

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Representative Ralph Tanner at 9:00 a.m. on February 17, 2000 in Room 313-S of the Capitol.

All members were present except: A quorum was present

Committee staff present: Avis Swartzman, Revisor of Statutes
Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Renaë Jefferies, Revisor of Statutes
Linda Taylor, Committee Secretary

Conferees appearing before the committee: Mark Tallman, KASB
Mark Desetti, KNEA
Diane Gjerstaad, Wichita Public Schools
Julene Miller, Attorney General's Office
Dr. Larry Anderson
Tony Woolen
Craig Grant, KNEA
Representative Kent Glasscock

Others attending: See Attached List

Mark Tallman appeared before the committee with comments on **HB 2794 - State board of education, mastery of basic skills program, HB 2811- Kansas competency in basic skills program, and HB 2899 - Kansas pupils reading improvement program.** (Attachment 1) He stated that the KASB position on **HB 2794** is that, while they support the development of broad, basic curriculum standards by the State Board, they feel that local school boards should determine the specific curriculum, requirements, and assessments used in each district. On **HB 2811**, the KASB has concerns about unclear language in the bill and the implementation of unfunded mandates. The KASB supports **HB 2899** because it would target resources to those schools and students with the greatest need.

Mark Desetti of the KNEA appeared before the committee in opposition to **HB 2811 - National board for professional teaching standard certification incentive program.** He stated that KNEA has issues with the bill in the areas of alignment, cost and bias. He also stated that standardized testing is only one part of the complex system of student and school evaluation. (Attachment 2)

Diane Gjerstaad appeared before the committee to present materials from the Wichita Public Schools concerning addressing the needs of students in danger of not passing the benchmark assessments in reading, writing and math. (Attachment 3)

Hearings on **HB 2791 - Juvenile offenses at school** were opened.

Assistant Attorney General Julene Miller appeared before the committee as a proponent of **HB 2791.** (Attachment 4) She stated that this bill is a result of the Kids in Safe Schools Taskforce which was sponsored by the Attorney General's office; it would require psychological testing for students in possession of weapons at school. She requested that the committee pass the bill out favorably.

Dr. Larry Andersen, Chairperson of the Attorney General's Kids in Safe Schools Taskforce appeared before the committee as a proponent of **HB 2791.** (Attachment 5) He stated that when students are taken into custody for weapons violations at school, the assumption is made that the student will not return that day; unfortunately, this is not always the case. When those students do return to the school on the same day, it causes a great deal of concern for both students and parents. He feels that the bill would eliminate this problem and urges its passage.

Tony Woolen, President of the Kansas Association of School Resource Officers, appeared before the committee as a proponent of the **HB 2791**. (Attachment 6) He stated that this bill would at least provide a check for someone's emotional evaluation in cases of weapons possession at school.

Craig Grant, representing KNEA, appeared before the committee as a proponent of **HB 2791**. (Attachment 7) He stated that the KNEA supports the bill because they feel this is an excellent preventative measure to help ensure a safe school environment. KNEA does, however, have some concerns about who will pay for the evaluations and any inequities that could result from inability to pay.

Hearings on **HB 2791** were closed.

Hearings on **HB 2795 - Teaching technology act of 2000** were opened.

Representative Kent Glasscock appeared before the committee as a proponent of the bill. (Attachment 8) He stated that the main goal of this bill is to bolster teacher performance. He also stated that a teacher's ability to teach often plays a more important part in a child's education than class size or the level of the other students in the classroom. After his presentation, Representative Glasscock stood for questions.

Hearings on **HB 2795** were closed.

The next meeting is scheduled for February 18, 2000.

The meeting was adjourned at 10:45 a.m.

HOUSE COMMITTEE ON EDUCATION

GUEST LIST

DATE: February 17, 2000

NAME	REPRESENTING
Julienne Masica	AG office
Jlene Miller	AG
Tony Woollen	Leawood, KS PD
Don Rezac	MSD 321
Jacqueline	SE
Egan Jolley	KAFP- Dr 4 a Day
Rep Beasley	AG's office



TO: House Education Committee
FROM: Mark Tallman, Assistant Executive Director for Advocacy
DATE: February 16, 2000

RE: Testimony on Basic Skills, Social Promotion and Competency Testing

Summary of H.B. 2794 – Mastery of Basic Skills Program:

