay for the costs of the hearing.

Teacher due process

State Law: K.S.A. 72-5438 - If a public school board intends to not renew or terminate a tenured teacher, it must give written reasons and inform the teacher that a due process hearing may be provided. A hearing officer is selected by both the board and teacher striking names from a list of attorneys provided by the Commissioner of Education. (Or, both sides can agree to use the services of the American Arbitration Association.)

State Law: K.S.A. 72-5439 - The board must present its case before the hearing officer. Each party has the right to counsel and to call and cross examine witnesses.

State Law: K.S.A. 72-5441 - The board must pay all costs of the hearing, including costs of the hearing officer, of witnesses and of a court reporter, except that a transcript of the hearing is paid for by whichever party (if either) appeals the decision or requests a copy, and each side pays its own attorney fees.

State Law: K.S.A. 72-5443 - The decision of the hearing officer is final. The board may appeal the decision to district court, but the scope of appeal is limited.

Q. Does state law require school districts to employ only certified personnel for positions in which certification is available?

- A. State law prohibits districts from paying salaries to anyone who does not have a valid certificate if certification is provided for that position.

Certification required

State Law: K.S.A. 72-1390 - "It shall be unlawful for the board of education of any school district to issue an order for payment of the salary of any certificated employee who does not hold a certificate which is valid in the state of Kansas for the particular kind of work to be performed."

Q. Can persons with special knowledge and abilities receive a teaching certificate without formal teacher training?

- A. Yes. The State Board can issue a "Visiting Scholar" certificate. It is valid for only one year at a time.

Visiting scholar

State Board Regulation: K.A.R. 91-1-27d - "Notwithstanding any other requirement for certification, any person may be issued a visiting scholar certificate valid only through June 30 of the school year for which the certificate is issued."

Q. Has state law regarding teacher negotiations been amended as part of school improvement efforts?

- A. No. The Professional Negotiations Act does not contain any special provisions for school reform or improvement initiatives.

Professional negotiations

State Law: K.S.A. 72-5413 - Public school boards must comply with the Professional Negotiations Act. This act requires boards to bargain with "professional employee organizations" over (1) "terms and conditions of professional employment," including (but not limited to) salaries for regular and supplemental contracts and overtime pay; hours; leaves, vacation and holidays; retirement and insurance benefits; grievance and disciplinary procedures; resignations, termination and reemployment; evaluation procedures; and (2) privileges granted to the professional employees organization.

Mandatory bargaining

State Law: K.S.A. 72-5414 through 72-5421 - Public school boards must bargain with an "exclusive representative" if chosen by a majority of teachers and other professional (but not administrative) employees.

Notice for bargaining

State Law: K.S.A. 72-5423 - If a bargaining representative has been chosen by the teachers, the board (and teachers association) must file notices to bargain over new items or amend existing contracts by February 1.

Bargaining impasse

State Law: K.S.A. 72- 5427 - If the board and teachers association fail to reach agreement by June 1, the board must participate in mediation. If a mediator appointed by the Secretary of Human Resources cannot bring the parties to an agreement, both sides must prepare memoranda on issues at impasse.

Fact-finding

State Law: K.S.A. 72-5428 - If the parties cannot reach agreement following mediation, the board must participate in a fact-finding investigation. The fact-finder may conduct meetings and hold hearings to prepare a report and propose recommendations. The parties must meet at least once to consider the recommendations. The board may then offer unilateral contracts to employees, but not until the entire process has been completed.

Prohibited practices

State Law: K.S.A. 72-5430 - Public school boards (and teachers associations) are forbidden from engaging in a number of specific "prohibited practices." If the teachers association charges the board with such a practice, the board must respond to the charge at a special hearing, which may impose sanctions.

Q. Does the state require schools to provide professional development programs for teachers and other staff?

A. Yes, each school board must provide inservice education opportunities for its certificated employees.

Mandatory inservice

State Law: K.S.A. 72-9604 - "Each board shall establish and maintain an inservice education program for certificated personnel of the school district."

Q. Does the state provide financial support for professional development?

A. Yes. The Legislature annually appropriates money to assist local districts in funding inservice education programs.

Inservice education aid

State Law: K.S.A. 72-9608 - "In each school year, each school district which is maintaining an approved inservice education program shall be eligible to receive from state funds, within the limits of appropriations for inservice education, an amount to be determined by the state board on the basis of priorities established through a needs-assessment survey conducted by the state board.

Q. Are school districts allowed to contract for services?

A. Yes. School boards have the usual powers of a corporation to enter into contracts. State law specifically allows districts to contract with each other to provide education services.

Board contracting powers

State Law: K.S.A. 72-8201 - "Every unified school district shall possess the usual powers of a corporation for public purposes."

State law: K.S.A. 72-8230 authorizes districts to enter into interlocal agreements with other districts to provide education services.

TECHNOLOGY

Overview: Kansas does not currently have an educational technology plan or state grants or incentives for expansion of educational technology.

Q. Are there state mandated technology requirements or criteria?

A. No.

Q. Do local districts have authority to develop technology programs?

A. Yes. State law allows boards to establish technology education program.

Technology education

State Law: K.S.A. 72-3703-The board of education of any school district may develop, implement and maintain technology education programs and may acquire equipment necessary for those programs. There is hereby established in every school district a fund which shall be called the technology education fund which shall consist of all moneys deposited therein or transferred thereto in accordance with law.

Q. Is there state support for technology funding?

A. No. Funding for technology must come from a district's general budget, or from local capital outlay or bond and interest funding.