

MINUTES OF THE HOUSE K-12 EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on March 15, 2001 in Room 313-S. of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research
Carolyn Rampey, Legislative Research
Avis Swartzman, Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Brilla Scott, United School Administrators of Kansas
Mark Tallman, Kansas Association of School Boards
Marceta Reilly, Kansas Learning First Alliance
Christy Levings, Kansas National Education Assoc.
Val DeFever, State Board of Education
Bill Frick, Shawnee Mission School District

HB 2546 - Establishing Kansas skills for success in school program.

The Chair referred to the balloon amendment of **HB 2546**, telling the Committee that it would become a substitute bill for the purpose of parliamentary procedure. (Attachment 1).

Instructions were given to the conferees that were to appear before the Committee.

Carolyn Rampey explained the changes to **HB 2546** noting the addition of a column for the fiscal impact that the bill would impart. (Attachment 2).

Presenting testimony in opposition to **HB 2546** were Brilla Scott, (Attachment 3); Mark Tallman, (Attachment 4); Marceta Reilly, (Attachment 5); Christy Levings, (Attachment 6); Val LeFever, (Attachment 7) and Bill Frick, (Attachment 8).

Questions were asked of the conferees by the Committee.

The meeting was adjourned at 11:00 a.m. The next meeting is scheduled for Friday, March 16, 2001.

HOUSE BILL No. 2546

By Committee on Appropriations

3-1

Date: 3/15/01

Attachment # 1-1

Proposed Amendment

To House Bill No. 2546

9 AN ACT establishing the Kansas skills for success in school program;
10 imposing certain duties on the state department of education and
11 school districts.

; concerning the legislative educational planning committee; making and
concerning appropriations for the fiscal years ending June 30, 2002, and
June 30, 2003, for the department of education; amending K.S.A. 46-1208a
and K.S.A. 2000 Supp. 72-6407 and repealing the existing sections

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) On or before October 31, 2001, the state department
15 of education, in consultation with the Kansas children's cabinet, the state
16 department of social and rehabilitation services, the state department of
17 health and environment, and other citizens knowledgeable about early
18 childhood education and children's health, shall determine a school read-
19 iness definition. ~~Based upon the definition of school readiness so deter-~~
20 ~~mined, the state department of education shall design a school readiness~~
21 ~~indicator for use with children upon entrance to kindergarten.~~

including community-based nonprofit groups

including indicators which help assess a child's school readiness

22 (b) On or before October 31, 2001, the state department of education
23 shall define a skill set for reading, for writing and for mathematics which
24 a child at the completion of third grade should be able to execute if the
25 child has mastered third grade level reading, writing and mathematics.
26 Such skill sets shall not be minimum level skills, but shall reflect grade
27 level proficiency.

The school readiness definition along with indicators will be used by the
legislature to assess the effectiveness of state funded preschool programs
in the preparation of children for kindergarten. All school districts will
implement locally developed kindergarten screening procedures based on the
school readiness definition under this section.

28 (c) The state department of education shall design a third grade ac-
29 complishment examination to be administered at the end of each school
30 year, beginning with the 2002-03 school year, to determine whether pu-
31 pils have achieved mastery of the reading, writing and mathematics skill
32 sets. The examination shall be administered to all third grade pupils upon
33 completion of the grade.

The state board of education will determine whether this accomplishment
examination is in addition to or in lieu of any other assessment.

34 (d) On or before October 31, 2001, the state department of education
35 shall set a goal that by 2010, not less than 90% of pupils exiting the third
36 grade have acquired the reading, writing and mathematics skill sets to be
37 determined on the basis of the results of the third grade accomplishment
38 examination. If the goal is not achieved, the state department of education
39 shall establish a new plan to meet the goal.

In each year, commencing in 2003, the state department of education shall
report its progress toward achieving the 2010 90% goal to the legislative
educational planning committee.

40 Sec. 2. (a) School districts shall construct a plan for identifying mark-
41 ers which indicate whether a child is progressing adequately toward ac-
42 quisition of the skill sets designed by the state department of education
43 and for diagnosing each child's skill level. The school district shall use

grade-level

reading, writing and mathematics

assessments or diagnostic reviews during kindergarten and each of the grades first, second and third to determine a child's level of performance. Each school district's plan shall embed the assessments or diagnostic reviews into the curriculum and implement a measure to check each child's progress during the fall or spring semesters or both such semesters. The school district shall establish a plan for providing each child needing assistance with locally determined interventions. The plan may include, but need not be limited to, a restructured school day, additional school days, summer school, individualized instruction and such other interventions as the school district may deem necessary. The plan shall not include a requirement for full-day kindergarten attendance. In addition to the foregoing, the plan providing for interventions shall include implementation of a first grade reading intervention that meets the following specifications: A research-based reading intervention method designed for first-graders with a proven track record of [a 75%] success [rate] with sustained learning over time using a short-term, one-on-one tutoring intervention from 12 to 20 weeks. The diagnostic reviews or assessments may be implemented in addition to current assessments or diagnostic reviews, or in lieu of current assessments or diagnostic reviews, as long as the district continues to meet quality performance accreditation requirements. School districts shall continue to implement the second grade reading diagnostic currently required by the state.

(b) When a child has been identified as needing assistance, the school district plan shall create a mechanism to track the child's interventions and progress. When a child has accomplished the district-determined level of accomplishment, no further tracking will be necessary unless the child falls behind in another grade. If the child does not accomplish the grade-level markers defined by the school district despite intervention, the child will be retained to repeat the grade. The school district will determine the measures by which the child's progress is measured.

Sec. 3. The state department of education shall pilot the third grade accomplishment examination in the spring of 2002. The school readiness indicator required by subsection (a) of section 1, and amendments thereto, shall be developed by the state department of education on or before August 1, 2002. The plans required by subsection (a) of section 2, and amendments thereto, shall be constructed by school districts on or before August 1, 2002. The statewide program shall begin in the 2002-03 school year. During the first year, each school district will administer the third grade examination to set the school's baseline.

Sec. 4. (a) There is hereby created the joint committee on education review which shall be within the legislative branch of state government and which shall be composed of five members of the senate and five members of the house of representatives.

and to target specialized intervention to bring the child up to grade level in reading, writing and mathematics

based on input from teachers and parents for the individual child

The district may require attendance at such interventions unless a parent in writing waives the child's attendance.

or, if the district currently has appropriate grade level markers, or offers appropriate diagnostic reviews or assessments, or tracking procedures for interventions, the district may continue to use such locally determined practices

when deemed necessary or intensive research based small group tutoring

No more than 10% of the first grade pupils across the state shall receive a first grade reading intervention grant pursuant to section 9 and amendments thereto.

If the district currently has appropriate grade level markers, or offers appropriate diagnostic reviews or assessments, or tracking procedures for interventions, the district may continue to use such locally determined practices.

in reading or writing or math, or any combination thereof,

there will be action taken in the best educational interest of the child to reach the grade-level markers. Such action may include, but is not limited to, other more intensive interventions or retention to repeat the grade

(c) Local school districts and schools, in developing and providing these educational interventions, shall consult with community-based and nonprofit organizations in developing, planning and implementing these services and interventions. Local school districts and schools are also encouraged to partner with and contract with these organizations for the provision of these interventions.