- Requires the State Board to “prescribe a Kansas mastery of basic skills program for each school district and set state standards and outcomes of mastery of reading, writing and mathematics by 2001 for kindergarten and each of the grade levels one through three.” (Sec. 2.a.1-2)
- Requires schools as part of Quality Performance Accreditation, to have a plan to certify that students in grades K-3 have met these standards. (Sec. 2.a.3)
- Prohibits the promotion to the next grade of students who fail to meet standards of the grade, except that a student may not be held back more than one grade. (Sec. 2.b-c)
- Requires each school develop a plan to assist students in grades K-3 in meeting these outcomes, including alternative education programs, summer school and after school instruction. (Sec. 3.a)
- Requires the State Board to develop a professional development sequence for primary grade teachers. (Sec. 3.b)
- Requires an individual improvement plan for any child not meeting mastery standards, and requires schools provide after school instruction and summer school. (Sec. 3.c-d)
- Exempts (1) special education students who are enrolled for nonacademic or non-vocational activities, (2) any student that the school and parents agree is not able to benefit from assessment or effectively participate in the program, and (3) any child at the age of fifth grade who has failed to meet standards “after making the best effort possible.” (Sec. 4)
- In each year in which a school achieves the standard of excellence on the Fourth Grade math assessment and Fifth Grade reading assessment, the school will receive \$10 for each child attending the school. The school site council will determine the use of the money. (Sec. 5)
- Beginning in 2006, the State Board must determine whether 95% of students in grades K-3 are mastering basic skills. If not, the State Board shall establish a statewide improvement plan to ensure that at least 95% of students meet basic skills outcomes and make the plan an integral part of the accreditation process. (Sec. 6)

KASB Position:

KASB has long shared the goal of raising achievement for all students. It led our association to support the development of an outcomes-based accreditation system since it was first proposed over ten years ago. We have consistently worked to keep the focus of Quality Performance Accreditation on the continuous improvement of student performance. We embrace the idea that all children can learn and that schools must be restructured to meet the needs of all students. The question is: does H.B. 2794 advance these goals?

First, the bill would require the State Board to develop “standards and outcomes of mastery of reading, writing and mathematics by 2001” for kindergarten through grade three, and would require schools to “certify” that students have met these standards as part of the QPA system.

House Education
2-17-00
Attachment 1

KASB supports the development of broad, basic curriculum standards by the State Board, but we believe that local school boards should determine the specific curriculum, requirements and assessments used in each district. It appears this bill would continue to leave these decisions with the local board. However, the does not specific exactly how the school would "certify" mastery, it would be up to the State Board to define what mastery means. Therefore, we do not know how many students would be affected by other provisions of the bill. The board could set standards to that 95% of students could currently meet, or that 5% of students could currently meet.

Next, the bill would prohibit the promotion of students who fail to meet standards to the next grade. KASB strongly opposes writing promotion standards for individual students into state law. There is considerable research that retention of students has no positive academic benefit. On the other hand, districts already have the ability to retain students who fail to meet standards if they choose. Furthermore, the bill allows schools and parents to exempt children from the provisions of the bill. If we trust teachers and parents to make decisions in the best interests students, we should not try to dictate how children are placed in class. In addition, this bill suggests that all students are placed in age-based grades, but schools are experimenting with different ways to group students to help more succeed.

Third, the bill requires schools to develop an individual improvement plan for any child not meeting outcomes, and specifically requires schools to offer summer school and afterschool programs. We commend the sponsors of the bill for recognizing that students experiencing academic difficulties require individualized attention and more instructional time. However, these requirements represent significant new mandates for districts with no identified source of additional funding. Educators already know many students need additional help. They need resources to provide that help.

With a student population of approximately 450,000, there are about 35,000 children at each of grades K-3. If 25% of those children do not meet state outcomes, districts would have to provide additional services to 35,000 students in grades K-3. Suppose an afterschool program placed five children with a teacher for an hour of instructional service each day. That would require 7,000 teachers. Paying \$15 per hour in salaries and employer expenses would require \$105,000 per day, or nearly \$20 million for 186 days. Serving a similar number of children in summer school at \$300 each would require over \$10 million.

While the costs of these programs might not be this high (some students are already being served in afterschool and summer school programs), we cannot estimate the cost without knowing how many students would be considered not meeting standards.

It should also be noted that schools currently cannot require students to attend summer school or afterschool programs. We believe the Legislature should give districts explicit authority to require students to attend extended day or year programs. At the same time we would stress that many educators would agree that a common reason for students falling behind their peers is chronic absenteeism. Since school have great difficulty enforcing attendance requirements now, it is hard to see how they can enforce additional time. This bill sets a goal of having 95% of student demonstrating basic skills. I suspect many schools would accept that challenge – if students attend classes 95% of the time.

Finally, we have a serious concern about the provisions of Section 5, which would provide \$10 per student for elementary schools that attain the Standard of Excellence in the state reading and math tests. A review of testing results shows that a very high number of buildings which currently reach those standards serve a low percentage of at-risk students. This provision would tend to reward school as much for the affluence of the families they serve than the academic progress they achieve for their students. We suggest that any incentive program should be tied to *improvement* in student performance, not reaching fixed benchmarks.

Summary of House Bill 2811 – Competency in Basic Skills Program:

- Directs the State Board to identify outcomes of competency in basic skills in reading, writing and mathematics, and to prepare and distribute examination that will be “a prerequisite to certification that the requirements necessary for grade level promotion or for graduation from high school have been satisfactorily completed. These requirements will begin in 2001-02. (Sec. 2)
- Require that each local school board to arrange for any student who does not demonstrate satisfactory progress towards competency a conference if the student, parents and teachers to prepare plan to improve the pupils progress. The student, parents and school must agree on the plan, which may include a restructured school day, additional school days, individualized instruction, restrictions on extracurricular activities and summer school. (Sec. 3)
- Requires that every student be given “numerous opportunities to demonstrate competency in the basic skills. (Sec. 3)
- Exempts (1) special education students who are enrolled for nonacademic or non-vocational activities, (2) any student that the school and parents agree is not able to benefit from assessment or effectively participate in the program, and (3) any student who has been retained at the same grade level one or more times, participated in the program and failed to demonstrate competency in the basic skills program after making the best effort possible. (Sec. 4)

Many of the concerns we have raised about H.B. 2794 would also apply to this bill. It proposes that students be required to pass competency tests in reading, writing and mathematics to move from grade to grade and to graduate. It is unclear whether the tests would be given each year, or if not, when tests would be given.

KASB supports having a statewide assessment program, as current law requires. It should be noted that the Legislature has often failed to fund the State Board’s requests for assessments due to cost, and that there has been considerable opposition by parents and teachers over the amount of testing students currently face. It appears this bill could dramatically expand testing requirements.

We strongly oppose require the use of single test to make decisions on student promotion and graduation. Any test that would be valid for these high stakes decision about a student academic career would be extremely expensive. Such a testing program would also tend to drive all districts toward a common state curriculum. Like the previous bill, H.B. 2811 seems to impose a strict prohibition on “social promotion” and require passing a test to graduate. But it then allows schools and parents to exempt any child from these requirements.

H.B. 2811 does not specifically require school districts to offer summer school and afterschool programs. But it does requires that local boards convene for each student who is not making satisfactory program a conference of student, parents and teachers to prepare an improvement plan that may include these additional programs. It also requires that each student be given “numerous opportunities” to demonstrate competencies, presumably by passing state examinations.

This requirement could result in even higher costs for additional services than the previous bill.

Summary of House Bill 2899 – Reading Improvement Program

- Creates the Kansas pupils reading improvement program to provide supplemental reading instruction pre-kindergarten through grade three and professional development opportunities for teachers. (Sec. 1)
- Requires the State Board provide grants to school districts and establishes criteria for awarding grants to schools with the greatest need. (Sec. 3)
- Specifies requirements for schools that seek grants for the program. (Sec. 4)
- Requires schools to create a reading committee and specifies the duties and membership of the committee. (Sec. 5)
- Specifies how a school may use the grant to improvement reading and reading instruction. (Sec. 6)
- Allows schools to use up to 50% of grants for teacher training. (Sec. 7)
- Requires that grants supplement, not supplant, federal, state and local funds. (Sec. 8)
- Requires that each pupil receives a diagnostic assessment in reading skills in grades K-3; and requires a reading improvement plan for each child found to be reading below grade level. (Sec. 9)
- Requires parental notification of reading needs. (Sec. 10)

KASB Position:

This bill was developed by the Kansas Learning First Alliance. KASB is member of the alliance and strongly supports it goals. If passed and funded, this bill would help accomplish many of the objectives of the previous bills. It would target resources to those schools and students with the greatest need. It would help train teachers in the most effective reading techniques of reading instruction. Because reading is the foundational skills for further learning, improving reading skills should strengthen instruction in other academic areas.

Conclusion:

Although we oppose legislation that would attempt to control local policies on curriculum, promotion and graduation, we believe that are several steps the Legislature can take to improve student achievement in basic skills.

First, the Legislature can encourage the State Board to improve the current assessment program and provide the necessary funding to adopt those improvements. A good example is the tenth grade math assessment, which covers subject matter that student may not have taken by tenth grade. State assessments could be one indicators districts use for promotion and graduation, but they should not be the only one.

Second, the Legislature should *allow* districts to require student attendance in summer school and afterschool programs, and provide resources to fund the additional costs of those programs. It should not mandate such programs unless the costs are fully covered.

Third, the Legislature should provide targeted resources for programs like the reading improvement grants and professional development. Unfortunately, the Governor's budget eliminates all funding for educational excellence grants, structured mentoring grants, and funds inservice or professional development aid far below the state formula. In addition, the decline in percentage of special education excess costs funded by the Governor will require the transfer of general fund dollars to make up the difference. This will make it extremely difficult to find funding to expand services to children who are not mastering basic skills.

Fourth, the Legislature could direct the State Board to develop statewide strategies for improving basic skill performance right now, rather than waiting to see if 95% of students are mastering basic skills by 2006.

Thank you for your consideration of these issues.



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

Mark Desetti Testimony
House Committee on Education
February 16, 2000

Mr. Chairman, members of the committee, I am Mark Desetti and I represent KNEA. I thank you for the opportunity to visit with you today on House Bill 2811.