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1 ~~(b) The president of the senate shall appoint three senators and the~~
 2 ~~minority leader shall appoint two senators as members of the committee.~~
 3 (c) The speaker of the house of representatives shall appoint three
 4 representatives and the minority leader shall appoint two representatives
 5 as members of the committee.
 6 (d) Any vacancy in the membership of the joint committee on edu-
 7 cation review shall be filled by appointment in the manner prescribed by
 8 this section for the original appointment.
 9 (e) All members of the joint committee on education review shall
 10 serve for terms ending on the first day of the regular legislative session
 11 in odd-numbered years. The joint committee shall organize annually and
 12 elect a chairperson and vice-chairperson. If the chairperson is a senator,
 13 the vice-chairperson shall be a representative. If the chairperson is a rep-
 14 resentative, the vice-chairperson shall be a senator. The vice-chairperson
 15 shall exercise all of the powers of the chairperson in the absence of the
 16 chairperson. If a vacancy occurs in the office of chairperson or vice-chair-
 17 person, a member of the joint committee, who is a member of the same
 18 house as the member who vacated the office, shall be elected by the
 19 members of the joint committee to fill such vacancy. Within 30 days after
 20 the effective date of this act, the joint committee shall organize and elect
 21 a chairperson and a vice-chairperson in accordance with the provisions of
 22 this act.
 23 (f) A quorum of the joint committee on education review shall be six.
 24 All actions of the joint committee shall be by motion adopted by a majority
 25 of those present when there is a quorum.
 26 (g) The joint committee on education review may meet at any time
 27 and at any place within the state on the call of the chairperson, vice-
 28 chairperson and ranking minority member of the house of representatives
 29 when the chairperson is a representative or of the senate when the chair-
 30 person is a senator.
 31 (h) The provisions of the acts contained in article 12 of chapter 46 of
 32 the Kansas Statutes Annotated, and amendments thereto, applicable to
 33 special committees shall apply to the joint committee on education review
 34 to the extent that the same do not conflict with the specific provisions of
 35 this act applicable to the joint committee.
 36 (i) In accordance with K.S.A. 46-1204 and amendments thereto, the
 37 legislative coordinating council may provide for such professional services
 38 as may be requested by the joint committee on education review.
 39 (j) The joint committee on education review may introduce such leg-
 40 islation as it deems necessary in performing its functions.
 41 (k) In addition to other powers and duties authorized or prescribed
 42 by law or by the legislative coordinating council, the joint committee on
 43 education review shall

h-1

1 ~~[(1) Monitor and oversee the implementation of all legislation passed~~
 2 ~~during the preceding year concerning students who are enrolled in kin~~
 3 ~~dergarten through grade 10; and~~
 4 ~~(9) have the authority to review state-funded preschool and early~~
 5 ~~childhood development programs to see if such programs are reaching~~
 6 ~~or attaining the school readiness indicators.]~~

[see attached

7 Sec. 5. The state department of education shall report its progress
 8 toward implementation of the provisions of this act to the ~~Education re-~~
 9 ~~view~~ committee on November 1, 2001, with continuing annual reports
 10 and other reports as requested by the chairperson of the ~~Education review~~
 11 committee.

[Renumber sections accordingly

[legislative educational planning

12 Sec. 6. The state department of education, the Kansas children's cab-
 13 inet, the state department of social and rehabilitation services, the state
 14 department of health and environment, along with any other state agency
 15 or state-funded program which impacts early childhood development,
 16 must all report in their ~~fiscal year 2003~~ budget requests how ~~their~~ early
 17 childhood programs impact children from birth to entry into kindergarten
 18 according to the school readiness definition.

[state-funded

[the

[served by such programs

19 Sec. 7. This act shall take effect and be in force from and after its
 20 publication in the statute book.

[see attached

Sec. 4. K.S.A. 46-1208a is hereby amended to read as follows; 46-1208a. (a) ~~The legislative educational planning committee is hereby established and shall be composed of 15 members, six of whom shall be members of the house of representatives and five of whom shall be senators. At least five members of the committee shall be of the minority party, with at least two thereof from each house. Members of the legislative educational planning committee shall be appointed by the legislative coordinating council. The committee shall be permanent with membership changing from time to time as the legislative coordinating council shall determine, as follows: The chairperson, vice-chairperson and ranking minority member of the senate committee on education or their designees; the chairperson, vice-chairperson and ranking minority member of the senate committee on ways and means or their designees; the chairperson, vice-chairperson and ranking minority member of the house committee on education or their designees; the chairperson, vice-chairperson and ranking minority member of the house committee on higher education or their designees; and the chairperson, vice-chairperson and ranking minority member of the house committee on appropriations or their designees. The legislative coordinating council shall annually designate the chairperson, vice-chairperson and ranking minority member of the legislative educational planning committee from among the members of the committee.~~

(b) ~~The legislative educational planning committee shall be divided into three subcommittees as follows: (1) Subcommittee on early childhood; (2) subcommittee on kindergarten through 12th grade education; and (3) subcommittee on postsecondary education. Members of each subcommittee shall be designated by the chairperson, vice-chairperson and ranking minority member of the legislative educational planning committee. Three members from each subcommittee shall be members of the house of representatives and two members on each subcommittee shall be members of the senate. Two members of each subcommittee shall be minority party members as follows: One member of each subcommittee shall be a member of the minority party of the house of representatives and one member of each subcommittee shall be a member of the minority party of the senate. The chairperson of each subcommittee shall be selected by the chairperson of the legislative educational planning committee. The subcommittee shall meet at the request and upon the approval of the chairperson of the legislative educational planning committee.~~

~~(b) (c) The legislative educational planning committee shall plan for public and private postsecondary education in Kansas, including vocational and technical education; explore, study and make recommendations concerning all facets of education in Kansas relating to any age group; and review implementation of legislation relating to educational matters by the department of education. The committee shall annually make a report and recommendations to the legislature and the governor and may cause the same to be published separately from other documents which are required by law to be submitted to the legislative coordinating council. The reports and recommendations of the committee shall include a developmental schedule for implementation of educational goals established by the committee. The committee shall from time to time update such schedule as new or additional information is developed or refined.~~

~~(c) (d) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the legislative educational planning committee to the extent that the same do not conflict with the specific provisions of this act applicable to the committee.~~

~~(d) (e) Upon request of the legislative educational planning committee, the state board of regents and the state board of education shall provide consultants from the faculties and staffs of institutions and agencies under the respective control and jurisdiction thereof.~~

~~(e) (f) The legislative educational planning committee shall request the legislative post audit committee to direct the post auditor to conduct a performance audit of the preschool-aged at-risk pupil program to determine the efficacy of the program relative to the school readiness definition. The legislative educational planning committee shall make such request biennially, commencing in July 2004 and concluding in July 2008, and shall specify the objectives and scope and direct the details of the audit. In 2006 the legislative educational planning committee shall based on the audits and other information received make a recommendation to the legislature as to whether the funding should be maintained, enhanced or terminated.~~

~~(f) (g) The legislative educational planning committee shall meet upon the call of its chairperson. The legislative educational planning committee may introduce such legislation as it deems necessary in performing its functions.~~

On page 4, in line 11, after the period, by inserting the following:

Such annual reports shall include, but not be limited to, data relating to and supporting evaluations of all such goals, objectives and outcomes as specified in sections 1 through 3 and amendments thereto to the legislative educational planning committee on or before September 1, 2003, and September 1 of each ensuing fiscal year that the Kansas skills for success in schools program is in effect. The legislative educational planning committee shall prepare a report evaluating the goals, objectives and desired outcomes as specified in sections 1 through 3 and amendments thereto to the legislature on or before the first day of the 2004, 2006 and 2008 legislative sessions.

Sec. 7. K.S.A. 2000 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest 1/10) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as 1/2 pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least 5/6 time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest 1/10) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least 5/6 time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest 1/10) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education services, except special education services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education services for preschool-aged exceptional children provided for by the district shall be counted as 1/2 pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as 1/2 pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. For the 2001-02 school year, the state board shall select not more than 1,794 preschool-aged at-risk pupils to be counted in the 1999-2000 school year and not more than 2,230 3,974 preschool-aged at-risk pupils to be counted in any school year thereafter. The provisions of the foregoing sentence shall expire on June 30, 2002. For the 2002-03 school year, the state board shall select not more than 5,500 preschool-aged at-risk pupils to be counted.