House Bill 2811 would create a high-stakes assessment system similar to those in states like Texas. Under the provisions of this bill, no child could be promoted in grade or graduate from high school without passing a series of examinations created by the state. There are a number of reasons why we think this is poor policy for Kansas.

First is the issue of cost. Such a system would demand state examinations at every grade level. And given the use of the test – grade level promotion or high school graduation – new exams would have to be administered each year. It is also possible that, at the high school level, end of course tests would be necessary to ensure the student had achieved all that was required for graduation. This, too, is a great expense. Last year William Sanders spoke to this committee and, when asked about the cost of developing, administering, and scoring such a system, told the committee that it could be as high as ½ of 1% of per pupil expenditures per year.

Another issue is that of alignment. In order for a state test to be valid for issuance of a diploma or grade level promotion, there must be a full alignment between what is taught (the local curriculum) and what is assessed (the state assessment standards). In order to ensure the alignment, the local curriculum must be a match with the state assessment standards. This pushes curriculum decisions to the state level. In Texas, they use the Texas Essential Knowledge and Skills (TEKS) as a state curriculum that must be followed by every local school district.

A third issue is bias. States that institute high stakes testing programs face lawsuits over testing bias. Different groups perform differently on standardized tests. Research has been done on how people react to high-stakes tests and this has led to a de-

emphasis on test results by some universities, notably Berkeley. Their research in this area was the subject of a recent documentary on PBS.

Finally, if we determine grade level promotion or high school graduation on the basis of one test, what is the purpose of attending class? Should the honors student who fails the examination be denied a diploma? Should the student with failing grades who passes the examination be granted a diploma?

Standardized testing has a place in the educational system. It is used to influence curricular decisions, to evaluate the effectiveness of instructional programs, and to highlight areas that may need more emphasis. But it is only one piece of a complex system of student and school evaluation. It should never be the sole determinant of success or failure.

We urge you to recommend HB 2811 unfavorable for passage.

1999-2000 Interventions Plan

School: Washington Accelerated Elementary

Principal: Mary Ellen Isaac

Date: June 1, 1999

House Education
2-12-00
Attachment 3

The Board of Education has requested intervention plans from each site to address the needs of students that are in danger of not passing the benchmark assessments in reading, writing, and math. These plans should:

- Address changes in delivery of instruction, including strategies to address the needs of all students.
- Address how the strategies will be evaluated using frequent formative assessments so curriculum can be adjusted.
- Include staff development needed to support delivery of the interventions.
- Include parent involvement, both communication to and inclusion of parents should be addressed.
- Include increased costs over and above your current budget.

Type of Intervention

Mark areas addressed. All schools must address "Restructured Day."

Restructured Day Extended Day _____ Extended Year _____

Delivery of Instruction	Use of Formative Assessments	Staff Development	Parent Involvement/ Communication	Additional Costs
<p>Block Scheduling *90 minutes of concentrated reading instruction will be provided. Students will be grouped across grade levels based on need. The Success for All reading program will continue to be implemented. *60-75 minutes of concentrated math instruction will be provided. This instruction will move the students through the grade level standards as well as provide for individualized needs through MathWings and Power Math. *An Inclusion model will be utilized for ESOL and Special Education students. *The building schedule will be restructured to provide additional daily planning time to teaching teams for collaboration. *An additional half day of planning time will be provided to grade level teaching teams quarterly to further enhance collaboration. *Sunshine Clubs will be provided for students with tardy and attendance concerns. *Home visits will be made to selected students to ensure parent contact.</p>	<p>Students will take formative assessment every 8 weeks so students can be regrouped based on need and growth.</p> <p>Students will be given concept checks every two to three lessons to ensure adequate progress is made.</p> <p>*LAS scores will be utilized for ESOL students.</p>	<p>Staff Development will be provided by building Success for All facilitator as well as facilitators from Johns Hopkins.</p> <p>Building MathWings facilitator as well as facilitators from Johns Hopkins will provide staff development.</p> <p>ESOL teachers will share strategies through staff meetings and inservice.</p> <p>Grade level teams will receive inservice on assessment grading and teaching strategies from building facilitators and administrator.</p> <p>Parent Invol. will coach staff in making home visits.</p>	<p>Parents will receive monthly newsletters, quarterly progress reports and conferences three times per year.</p> <p>Parents will receive monthly newsletters, quarterly progress reports and conferences three times per year.</p> <p>*Parents receive phone calls daily on all unexcused absences. *Personnel contact through home visits.</p>	<p>\$11,500 for third year costs will be funded through building Title 1 funds.</p> <p>\$35,000 for second year costs will be funded through an Obey/Porter grant from the federal government.</p> <p>None</p> <p>\$2,475 will be needed to provide teacher subs to provide for the additional planning time. \$420 will be needed for Sunshine Club snacks. \$1575 will be needed to provide teacher subs so home visits can be made.</p>

Return to Sheril Logan or Ralph Teran, EMRC

By June 1 1999

1999-2000 Interventions Plan

School: Washington Accelerated Elementary

Principal: Mary Ellen Isaac

Date: June 1, 1999

The Board of Education has requested intervention plans from each site to address the needs of students that are in danger of not passing the benchmark assessments in reading, writing, and math. These plans should:

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- Include increased costs over and above your current budget.

Type of Intervention

Mark areas addressed. All schools must address "Restructured Day."

Restructured Day _____ Extended Day X Extended Year _____

Delivery of Instruction	Use of Formative Assessments	Staff Development	Parent Involvement/ Communication	Additional Costs
<p>Early Bird Club 40 minutes of concentrated instruction will be provided daily utilizing present technology available at the school (Jostens and Lightspan) to neighborhood students. This will occur between 8:00 and 8:40.</p> <p>Homework Camp To support daily homework accompanying our Success for All reading program and MathWings program, all students not completing homework will be assigned to Homework Camp. This service will be available on Tuesday, Wednesday, and Thursday evenings from 4:15-5:15. Note: The staff wanted to extend our day by beginning at 8:00, but were unable to do so due to bus service.</p>	<p>Computer generated assessments will be utilized to place students for instruction.</p> <p>Assessment is not appropriate for this service since students are simply being provided assistance to complete homework assigned by their teacher. Records will be kept regarding homework completion rates.</p>	<p>Title 1 Resource Teacher will provide staff development training to the Early Bird Staff.</p> <p>Collaborative team planning by the staff covering Homework Camp will provide the needed staff development for this component.</p>	<p>Monthly parent newsletters will inform parents of activities the students are completing.</p> <p>Parent permission forms to attend Homework Camp will be utilized.</p>	<p>Two teachers and one para will provide instruction to attending students. The cost will be \$18 per hour for an additional cost of \$2160. (Para funding will be from another source.) (45 weeks)</p> <p>Four teachers and two paras will provide instruction to attending students. The cost will be \$18 per hour for an additional cost of \$7776. (36 weeks)</p> <p>Transportation cost for ESOL students is needed at \$1944 for the year. It is critical that they have access to this service.</p>

B-2

The Board of Education has requested intervention plans from each site to address the needs of students that are in danger of not passing the benchmark assessments in reading, writing, and math. These plans should:

- Address changes in delivery of instruction, including strategies to address the needs of all students.
- Address how the strategies will be evaluated using frequent formative assessments so curriculum can be adjusted.
- Include staff development needed to support delivery of the interventions.
- Include parent involvement, both communication to and inclusion of parents should be addressed.
- Include increased costs over and above your current budget.

Type of Intervention

Mark areas addressed. All schools must address "Restructured Day."

Restructured Day _____ Extended Day _____ Extended Year X

Delivery of Instruction	Use of Formative Assessments	Staff Development	Parent Involvement/ Communication	Additional Costs
<p>Summer Intervention Sessions</p> <p>Block Scheduling</p> <ul style="list-style-type: none"> •80 minute concentrated reading instruction using the Marzano and Successful for All models. Students will be grouped across grade levels based on need. •80 minute concentrated math instruction using the Marzano and MathWings models. Students will be grouped across grade levels based on need. 	<p>Placement tests will be used to assess student needs in math and reading. The results of these assessments will be used to group students for instruction.</p> <p>Individualized Education Plans (GEST) will be completed to identify specific concerns, document interventions, and record results.</p> <p>Additional testing will be done at the conclusion of summer school to determine growth.</p>	<p>The district will provide staff development/ training for summer school staff.</p>	<p>The Parent Involvement Worker will be on site during summer school to assist with parent contacts through home visits, phone calls, and written communication.</p>	<p>The district will provide \$100 per student for those students not passing the benchmarks.</p> <p>Title 1 money will be used to pay for ESOL students and any other students who wish to attend.</p>

1999-2000 Interventions Plan

School: Hadley Middle School

Principal: Fred G. Lichtenfelt

Date: May 29, 1999

Board of Education has requested intervention plans from each site to address the needs of students that are in danger of not passing the benchmark assessments in reading, writing, and math. These plans should:

- Address changes in delivery of instruction, including strategies to address the needs of all students.
- Address how the strategies will be evaluated using frequent formative assessments so curriculum can be adjusted.
- Include staff development needed to support delivery of the interventions.
- Include parent involvement, both communication to and inclusion of parents should be addressed.
- Include increased costs over and above your current budget.

Type of Intervention

Mark areas addressed. All schools must address "Restructured Day."