(e) "Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding

the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (1) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (2) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (A) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (B) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (C) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, skills for success in school weighting, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2000 Supp. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 2000 Supp. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means any community juvenile corrections center or facility, the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, and St. Francis Center at Salina.

(o) "Skills for success in school weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in interventions under the Kansas skills for success in school program.

New Sec. 8. The skills for success in school weighting of each district shall be determined by the state board by dividing the number of hours of instruction provided as interventions under the Kansas skills for success in school program by 1,116. The quotient is the skills for success in school weighting of the district. For school year 2001-02, such weighting shall apply for extended learning summer school for third grade students across the state. For school year 2002-03 and thereafter, such weighting shall apply to interventions provided for under the Kansas skills for success in school act.

New Sec. 9. (a) The board of education of each school district may establish and maintain a first grade one-on-one reading intervention program and, commencing with the 2002-03 school year, may apply for a grant of state moneys for the purpose of providing grants for such programs.

(b) To be eligible to receive a grant of state moneys for maintenance of a first grade one-on-one reading intervention program, a board of education shall submit to the state board of education an application for a grant and a description of the program. The application and description shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of the program and the application is prerequisite to the award of a grant.

(c) Each board of education which is awarded a grant for first grade one-on-one reading intervention programs shall make such periodic and special reports to the state board of education as it may request.

New Sec. 10. (a) On or before January 1, 2002, the state board of education shall adopt rules and regulations for the administration of first grade one-on-one reading intervention grants and shall:

- (1) Establish standards and criteria for evaluating and approving first grade one-on-one reading intervention grants;
- (2) evaluate and approve first grade one-on-one reading intervention grants;
- (3) be responsible for awarding grants to school districts; and

(4) request of and receive from each school district which is awarded a grant for maintenance of a first grade one-on-one reading intervention program reports containing information with regard to the effectiveness of the program.

(b) Upon receipt of a grant of state moneys for maintenance of a first grade one-on-one reading intervention program, the amount of the grant shall be deposited in the general fund of the school district. Moneys deposited in the general fund of a school district under this subsection shall be considered reimbursements for the purpose of the school district finance and quality performance act.

New Sec. 11. The state board of education shall provide any board, upon request, with technical advice and assistance regarding the establishment and maintenance of a one-on-one first grade tutoring intervention program or an application for a grant of state moneys.

New Sec. 12. Within the limits of appropriations therefor, the state department of education shall provide for teacher training to implement the interventions authorized by this act.

Sec. 13.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)

| | |
|--|-----------|
| For the fiscal year ending June 30, 2003 | \$400,000 |
|--|-----------|

Provided, That expenditures shall be made by the department of education from the operating expenditures (including official hospitality) account for the purpose of implementing the third accomplishment examination: *Provided further*, That expenditures from this account for such purposes shall not exceed \$400,000.

General state aid first grade one-on-one reading intervention

| | |
|--|-------------|
| For the fiscal year ending June 30, 2003 | \$8,500,000 |
|--|-------------|

General state aid kindergarten extended learning

| | |
|--|-------------|
| For the fiscal year ending June 30, 2003 | \$2,650,950 |
|--|-------------|

General state aid first grade extended learning

| | |
|--|-------------|
| For the fiscal year ending June 30, 2003 | \$2,209,037 |
|--|-------------|

General state aid second grade extended learning

| | |
|--|-------------|
| For the fiscal year ending June 30, 2003 | \$2,306,738 |
|--|-------------|

(b) There is appropriated for the above agency from the children's initiatives fund for the fiscal year or years specified, the following:

General state aid four-year-old-at-risk

| | |
|--|-------------|
| For the fiscal year ending June 30, 2002 | \$3,000,000 |
|--|-------------|

| | |
|--|-------------|
| For the fiscal year ending June 30, 2003 | \$3,500,000 |
|--|-------------|

Operating expenditures (including official hospitality)

| | |
|--|-------------|
| For the fiscal year ending June 30, 2002 | \$2,000,000 |
|--|-------------|

Provided, That expenditures shall be made by the department of education from the children's initiatives fund – operating expenditures (including official hospitality) account for the

purpose of development of skill sets, development and piloting of the third accomplishment examination, and teacher training for interventions: *Provided further*, That expenditures from this account for such purposes shall not exceed \$2,000,000.

General state aid extended learning summer school

For the fiscal year ending June 30, 2002 \$2,500,000

Provided, That all expenditures from the extended learning summer school account of the children's initiatives fund shall be for extended learning summer school programs for third grade pupils across the state: *Provided further*, That such funds shall be provided for not to exceed 25% of third grade students across the state.

General state aid third grade extended learning

For the fiscal year ending June 30, 2003 \$2,306,738

Sec. 14. K.S.A. 46-1208a and K.S.A. 2000 Supp. 72-6407 are hereby repealed.

HB 2546—Kansas Skills for Success in School Program

| Level | Event | Who is Responsible | Fiscal Impact |
|--------------------------|--|--|--|
| Entrance to Kindergarten | Upon entrance to kindergarten, students will be assessed for readiness to learn, based upon a "school readiness indicator." | The State Department of Education will determine a "school readiness definition" and will design the "school readiness indicator" for use by the Legislature in assessing the effectiveness of state-funded preschool programs in preparing children for kindergarten. This will be done in consultation with the Kansas Children's Cabinet, SRS, the State Department of Health and Environment, and other citizens knowledgeable about childhood education and children's health, including community-based nonprofit groups. School districts would have to implement kindergarten screening procedures based on the school readiness definition. | \$75,000 for the State Department to design the "school readiness indicator," by August 1, 2002. |
| | In FY 2002, four-year-old at-risk program would be increased by 1,308 children over the Governor's recommendation (total 3,974). | | \$3.0 million to expand the four-year-old at-risk program above the Governor's recommendation for FY 2002. |
| | In FY 2003, the limit would be increased to 5,500 children, which is estimated to fully meet need. | | \$3.5 million additional to fully fund four-year-old at-risk program in FY 2003 (5,500 children). |

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| Level | Event | Who is Responsible | Fiscal Impact |
|--------------|--|--|--|
| Kindergarten | Children will be evaluated to determine progress being made to acquire grade level proficiency and to diagnose skill level. Evaluations will be on the basis of assessments or diagnostic reviews built into the curriculum. Progress will be measured during the fall or spring semesters, or both. | School districts must construct a plan for grade-level "identifying markers" used to measure a student's progress. Reading, writing, and mathematics "skill sets" that students must acquire by completion of the third grade will be developed by the State Department of Education. School districts may select the assessments or diagnostic reviews that will be used, which could be in addition to, or in lieu of, current assessments or diagnostic reviews, or could be assessments currently in use as long as the district meets QPA requirements. | \$22,500 for the State Department to develop skill sets for reading, writing, and mathematics, by October 31, 2001. |
| | "Interventions" must be provided children who need help. The intervention plan could include a restructured school day, additional days, summer school, or individualized instruction. (Full-day kindergarten shall not be required.) The attendance of a child at an intervention may be required by a district, but the parents of a child could waive the attendance. | The purpose of the assessment would be to target specialized intervention to bring the child up to grade level in reading, writing, and mathematics. School districts are responsible for establishing a plan to assist children who need help and for determining the interventions, based on input from each child's parents and teachers. In developing interventions, school districts must consult and are encouraged to partner with community-based and nonprofit organizations in providing services and interventions. | \$2,650,950 for school districts to implement extended learning time, by August 1, 2002. Funding would be provided via a weight in the school finance formula. |
| | A mechanism must be created to track the progress and interventions of a child who needs assistance until the child accomplishes grade-level markers. A child who does not accomplish grade-level markers, in spite of intervention, will be subject to measures taken in the child's best interest, including more intensive intervention or retention to repeat the grade. | School districts must create mechanisms to track the interventions and progress of students who need assistance. School districts also must determine levels of accomplishment for each grade and the ways student progress will be measured. | |

2-3

| Level | Event | Who is Responsible | Fiscal Impact |
|--------------|--|---|--|
| First Grade | Same as for kindergarten, except: Interventions provided by districts for students who need help must include a first grade reading intervention that is a research-based method designed for first graders that has a proven success rate and features sustained learning over time using a short-term, one-on-one tutoring intervention when considered necessary or intensive research-based small group tutoring. | The first grade reading intervention must be selected and implemented by school districts. | <p>\$8,500,000 for school districts to implement reading intervention, by August 1, 2002. Funding would be provided through a new grant program that would pay for reading programs for up to 10 percent of the first graders in the state.</p> <p>\$750,000 for the State Department to provide teacher training programs to school districts</p> <p>\$2,209,037 for school districts to implement extended learning time, by August 1, 2002.</p> |
| Second Grade | Same as for kindergarten, except: School districts must continue to use the second grade reading diagnostic as part of assessment of student progress. | The second grade reading diagnostic is required by the state, but school districts may select the assessment they will use. | \$2,306,738 for school districts to implement extended learning time, by August 1, 2002. |
| Third Grade | Same as for kindergarten, except: Beginning in 2002-03 school year, the third grade accomplishment examination will be given to all third grade pupils at the end of the school year. | The State Department must develop the third grade accomplishment examination and pilot the examination in the spring of 2002. The State Board of Education would determine whether the third grade accomplishment examination would be in addition to or in lieu of any other assessment. | <p>\$800,000 for the State Department to design and pilot the third grade accomplishment examination, by spring of 2002.</p> <p>\$400,000 estimated to administer test thereafter.</p> <p>\$2,500,000 for extended learning in FY 2002 for third grade students who attend summer school.</p> |

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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March 15, 2001

To: Ad Hoc Committee on K-3 Initiatives
From: Carolyn Rampey, Principal Analyst
Re: Fiscal Impact of HB 2546—Kansas Skills for Success in School Program

FY 2002

- \$22,500—State Department of Education to define skill sets for third grade reading, writing, and mathematics—Children's Initiatives Fund
- \$800,000—State Department of Education to design and pilot a third grade accomplishment examination to be administered each school year—Children's Initiatives Fund
- \$75,000—State Department of Education to develop a school readiness indicator to use with children upon entrance to kindergarten—Children's Initiatives Fund
- \$750,000—State Department of Education to provide programs to train teachers for implementation of intensive first grade reading program—Children's Initiatives Fund
- \$3.0 million—Expansion of the four-year-old at-risk program by 1,308 children over the Governor's recommendation (total of 3,974 children)—Children's Initiatives Fund
- \$2,500,000—Funding for summer school programs for third graders who need interventions—Children's Initiatives Fund

| | | |
|--------|--------------------|-------------------------------|
| Total: | \$1,647,500 | State Department of Education |
| | \$5,500,000 | School Districts |
| | <u>\$7,147,500</u> | Grand Total FY 2002 |

FY 2003

- \$400,000—State Department to administer third grade accomplishment examination state grants—State General Fund
- \$8,500,000—for first grade one-on-one reading intervention. Calculated on basis of state grants being given to 10 percent of students needing assistance—3,400 students

2-4

divided by 16 (students per teacher) equals 212.5 additional teachers @ \$40,000 per teacher—State General Fund

- \$3.5 million—full funding of four-year-old at-risk program (additional 1,526 children for a total of 5,500)—Children's Initiatives Fund
- \$2,650,950—School district cost for extended learning time for kindergarten students. Calculated on basis of 25 percent of students needing assistance—8,500 students x 90 hours of additional instruction converted to additional FTE in school finance formula—State General Fund
- \$2,209,037—School district cost for extended learning time for first graders (writing and math only)—State General Fund
- \$2,306,738—School district cost for extended learning time for second graders—Calculated on basis of 25 percent of students needing assistance—8,500 students x 90 hours of additional instruction converted to additional FTE in school finance formula, reduced by 12.5 percent because of impact of first grade intensive reading program—State General Fund
- \$2,306,738—School district cost for extended learning time for third graders—Calculated on basis of 25 percent of students needing assistance—8,500 students x 90 hours of additional instruction converted to additional FTE in school finance formula, reduced by 12.5 percent because of impact of first grade intensive reading program—Children's Initiatives Fund

| | | |
|--------|---------------------|-------------------------------|
| Total: | \$ 400,000 | State Department of Education |
| | <u>\$21,473,463</u> | School Districts |
| | \$21,873,463 | Grand Total FY 2003 |

| | Financing | | Two-Year Total |
|-----------------------------|--------------------|---------------------|---------------------|
| | FY 2002 | FY 2003 | |
| Children's Initiatives Fund | \$7,147,500 | \$5,806,738 | \$12,954,238 |
| State General Fund | 0 | 16,066,725 | 16,066,725 |
| Total | <u>\$7,147,500</u> | <u>\$21,873,463</u> | <u>\$29,020,963</u> |

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HOUSE BILL NO. 2546

Kansas Skills for Success in School Program

TIMELINE

| Date | Must Be Accomplished |
|-----------------------|---|
| July 1, 2001 | Legislative Educational Planning Committee is expanded to 15 members and will consist of three subcommittees: the Subcommittee on Early Childhood, the Subcommittee on K-12 Education, and the Subcommittee on Postsecondary Education. |
| By October 31, 2001 | State Department of Education must determine a "school readiness definition." |
| By October 31, 2001 | State Department must define a skill set for reading, writing, and mathematics which children should be able to execute upon completion of the third grade. |
| By October 31, 2001 | State Department must set goal that, by 2010, at least 90 percent of the pupils exiting the third grade have acquired reading, writing, and mathematics skill sets, as determined on the basis of the third grade accomplishment examination. |
| On November 1, 2001 | State Department must report progress toward implementation of the act, including programs that receive funding under the act, to the Legislative Educational Planning Committee. The Legislative Educational Planning Committee shall make a report on the act to the 2004, 2006, and 2008 Legislatures. |
| By August 1, 2002 | State Department must develop a "school readiness indicator" for use with children upon entrance to kindergarten. |
| By August 1, 2002 | School districts must construct a plan for identifying markers to indicate whether a child is progressing adequately toward acquisition of the skill sets and for diagnosing each child's skill level. |
| By August 1, 2002 | School districts must have plans for providing each child needing assistance with locally-determined interventions, including an intensive first grade reading intervention. |
| Spring semester, 2002 | State Department must pilot the third grade accomplishment examination. |
| 2002-03 school year | Statewide program begins. |

| Date | Must Be Accomplished |
|---------------------------------|---|
| 2002-03 school year | Third grade accomplishment examination must be given statewide to determine whether pupils have mastered reading, writing, and mathematics skill sets. Examination will be administered each year to all third grade pupils upon completion of the grade. The examination given in school year 2002-03 will set the school's baseline. |
| FY 2003 and thereafter | State Department of Education, Kansas Children's Cabinet, SRS, State Department of Health and Environment, and any other state agency or state-funded program which impacts early childhood development must report in their budget requests how state-funded early childhood programs impact the children served by such programs from birth to entry into kindergarten, according to the school readiness definition. |
| Each year beginning in 2003 | State Department of Education shall report its progress toward achieving 90 percent goal by 2010 to the Legislative Educational Planning Committee. |
| In July of 2004, 2006, and 2008 | Legislative Educational Planning Committee shall request Legislative Post Audit Committee to conduct performance audit of preschool-aged at-risk program. In 2006, the Legislative Educational Planning Committee shall make a recommendation as to whether program should be maintained, enhanced, or terminated, based on audit reports and other information. |
| By 2010 | The goal that at least 90 percent of pupils exiting the third grade must acquire reading, writing, and mathematics skill sets, as determined on the basis of the third grade accomplishment examination must be attained. If the goal is not attained, the State Department must develop a new plan for attainment of the goal. |

HOUSE BILL NO. 2456**Reconstitution of the Legislative Educational Planning Committee**

The existing Legislative Educational Planning Committee (LEPC) would be expanded and given new duties. The Committee's current statutory charge pertains to postsecondary education only.