Restructured Day Extended Day Extended Year

Delivery of Instruction	Use of Formative Assessments	Staff Development	Parent Involvement/ Communication	Additional Costs
Computer Lab, Computer Curriculum Corporation's Math and Reading Tutorials	Yes. At five-week intervals throughout the school year.	Update training for two staff members provided by "C.C.C." personnel.	Initial report during pre-enrollment in August of 1999.	\$12,946,50 For 189 day instructional paraprofessional.
Balavisix Lab (balance boards, bags and balls) for selected (lowest quartile) academic core team students, provided during consortium classes.	Yes. At nine-week intervals. Completion of rubric by August 24, 1999.	Selected staff training in June and August 1999. Staff training throughout 1999-2000 school year.	None during June, 1999. Parent newsletter in August, 1999.	Inservice Funded by Title VI-B Grant (\$3,100). Teacher Supplemental Level E. \$2,980, 1999-2000.
Tutoring and immersion classes in math and reading for all students at 2.0 grade levels below current grade placement.	Initial placement by combination of benchmark, MAT-7 and KS State Assessments.	Selected reading and math teacher/tutor inservice will be on-going in 1999-2000.	Use of selected parents as tutors. Reports each nine weeks to parents. Communication at time of initial placement.	No additional cost in personnel. Restructure of allocation, master schedule and school day.
Saturday school offered to all students who score below grade level placement. Two Saturdays per month throughout the year. Pupil-teacher ratio of 8-1.	Yes, At two-month or four session intervals throughout the school year.	None directly related to Saturday school program.	Communicated via personal letters and monthly school newsletter.	Anticipated cost will be \$3,150. Will attempt to fund through grants as we have the past two years.



State of Kansas

Office of the Attorney General

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**HOUSE COMMITTEE ON EDUCATION
ASSISTANT ATTORNEY GENERAL JULENE MILLER
TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2791
February 17, 2000**

Mr. Chairman, Members of the Committee, thank you for this opportunity to testify in support of House Bill No. 2791. As you probably recall, this is one of the legislative initiatives recommended by Attorney General Stovall's Kids in Safe Schools Task Force.

The Kids in Safe Schools Task Force was created for the purpose of exploring ways to keep Kansas children safe in school. The Task Force was formed in partnership with the Kansas Department of Education, the Kansas Association of School Boards, the United School Administrators, the Kansas National Education Association and the Kansas chapter of the Parent-Teacher Association and included representatives of these organizations, together with members of the Legislature, individuals representing law enforcement, emergency management, parents, the Governor's office and the Koch Crime Commission. One of the accomplishments of the Task Force was the development and distribution of a manual to assist school officials in addressing safety issues. This manual was sent to all school principals and superintendents in the State, and is available on the Internet. Another goal of the Task Force was passage of two pieces of legislation: One was House Concurrent Resolution No. 5018, passed last Session, urging implementation,

updating and practicing of school crisis plans; the other is before you today, the 72-hour hold provision. This Committee passed a version of this Bill last Session, but it did not get "above the line" on the House Calendar before time ran out.

House Bill No. 2791 would require psychological evaluations of juveniles who are taken into custody for bringing a weapon to school or to a school sponsored event in violation of K.S.A. 21-4201 or 21-4204(a)(5). Current law allows law enforcement officers to take juveniles into custody in several specific circumstances. House Bill No. 2791 would add to the list of circumstances those occasions when, upon receipt of a report under the Weapon Free Schools Act or the School Safety and Security Act that a juvenile has been found in possession of a weapon at school, the law enforcement agency makes a probable cause determination that the juvenile violated a weapons possession law. If a juvenile is taken into custody under this provision, a psychological evaluation is to be initiated immediately to determine whether the juvenile is a danger to self or others. Current law requires first appearance within 48 hours of being taken into custody. This Bill does not alter that requirement, but provides that if an evaluation cannot be completed prior to first appearance, the Court (assuming it confirms that probable cause exists) is to order additional detention, up to 72 hours including time already spent, for purposes of completing the evaluation. If the juvenile is found by the Court, with the benefit of the evaluation, not to be a danger, the juvenile may be released pending adjudication; if found to be a danger, the Court would then order further detention pending adjudication and could also order treatment or counseling. We do not believe these amendments would be found inconsistent with the Court's decision of *In Re Gault* because the juvenile's due process rights of notice and hearing are retained.

This Task Force believes this Bill is necessary to avoid a tragedy such as that which occurred in Oregon where a student who was suspended for bringing a weapon to school, but not taken into custody for that act, was able to return to school the next day and fatally shoot two people and wound several others. If legislation such as House Bill No. 2791 had been in place in Oregon at the time, the juvenile would not have been released back into the community immediately, instead would have had an opportunity for counseling or other assistance, would probably not be serving time now for the offenses he committed, and lives of the people he took may have been saved.

I respectfully request that you take favorable action on this Bill. Thank you for your consideration.

Testimony Regarding the Mandatory 72 Hour Hold For Juveniles Taking Into Custody On Weapons Charges.

Dr. Larry Andersen, Principal
Piper High School
Chairperson of the Attorney General's "Kids In Safe Schools" Taskforce.