Composition

- Fifteen members (current number is 11), consisting of six Senators and nine Representatives, as follows:
 - Chair, vice-chair, and ranking minority member of Senate Education Committee, or their designees
 - Chair, vice-chair, and ranking minority member of Senate Ways and Means Committee, or their designees
 - Chair, vice-chair, and ranking minority member of House Education Committee, or their designees
 - Chair, vice-chair, and ranking minority member of House Higher Education Committee, or their designees
 - Chair, vice-chair, and ranking minority member of House Appropriations Committee, or their designees

The Legislative Coordinating Council shall annually designate the chair, vice-chair, and ranking minority member of the Committee.

The Committee shall be divided into the following subcommittees:

- Early Childhood
- Kindergarten through 12th Grade Education
- Postsecondary Education

Subcommittee members would be appointed by the chair, vice-chair, and ranking minority member of the LEPC. Each subcommittee would consist of

three members of the House and two members of the Senate. Two members of each subcommittee would be minority party members—one from the House and one from the Senate. The chair of the LEPC would appoint the chairs of the subcommittees. Subcommittee members would meet at the request and upon the approval of the chair of the LEPC.

Duties of the LEPC

- Plan for public and private postsecondary education in Kansas, including vocational and technical education (existing charge)
- Explore, study, and make recommendations concerning all facets of education in Kansas relating to any age group
- Review implementation of legislation relating to educational matters by the Department of Education
- Receive annual reports from the State Department on progress toward implementation of the act, including information about programs that receive funding under the act. Committee must make report on State Department's progress in achieving goals, objectives, and outcomes of the act to the 2004, 2006, and 2008 legislative sessions.
- Receive annual report from the State Department beginning in 2003 on progress toward achieving the year 2010 90 percent goal.
- Request the Legislative Post Audit Committee to direct the Legislative Post Auditor to conduct a performance audit of the preschool-aged at-risk program in July of 2004, 2006, and 2008. In 2006, the LEPC shall make a recommendation as to whether the program should be maintained, enhanced, or terminated, based on the audit reports and other information.

Brilla Highfill Scott
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M. Katharine Weickert
Director of
Administrator Services
usak01@ink.org

Don Knowles
Professional Development
Coordinator



Kansas Association of
Elementary
School Principals
(KAESP)

Kansas Association of
Middle School
Administrators
(KAMSA)

Kansas Association of
School Administrators
(KASA)

Kansas Association of
School Business
Officials
(KASBO)

Kansas Association for
Supervision and
Curriculum Development
(KASCD)

Kansas Association of
Special Education
Administrators
(KASEA)

Kansas Association of
Secondary School
Principals
(KASSP)

Kansas Council of
Vocational
Administrators
(KCVA)

Kansas School
Public Relations
Association
(KanSPRA)

HB 2546: Kansas Skills for Success

Testimony presented before the House Education Committee

by
Brilla Highfill Scott, Executive Director
United School Administrators of Kansas

March 15, 2001

Mister Chairman and Members of the House Education Committee:

Since 1992 and the advent of the Quality Performance Accreditation process, Kansas educators and the Kansas State Department of Education have diligently worked at improving student achievement and responding to the accountability portion of the plan.

United School Administrators of Kansas supports the legislative committee's call for accountability and believes that interventions are a critical piece in the future success of our customer, the student.

We understand the importance of quality early childhood programs and ask the committee to consider helping us find the resources to provide these much needed programs.

The Kansas State Department of Education is in the process of developing a definition of school readiness and expects to have it completed by this fall – many Kansas school districts have used a readiness scale for a number of years.

We are disappointed that all-day kindergarten attendance is excluded from the intervention portion of the bill. Our association will continue to oppose the "community-based nonprofit group" requirement until we have a clear definition of this term.

As members of our association read the proposed bill, it was apparent that we have failed to communicate to this legislative body what schools in Kansas are presently doing to meet the school reform efforts of recent years.

Programs are already in place to address curriculum standards, to assess student progress and to set goals for achievement. To impose additional indicators and testing requirements would needlessly complicate the process.

House Education Committee

Date: 3/15/01

Attachment # 3-1

We do not need more testing ... we assess mathematics and science at grade four, reading and writing at grade five, and social studies at grade six. Our teachers know what the "essential skills" are, and we need resources to provide the necessary interventions. Funds need to be available for inservice opportunities so that teachers can develop strategies necessary to meet the diverse needs in their classrooms.

Teachers across Kansas helped develop the assessments and believe that third grade is too early to assess writing. Overwhelmingly their recommendation suggests a fifth grade assessment.

If mathematics were assessed at the third grade, only three mathematical functions (adding, subtracting, and multiplying) could be included because division is typically taught at the fourth grade level. A local reading diagnostic test is given at the beginning of the second grade to assist the teacher in determining student needs.

Kansas teachers and administrators know what needs to be done. They need your support in providing resources necessary for implementing intensive reading interventions, providing low pupil-teacher ratios, and supporting literacy efforts.



TO: House Committee on Education
FROM: Mark Tallman
DATE: March 14, 2001

RE: **Testimony on H.B. 2546 – Kansas Skills for Success Bill**

Mr. Chairman, Members of the Committee:

At the time of writing, KASB has not yet seen a copy of the complete proposed amendment that we understand will be offered to H.B. 2546. Therefore, we cannot form a position on the totality of the bill, and hope we can reserve the right to comment on the entire package when it is available. I have attached an analysis of the bill as introduced. At this point, I would like to offer some comments on the bill with the draft amendments we have seen at this point.

First, I want to stress the KASB has adopted policy positions in support of a statewide student assessment program, as long as it has the primary purpose of assisting students. We support an outcomes-based, student performance-centered accreditation system. We support consequences for schools, including school personnel, which fail to demonstrate continuous improvement. We support efforts to simplify the quality performance accreditation system to reduce paperwork and make it more focused on student outcomes. We oppose the use of any single indicator of student performance to make either accreditation decisions or for student promotion or graduation. Put simply, we believe the state should assess and certify *school* performance and the school districts should assess and certify *student* performance.

Second, we believe that schools already conduct the type of assessments addressed in H.B. 2546. Most educators already know which students are not “on grade level,” and which students need intervention. Yet we know that significant numbers of students are not performing up to standards. The problem, however, is not a lack of assessments or state mandates.

While there certainly may be isolated cases of educators and even school boards that are not doing their job, they are a distinct minority, and frankly this bill does not address that issue at all. The problem is that the current school system was never designed to address the needs of all students and has never had the resources to do so. Consider two school districts. Blue Valley has approximately 16,000 students and 2% are low income. On the fourth grade math assessment – the test closest to the idea presented in this bill – 4% of Blue Valley students scored “unsatisfactory.” Kansas City has approximately 20,000 students, and nearly 68% are low income. On the fourth grade math assessment, 59% scored unsatisfactory.

If H.B. 2546 is passed, we can reasonably assume that between 25% and 35% of students will be identified as “below grade level.” But this percentage will vary greatly from school to school and district to district, and those districts with the highest percentage of low income students will have the highest percentage of students who need additional interventions.