Thank you for allowing me to present testimony to you today regarding the 72 hour mandatory hold. We obviously believe this bill has merit and can provide schools with assistance establishing safer school environments. During the past year and a half the Attorney General's Kids In Safe Schools taskforce has considered this an important item and asked that it be considered last year. Discussion about the 72-hour hold arose again last fall during the taskforce meetings. The taskforce considered evidence from states that currently have a statute similar to this and from discussions about what is really happening in schools today. Schools find themselves in an unenviable situation of having to provide an educational program and opportunity to everyone, regardless of what might be perceived to be not in the best interest for all. Schools can not randomly say, I take you, I do not take you. Nor can they arbitrarily remove students due to suspicion. Schools are tied to a significant number of statutes and regulations the majority of which are deemed to be in the best interest of students.

I would like to briefly address two issues related to the 72-hour mandatory hold bill. The first relates to students that are taken into custody and released. I have spoken to school administrators who have had students removed from school and taken into custody for possession of a weapon. That same day after the student was released to the custody of parents that student was seen in the vicinity of the school or even in some cases on school grounds. This is an obvious concern. A student has been removed for a potentially violent situation and yet is back in the area of the school, in some cases in less than two to three hours. When students are suspended from school for fighting the students are not allowed back at school until the suspension time has been completed. Schools have the authority to not allow students back in those cases, yet when students are taken away and no formal suspension or expulsion has taken

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place the school is placed in a difficult situation. Should it be the responsibility of the school to maintain a vigil to see that the student that was taken away for weapons possession does not return to the school, often on the same day? The need to promote educational issues takes a far back seat at this point to that of safety, yet most schools have little power or control of a student that has been released back to the parents. It should be obvious as to the concern expressed by school officials over having a student removed by law enforcement on weapons possession and then seeing that student back on campus or near school in less than two or three hours.

A second issue related to the mandatory holding is that of making a qualified decision by school personnel. School personnel are required to hold a manifestation hearing on special education students that receive short-term suspensions and before a long term suspension can be imposed. The purpose of a manifestation hearing is to determine if the behavior being exhibited by a child is related to the child's identified exceptionality. If it is determined that the behavior is the result of the exceptionality then the school must provide educational opportunities and in many cases must also provide alternative educational settings, and do it in the least restrictive environment. The problem in making appropriate decisions regarding a student who is displaying potentially violent behavior or extremely disruptive behavior is that schools often do not have qualified personnel to make professional decisions. Schools rely upon the professionals at hand, teachers, administrators, special education staff, and school psychologists. The thought of a school psychologist often conjures up images of psychiatric evaluations and mental reviews. This could not be further from the truth. Schools rely heavily upon the information obtained by schools psychologists, yet they are seldom-trained in behavioral exceptionalities. School psychologists are psychometricians, that is even their official title in the state of Oklahoma. They are trained in making decisions for academic placement and potential academic achievement based upon the results of IQ and other forms of mental, not behavioral, testing. A manifestation hearing often becomes confrontational between parents and school personnel. Parents expect and have a right to qualified professional evaluations before their child is placed in any setting. Yet a

child that displays violent behavior, is currently involved in receiving special education services and may bring a weapon to school is entitled a number of rights. The school is in a difficult position again to make judgements based upon data from school psychologist that are not behavior specialists. In all the violent incidences that have occurred across this country over the last couple of years, the same question has continually been asked by the media following each event, "How could the school have ignored the warning signs". The assumption being made is that schools have a significant amount of information available to them and they surely can spot potentially violent offenders. Surely the administrators knew this was kid about to blow, where with the school psychologists, why was the child not being tested, and on and on. Schools do not now have and there is not indication that they will in the future have the resources or qualified personnel available to make the "diagnosis" easily. The 72 hour mandatory hold and evaluation provides schools with valuable information made by qualified professionals regarding a students potential for violent behavior. The thought of an individual bringing a weapon to school, being taken into custody and not being given a thorough evaluation by qualified professionals not only puts the safety of others in the school and community in jeopardy, but fails to recognize that the student in custody needs is at a significant turning point in their life. Failing that person is just as wrong as failing the rest involved. School personnel rely upon advise from law enforcement and others to make appropriate decisions in establishing the safest environment possible, this bill only enhances and promotes a safer environment. I hope that this bill will be given just consideration. Violence in schools only reflects violence in society. Neither seems to be going away and we must look at every opportunity that comes our way to strengthen our ability to create a more secure climate for students, that is why I am here. Thank you again.



Kansas Association of School Resource Officers

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Thank you for allowing me the opportunity to speak to you today.

In Edinboro, Pennsylvania, a 14-year-old boy fatally shot a teacher and wounded two students at an eighth-grade dance. The suspect, an eighth-grade student had reportedly told students he planned to make the dance "memorable".

You have all heard of the tragic school shootings that have flashed across our television screens. These have occurred all too often. A student who was later found to be mentally unstable carried out the mentioned shooting. As research shows us, not one of the States that the shootings were carried out had a process in place to check the mental stability of their young people. But you may have noticed that in the before mentioned incident, students knew about the boy's plan to kill. People knew and did nothing. Why? The pressure these kids feel in today's world is immense. It is more important to keep their friends and say nothing than to be a snitch. Students are told that they should tell an adult if they know about an event like this, but they cannot.

A day after being expelled for bringing a gun to school, a freshman boy opened fire with a semi-automatic rifle in a high school cafeteria, killed one student and critically wounded seven others. A man and woman were later found dead at his rural home. (Springfield, Oregon May 21, 1998)

This boy brought a gun to school. He was allowed to leave the court system and go back into society. Why? No plan was in place to check this young man's mental well being. The proposal the Attorney General has placed in front of you gives, at least, a check for someone's emotional evaluation. An evaluation put into motion after a dangerous act has already been carried out. Something proactive before a tragedy occurs. I truly know I do not want to have a headline on CNN or in any other newflash, "Students in Leawood, Kansas Killed after Young Person Brings A Weapon to School and is released".



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

Craig Grant Testimony Before
House Education Committee
Thursday, February 17, 2000

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee about three bills under discussion today.

House Bill 2791 would require a 72-hour hold in a youth detention facility or until a psychological examination has been done on a child if he/she has been taken in custody for certain offenses. Kansas NEA supports the idea of having a psychological evaluation to determine if the child should be returned to the school setting. Our resolution on safe schools mentions this as a preventative measure to help ensure a safe environment. Our big concern is one of "who will pay?" If the state pays for the examination, then all will be treated equally; however, if the parent pays, poorer children will spend the entire 72 hours while the rich parents will schedule an evaluation immediately and the child will be released. Hopefully our concern can be dealt with before the passage of HB 2791.

Kansas NEA certainly supports HB 2795, which would require that teacher education programs insure that its graduates are trained to understand the latest technology and to utilize it in classroom teaching. These are already part of the NCATE standards for institutions of higher education and any teacher education program accredited by NCATE must already accomplish the intent of the bill.

Kansas NEA is not opposed to teachers being competent in the content area they are going to teach in school. HB 2800 deals with this issue. With the large number of waivers requested by schools for teachers teaching outside their areas of expertise, it is hard to imagine what we will do with the impending teacher shortage and this requirement. If HB 2798, the teacher warranty act passes next week, we see no need for this test as teacher education institutions will provide remediation in pedagogy or subject matter for graduates who are performing poorly. We think this should be a sufficient guarantee and we do not need to rely on one more "high-stakes" test.

We thank you for listening to our concerns about these issues.

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HOUSE OF REPRESENTATIVES
Testimony
On House Bills 2795, 2800, 2801
Submitted by
House Majority Leader Kent Glasscock
To the House Education Committee

Thank you, Mr. Chairman, Madam Vice Chair, for the opportunity to appear before you again this week – this time in support of three of the Glasscock-Tanner bills focused on teacher performance.

In the interest of time, Mr. Chairman, I have combined my testimony on HB 2795, HB 2800, and HB 2801. Each of these bills works to achieve a single goal – bolstering teacher quality.

Why focus on teachers? Research shows a teacher's ability to instruct well is more important than class size and the level of the other students in the classroom. Without even looking at research, I think parents automatically recognize that great teaching is the defining element in children's education. That instinct is correct – the director of the *Education Trust* states that “the difference between a good and a bad teacher can be a full level of achievement in a single school year.” It's clear those are no small stakes for our children.

The three bills before you today take steps to insure new teachers are more readily prepared for the classroom, and that seasoned teachers have incentives to further improve. HB 2795 calls for teacher education institutions to prepare their graduates to understand the latest in technology, and to utilize it in the classroom. The research that exists on classroom technology clearly shows it can be of great benefit to students – if it is utilized properly. Otherwise, it can actually be counterproductive. It's a reality of our world that technology has become almost as integral as the basic skills. We need to make sure our children become fluent with computers; but, we also need to make sure the way teachers use computers in Kansas classrooms doesn't slow children's learning.

HB 2800 strengthens the knowledge of 7th–12th grade teachers in the subject matter areas in which they teach. Beginning in 2003, the bill requires prospective teachers to pass a subject matter test in order to receive their teaching certificates. Subject matter tests would be required for each academic content area in which they would like to teach. The result is simple: history teachers would be tested on their knowledge of history, and science teachers on their background in science. There is no fiscal note for this bill. Like the certification test itself, the cost of the subject matter exam would be borne by the test-taker.

Finally, HB 2801 provides incentives for seasoned teachers to improve on their experience by becoming nationally board certified. The bill provides for nationally board certified teachers to receive a “master teacher” 10-year certificate and a \$1,000 bonus for each of the 10 years. Over four years, this is a \$270,000 cost, assuming that the state adds 80 new nationally board certified teachers in that time frame. The initial cost in FY 2001 is \$30,000. The Governor's budget recommendation covers this cost. Currently, Kansas has 30 national board certified teachers.

These bills take different – but significant approaches to improving teacher quality in the state. Kansas' children deserve great teaching. I think three critical steps to achieving this goal are strengthening teachers' ability to use technology, requiring subject matter exams, and providing financial incentives to reach a higher professional level.

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