House Education Comm
Date: 3/15/01
Attachment # 4-1

With those points in mind, let me offer the following comments on the bill and proposed amendments.

- We have no objection to the development of a school readiness indicator, but if such an indicator is developed by the state, we will expect and advocate that the state will fund early childhood interventions of students who lack readiness.
- We have serious concerns about testing reading, writing and math in a single assessment at a single grade level, and even more concerns about whether this will result in additional state testing. The proposed amendment leaves that issue up to the State Board.
- We do not understand why full-day kindergarten is specifically excluded from the list of interventions when there is mounting evidence of its academic importance. We assume the reason is cost. We respectfully ask why the state wants to test for school readiness if it is not prepared to financially face the consequences of that test.
- We believe school districts should be able to require attendance in extended school day, week or year programs if the student needs that time to reach grade level outcomes. Allowing parents to waive this attendance completely undercuts this objective, and does not need to be in the bill.
- The amendment requires input from teachers and parents in developing mandatory interventions. Does this mean an "IEP" process for each child? Is parental approval required? What if the parent does not attend the planning process? This will be a significant additional requirement on teacher and administrators: up to 25% to 35% of students in grades K-3.
- The amendment says the state will only pay for "one-on-one tutoring intervention" for 10% of first graders, no matter what the need. Does this mean schools must fund any additional costs? If so, this will not only be an unfunded mandate, it will be greater unfunded mandate on schools with the greatest percentage of disadvantaged children and the greatest school-wide need.
- The amendment says action may be taken in the best interest of the child to reach grade-level markers. Does that mean the school may override a parent's objections to repeat a grade? Does this contradict the earlier language on parental waivers for interventions?
- We support local community collaboration, but we oppose language that requires school districts to collaborate with community-based and nonprofit organizations. Local school boards are elected leaders of the community and should determine how districts work with community groups.
- Finally, and most important, we have not seen the funding elements of this plan. Without funding, we cannot support any new state mandates in this area. In addition, we would like to see the committee's plan for overall education funding in FY 2002 and 2003. Quite frankly, if this plan is funded but support for the base or special education is reduced or offset by new spending on this plan, school districts are no better off.

Thank you for your consideration.

Kansas Skills for Success Bill – Subcommittee Report to House Education Committee

Analysis by the Kansas Association of School Boards

| <i>Subcommittee Recommendations</i> | <i>Comments and Concerns</i> |
|--|---|
| <ul style="list-style-type: none"> By Oct. 31, 2001, the State Department of Education, in conjunction with the Kansas Children’s Cabinet, the Departments of Social and Rehabilitational Services and Health and Environment and other early childhood education experts are directed to develop a definition of school readiness. The Education Department will then design a “school readiness indicator” for use with children upon entrance to kindergarten. | <p>We have no objection to the development of a readiness indicator that would help identify children who will need extra help upon beginning school. But identifying need without the ability to provide assistance doesn’t solve the problem. Any child who does not meet readiness indicators should automatically qualify for at-risk preschool and/or all day kindergarten with full state funding.</p> |
| <ul style="list-style-type: none"> By October 31, 2001, the Department of Education shall define “skill sets” for reading, writing and mathematics that students should have mastered by the completion of third grade, based on “grade level proficiency.” | <p>This provision should be made consistent with current statutory language regarding state academic standards and testing.</p> |
| <ul style="list-style-type: none"> The Department of Education shall design a third grade accomplishment examination, beginning with the 2002-03 school year, to determine whether students have achieved mastery of reading, writing and math. | <p>We question whether a third grade test should be added when students are currently tested at fourth grade in math and fifth grade in reading and writing. If a third grade test is given, it should replace those tests.</p> |
| <ul style="list-style-type: none"> The State Board is required to set a goal that by 2010, 90% of pupils exiting third grade will have acquired mastery of these skills. If the goal is not achieved, the Department of Education will establish a new plan to meet the goal. | <p>Any goal for student achievement must recognize that schools cannot teach children who are not in school. A 90% mastery goal should be based on students who have attended at least 90% of class time each year. School districts should also be given authority to require attendance in extended day, week or year programs if students are not making satisfactory academic progress.</p> |
| <ul style="list-style-type: none"> School districts will be required to “construct identifying markers which indicate whether a child is making progress toward the acquisition of the skills sets.” In effect, each district will be required to use local assessments for every child at least annually from kindergarten through third grade to determine whether a child is “on track” to master grade level skills by the end of third grade. | <p>We believe schools are already providing regular assessments of student progress, not only through standardized tests but classroom and teacher evaluations. The bill does not specify what additional requirements might be imposed under this provision. For example, would the district “plan” have to be reviewed and approved by the State Board? Schools are already required to have school improvement plans under QPA. Would this requirement add to paperwork and reporting?</p> |
| <ul style="list-style-type: none"> School districts will be required to “establish a plan for providing each child needing assistance with locally determined interventions.” These interventions may include, but need not be limited to, restructured school days, additional school days, summer school and individualized instruction. In addition, the interventions must include the implementation of “first-grade reading intervention that is research based and has a proven 75% success rate and is characterized by sustained learning over time using a short-term, one-on-one tutoring intervention from 12 to 20 weeks.” | <p>This is the key provision of the bill, because it would require, in effect, an individual plan for each child not “on grade level,” and create entitlement for services. There is, however, no provision for funding these interventions. Without knowing what the standard for “progressing adequately” would be, it is impossible to estimate the cost. However, it would certainly open the district up to liability for any child that failed to pass the third grade accomplishment examination because the parents could charge that the local interventions were inadequate. It is also critical to remember that these costs will not fall equally on all school districts. Current state assessments make it clear that lower income students, many minority students, students with disabilities and students with limited English skills are much more likely to require assistance. Districts with higher concentrations of these students would have much higher costs to serve these students.</p> |

| | |
|---|--|
| <ul style="list-style-type: none"> Diagnostic reviews or assessments may be implemented in addition to or in lieu of current assessments or reviews as long as the school continues to meet QPA requirements. Districts must continue to implement the second grade reading diagnostic currently required by the State Board. | |
| <ul style="list-style-type: none"> Districts will be required to track the progress of any child identified as needing assistance. If a child does not accomplish "grade level markers" despite interventions, the child must be retained to repeat the grade. The district will determine the measures by which a child's progress is measured. | <p>KASB opposes state mandates on student promotion. This is a controversial area with highly debatable research results. The decision is best left to local policy and the consultation of teachers, parents and administrators. It is inappropriate and inconsistent to say that school districts cannot be trusted to make the right decision on student promotion, but allow districts to determine to the measures of student progress.</p> |
| <ul style="list-style-type: none"> The third grade accomplishment examination is to be piloted in the Spring of 2002. The school readiness indicator is to be developed by Aug. 1, 2002. District plans must be developed by Aug. 1, 2002. | |
| <ul style="list-style-type: none"> Any state agency or state-funded program which impacts early childhood development must report in their FY 2003 budget requests how their programs impact children from birth to entry into kindergarten according to the school readiness definition. | |
| <ul style="list-style-type: none"> A new standing legislative committee would be created to oversee school district performance on basic skills. | |

The positive aspect of this bill is that it recognizes the need to identify and intervene with students who are not meeting academic outcomes at a young age. The negative aspect is that it creates a massive new unfunded mandate.

If the House Education Committee is serious about providing interventions to help all students succeed, this bill must, at a minimum, include the following provisions:

First, any child who does not meet the school readiness indicators at the beginning of kindergarten should be allowed to attend preschool or an all day kindergarten program and be fully counted as such in the school finance formula for that district.

Second, any child who is determined to be not making progress toward state grade level standards, as measured by local indicators required by this bill, should be allowed or required to attend summer school as determined by the local intervention plan, and be counted for school finance under the State Board's proposal for an extended school year.

Third, any child who is determined to be not making progress toward state grade level standards, as measured by local indicators required by this bill, should be counted under the at-risk weighting under the school finance formula, and the at-risk weighting should be set at a significantly higher level.



Kansas Learning First Alliance

Kansas Learning First Alliance: Committed to making Kansas first in the nation in teaching and learning

Kansas Learning First Alliance Members:

Kansas Association for Colleges of Teacher Education

Kansas Association of Elementary School Principals

Kansas Association for Middle School Administrators

Kansas School Public Relations Association

Kansas Association for Gifted, Talented, & Creative

Kansas Association of School Administrators

Kansas Association of School Boards

Kansas Association of School Business Officials

Kansas Association for Supervision and Curriculum Development

Kansas Association of Special Education Administrators

Kansas Association of Secondary School Principals

Kansas Commission - Teaching and America's Future

Kansas Council of Vocational Administrators

Kansas North Central Association-Commission on Schools

Kansas National Education Association

Kansas Congress of Parents and Teachers

Kansas Reading Association

Kansas Staff Development Council

Kansas State Department of Education

United School Administrators of Kansas

March 15, 2001

Testimony from the Kansas Learning First Alliance
Marceta Reilly, Chairperson

RE: HB 2546

Our alliance, representing 20 educational professional organizations in the state, wishes to say that we believe we already KNOW what to do to get children reading on grade level.

What we NEED is support and more resources to do it!

For instance, support and resources for:

- full day kindergarten
- public preschool
- intensive reading interventions
- low pupil-teacher ratios in the early elementary grades
- community involvement in literacy efforts

Our organization is asking the Kansas Legislature to

- Provide funding for professional development initiatives that increase the knowledge and skills of all teachers to improve student reading skills;
- Provide funding for improvement grants for schools with large numbers of low performing students; and
- Provide funding for a statewide initiative to train parents and daycare providers in teaching literacy skills to young children.

What we do NOT NEED is more testing, especially high stakes testing of very young children. The 2nd grade diagnostic test WITH FOLLOW-UP is sufficient to hold schools accountable.

House Education Committee

Date: 3/15/01

Attachment # 5



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Christy Levings Testimony
House Education Committee
March 15, 2001

Thank you Mr. Chairman, my name is Christy Levings. I am an elementary school teacher on leave from the Olathe Public Schools while serving as KNEA Vice President. I rise in opposition to House Bill 2546 and would like to take this opportunity to present our concerns.

While we support the development of a school readiness definition as called for in HB 2546, we are concerned about the lack of K-12 practitioners on the team to develop this definition. We believe that a readiness definition must be developed by a comprehensive team that will bridge the line between preschool services and K-12 education. That can only be done when we assure that the State Department of Education consults not only with those providing and supporting preschool programs but K-12 practitioners as well.

House Bill 2546 micro manages local school boards going so far as to direct them not to utilize at least one very effective intervention for children who are not ready for school. This bill mandates that a school district **must not** choose full day kindergarten as an intervention. Why is full-day kindergarten not an appropriate intervention for students who show a low readiness for kindergarten? Why does the legislature demand a readiness indicator and then strip school districts of the authority to use one of the best options for assisting children who are not ready for school? Full-day kindergarten is nothing more than an extended day opportunity when children could most use it. HB 2546 recommends that schools include extended day opportunities in their interventions, yet it also prohibits schools from requiring a full-day kindergarten experience.

Is it appropriate for our state to pride itself on "local control" and then have the legislature mandate specific intervention strategies, mandate that local boards consult with specific organizations, and mandate additional assessments.

House Bill 2546 is an unfunded mandate. This legislature for a number of years has bemoaned the fact that the United States Congress mandated special education services but has never appropriated the money they promised back in 1976. Last year, you sent a resolution to the

House Education Committee

Date: 3/15/01

Attachment # 6-1

Kansas delegation urging them to push for full funding of IDEA. They are now paying about 12% of costs – still a great deal short of their 40% promise.

Yet with HB 2546, you are mandating special interventions for children and recommending that school districts include a restructured school day, additional school days, summer school and individualized instruction. You even require a first grade reading intervention that has one-on-one tutoring or small group tutoring. The only funding provided is enough to cover up to 10% of first graders across the state to receive one-on-one tutoring. No money for small group tutoring, no money for additional school days, no money for summer school. The program does not look dissimilar from the federal special education mandate.

Adding additional mandates for specialized services simply stretches resources farther than they can go. What would you have schools give up when they transfer funds to this mandate? As has been pointed out by the Governor's Task Force and the Governor himself, schools have not had an increase that met inflation since 1992. This body has not embraced funding increases that meet inflation for next year. And in HB 2546, you are asking schools to do more with fewer real dollars, just like the U.S. Congress has done year after year with special education.

Finally, House Bill 2546 is a solution in search of a problem. In its attempt to address a problem that does not exist, it is an example of legislation by anecdote. Some people claim to know a high school graduate who can't read her diploma. Others have heard about a school that might not evaluate kindergartners. And so we paint all schools according to these anecdotes and seek a solution to this "crisis."

The facts tell us something different. The results of recent state assessments – assessments which were legislatively mandated – indicate that on the fifth-grade reading assessment the mean score is 87%. Of those fifth-grade students, only 10.4% score in the "unsatisfactory" category. That sounds remarkably close to the 2010 goal of this bill. Kansas public school students are reading and reading well. This is not to say that some children are not achieving at grade level, but an approach which micro-manages the schools from this chamber while ignoring the issue of resources does nothing to help those children.

We ask you to consider what it is you are trying to do with this legislation. You have heard testimony this year from early childhood and reading teachers who have described for you the ways in which they have used the second-grade diagnostic test to target interventions and bring children up to grade level standards. Schools throughout the state are using the data from

the diagnostic assessment to address the needs of students. Many schools are using follow-up assessments and finding that they have achieved as much as 97% of students on grade level. You may recall that Teacher of the Year team member, Renita Ubel, reported to you that 100% of Ottawa second-graders were now on grade level.

Schools are using the second-grade diagnostic test to target interventions to children who need help and finding great success in bringing those children up to standards. What more would you have them do and what purpose does another grade level assessment serve?

We also ask you to consider what you want to know after the administration of this new third-grade “accomplishment assessment.” Rich, useful data on primary grade students is not available through a paper and pencil, multiple choice assessment. The second-grade diagnostic test, which does provide rich data, takes about 45 minutes per student to administer. How much time are you willing to take away from instruction in the third grade to administer three such assessments? Diagnostic assessments in reading, mathematics and writing could take up to two hours and 15 minutes per student. In a classroom of 20 students, you have just eliminated 45 hours of classroom instruction. If, however, you’re willing to accept whatever data you can gather from a standardized paper and pencil test for eight-year-olds, you can save that instructional time, but you will sacrifice useful assessment data.

Fundamentally, Kansas schools are already working hard to meet the needs of students who are behind in the primary grades. The second-grade diagnostic assessment has allowed teachers and school administrators to target students, implement interventions, and bring many more students up to standards. There is simply no need for HB 2546.

We urge this committee to support schools in what they are already doing, find ways to fund the interventions our schools would like to implement, and reject the imposition of unfunded mandates and micro management.



CURRENT SCHOOL-BASED ACCOUNTABILITY REQUIREMENTS

Schools are currently held accountable in a number of ways to satisfy requirements set forth by Quality Performance Accreditation, Individuals with Disabilities Education Act (IDEA), Title I, vocational programs, and locally-imposed improvement initiatives. These activities include, but are not limited to:

- Each district administers 14 separate assessments required through Quality Performance Accreditation and state law, including State Assessments in reading, mathematics, writing, science, and social studies. Also included are performance assessments in the above-mentioned curricular areas. In addition, local assessments are required for Quality Performance Accreditation for each of the three areas targeted for improvement. A second grade reading diagnostic is also required.
- Each school measures progress for Quality Performance Accreditation on improving attendance rate, improving graduation rate, reducing dropouts, reducing violent acts, and improving the number of students passing advanced courses in mathematics and science, as well as on performance on state assessments and on areas targeted for improvement.
- Each school is required to develop and implement a schoolwide improvement plan for Quality Performance Accreditation. This plan must include a results-based staff development plan to build teacher skills.
- Each district must develop a professional development plan for awarding points for teacher relicensure.
- Each school must develop, for Quality Performance Accreditation, an individual student improvement plan for students performing at the unsatisfactory level on state assessments.
- Each school must develop an individual education plan (IEP) or a Section 504 plan for each student identified as having disabilities or being gifted.
- Each school must develop a local consolidated plan to satisfy requirements of Title I and seven other state or federal programs. This plan includes requirements that assessments identical to or similar to those for Quality Performance Accreditation are administered by the school.
- Schools that receive Title I funds and do not meet the adequate yearly progress requirements must develop school improvement plans intended to lead to making the progress required.
- Each school receiving state vocational funding must meet program approval requirements.
- Each school receiving federal Carl D. Perkins funds must meet the accountability requirements established by the federally-approved state plan.
- All of the aforementioned also have annual reporting and are subject to onsite review to assure that state and federal requirements are being met.

March 13, 2001
Kansas State Board of Education
Response to House Bill No. 2546

For the past 10 years educational efforts in Kansas have been focused on achievement and accountability. The State Board of Education believes that students learn best when high standards are set and appropriate interventions are provided to assist in attaining those standards. Research has shown us that students who have access to quality early childhood programs, are afforded extended learning opportunities when needed, have the benefit of competent and qualified teachers in the classroom, and are in an environment dedicated to achievement will attain even the most rigorous standards.

The Board's belief in these concepts is reflected in its budget priorities. Included in the Board's most recent budget proposal was increased funding to make early childhood programs available to more families, funding for all-day kindergarten to ensure all Kansas students can begin school on an equal footing, and funding for extended learning time for students who are not meeting standards. The Board also recommended incentives for schools that met the standard of excellence on state assessments or showed significant improvement, and for teachers who attained National Board certification.

As a Board, we have recognized the importance of establishing curriculum standards, rigorous assessment of student progress in relation to those standards and setting goals for achievement. Programs are already in place to address these areas and we believe it would be harmful to those established efforts to impose additional indicators and testing requirements. The already-established curriculum standards are, in our view, sufficient in outlining "essential skills" for students. We also believe there is already sufficient state testing at the elementary level, with reading and writing assessed at grade five, mathematics at grade four, science at grade four, and social studies at grade six.

Further, we believe that third grade is too early for assessing writing and that assessing mathematics at the third grade would mean not including all four of the functions of adding, subtracting, multiplying, and dividing in a state test, since division is typically not taught until fourth grade. Reading was assessed at the third grade for several years. When the curriculum standards were revised in 1998, school faculty comprising the curriculum writing committee were adamant about moving the initial state-wide test to fifth grade and the State Board of Education adopted the recommendations of the committee. The local second-grade diagnostic test, given at the beginning of second grade, was required at that time in order to provide diagnostic assistance to the local faculty and to provide some informal measure of student learning in reading.

Aside from our belief that adequate testing already exists at the elementary level, we also have a concern that requirements of the federal Individuals with Disabilities

Education Act (IDEA) would make additional testing extremely time consuming and costly. IDEA requires that all students must participate in all state and district assessments. For those few who may be unable to participate in the regular assessment (for example, those students with severe and/or multiple disabilities) the state must develop appropriate alternate assessments that address the same standards. In Kansas, this has resulted in the development of assessment with modifications and an alternate assessment. Such assessments would also have to be developed for each subject area if new testing were required.

The State Board is appreciative of the interest in developing a school readiness definition and indicators. In fact, work is already underway to accomplish that task through the collaborative efforts of the State Department of Education, various other state agencies, higher education institutions, teachers and private agencies. A final version of a school readiness definition, with measurable indicators, is expected to be complete by this fall.

Just as the need for a school readiness definition is being met, we believe the need to track student interventions and progress is also being met by local schools. As part of that process, schools have always had the option to retain students based on decisions involving school personnel and parents. We believe retention decisions need to remain at the local level, driven by local board of education policy. In addition to other concerns with a state retention policy, we believe such a policy could conflict with the provisions of IDEA and a student's individualized educational program (IEP). An IEP for students with disabilities must determine student goals, the measurement of progress toward them, and the appropriate supports and services needed to achieve the goals. Clearly, using a state retention policy could conflict with those provisions.

Finally, the Board is always available to make reports, and have KSDE staff make reports, to any committees designated by the Legislature, including the Legislative Educational Planning Committee. Our only concern would be that the responsibilities of those committees not infringe upon the constitutionally-designated responsibilities of the State Board.

House Bill No. 2546
Speaking in Opposition to the House Bill:
Mr. William Frick
Shawnee Mission School District

Overriding Philosophical Concerns

What problem is the bill trying to fix?

- Is there a lack of data concerning the effectiveness or ineffectiveness of Kansas schools?
- Is there sufficient data, but the data reveal students are not performing at the level the legislature wishes them to perform?

When did the legislature decide to mandate a statewide curriculum?

- This bill establishes a state curriculum with the development of mandated skill sets in reading, writing, and mathematics.
- This is in direct opposition to the fundamental belief of local control of school boards in the adoption of curriculum and is a vast departure from a long held practice.
- In 1992, the legislature took away the authority of local boards to adequately fund their schools. In the analysis of almost every district in Kansas and by the governor's school finance task force, that system has been a failure in its support of public education. Now, nine years later the legislature wants to take away authority of local boards in setting local curriculum. There is no evidence to show that legislative action that usurps control of local school boards is an improvement.
- What curriculum area will be next on the legislature's mandate list: science, social studies, health, physical education, the arts?
- Current standards and indicators serve as guidelines for the development of local board-approved curriculum.
- When the previous state board of education changed the science standards concerning evolution, local boards had the right to determine whether or not they would support the revised curriculum. Once the state usurps the role of the local board to establish the curriculum, such action would be disallowed. State mandated curriculum will follow the whims of the elected body.

What is the purpose of the new assessment measures?

- Is it for establishing political accountability of school or district effectiveness?
- Is it for measuring student progress? If so, will results be returned to the district so that specific content area deficiencies will be noted?
- Is it for measuring teacher effectiveness?

Managerial Concerns

Funding of Assessment Program

The current assessment program has been inadequately funded. Adjustments in the testing program, in the development of adequate support materials, or in grading procedures have had to be made almost yearly by the Center for Testing, the KSDE, and local districts because of lack of funding. Will the new program be funded adequately?

House Education Committee

Date: 3/15/01

Attachment # 8-1

Funding for Interventions

Several interventions are prescribed in the legislation: one-on-one tutoring, restructured school day, additional calendar days, individualized instruction, and "other interventions." Will the legislature fund the added costs of some of these interventions or are local districts expected to fund them with existing budgets? The bill proposes to fund "up to ten percent of the first grade pupils across the state to receive the one-on-one tutoring interventions." What about the other ninety percent of the students? If they get served under the new requirements, it will represent another unfunded mandate from the legislature.

Scope of Testing

With this addition, we will now be testing students in all but two grade levels in a variety of testing formats. If accountability is the main concern of the legislature, why not adopt a simple-to-use format for assessment that can be replicated from one grade to the next, scored easily, and reported consistently?