

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION K-12.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on January 16, 2002 in Room 313-S of the Capitol.

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Jill Wolters, Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Andy Tompkins, Commissioner,
State Department of Education
Dale Dennis, Deputy Commissioner,
State Department of Education
Dr. Alexa Pochowski, Assistant Commissioner,
State Department of Education

The Chair told the Committee that he'd written a letter to Senator Umbarger, Chairman of the Senate Education Committee, advising him that the House Education Committee would for the remainder of this session, recover jurisdiction appropriately, of the boundary study. This issue was referred to a joint committee of the House and Senate Education Committees. A sub-committee would be created to deliberate on the substance of that report.

Chairman Tanner explained that the slide presentation that was to be given, dealt with **HR 1**, the President's "No Child Left Behind" bill that made it's way through the Congress of the United States. It was approved enthusiastically by both parties in the Congress.

There were objections filed with the Congress from the State Department/Board of Education to certain characteristics of the bill. The Legislature, through the LEPC and a letter-writing campaign to members of Congress, objected to some characteristics of the bill. The big fiscal spending was potentially an unfunded mandate. Despite these protests, the bill was passed by members on both sides of the aisle.

A slide presentation was then presented by Dale Dennis and Dr. Pochowski on the No Child Left Behind Act of 2002. A hard copy was also distributed. (Attachment 1).

Deputy Commissioner Dennis stressed the newness of the bill and said that while they could tell the basic principles, the purpose and the intent, they would not know some of the details. It would be at least six months before Rules and Regulations came out with more details.

The development of this project would be paid for but the estimated ongoing operating costs would increase by two to three times if it is done by Kansas University. If done by other sources, the increase could be up to four or five times. Mr. Dennis felt there would probably be pressure applied by states for the ongoing operating costs to also be paid by the federal government. There will be a penalty of 25% if the proficiency standards are not met by a state.

Copies of the State Department of Education's Preliminary Report on the Reauthorized Elementary and Secondary Education Act (ESEA) were also distributed. (Attachment 2).

The meeting was adjourned at 10:30 a.m. The next meeting is scheduled for Tuesday, January 22, 2002.



January 16, 2001

TO: House Education Committee
FROM: Dr. Andy Tompkins, Commissioner of Education
SUBJECT: Preliminary Report on the Reauthorized Elementary and Secondary Education Act (ESEA)

As you know, the Congress has passed and the President has signed the reauthorization of ESEA. This sweeping legislation referred to as HR. 1, The No Child Left Behind Act of 2001, is very complex and will take several months to complete the final rule making and detail from the U.S. Department of Education that will be necessary to give states the specifics for complying with the act.

In order to give you an initial summary of the legislation so that you can begin seeing its potential impact, I include the following report. You will note that I have given you a listing of the various titles and parts for each title and then summarized some of the major provisions of the act. We believe that the State Board's current efforts to review the accreditation system and teacher quality data system as well as the redesign of the school report card will allow us to more easily incorporate the requirements of this legislation into our system.

The Congress and the President heard all of the arguments and concerns from the states and still overwhelmingly supported this legislation. Now we must implement the spirit and intent of this act and make it support our efforts to help all children learn well.

Overview of Titles and Major Provisions

Title I Improving the Academic Achievement of the Disadvantaged

- Part A Disadvantaged Children Meet High Academic Standards
- Part B Student Reading Skills Improvement Grants
- Part C Migrant Education
- Part D Neglected and Delinquent
- Part E Evaluations
- Part F Comprehensive School Reform
- Part G School Dropout Prevention
- Part H Advanced Placement
- Part I General Provisions

Major Provisions

- In 2002-2005, all states must test all students annually in reading and mathematics in one grade of 3-5, 6-9, and 10-12.
- By 2005-06 all states must test all students annually in grades 3-8 in reading and mathematics.

- By 2007-08 all states must test all students in science annually in one grade of 3-5, 6-9, and 10-12.
- State assessments must have at a minimum three achievement levels – basic, proficient, and advanced (these match those used in the National Assessment of Educational Progress).
- The state must define “adequate yearly progress” for all students, not just disadvantaged, which include state assessments and one other academic indicator for elementary schools and graduation rate for secondary schools that will result in all students reaching proficiency in 12 years. State must use 2001-02 data to establish the starting point for measuring progress. This system must fit into the state’s accreditation system.
- Schools that have not achieved “adequate yearly progress” for two consecutive years will be identified as needing improvement, receive technical assistance, develop a two year plan to meet “adequate yearly progress” goals, and provide transportation to students to attend another public school served by the local education agency.
- Schools that have not achieved “adequate yearly progress” for three consecutive years must continue to offer public school choice to all students in the school and provide supplemental educational services from a provider of the parent’s choice.
- Schools that have not achieved “adequate yearly progress” for four consecutive years must implement certain corrective actions such as replacing staff and implementing a new curriculum in addition to the other provisions offered previously.
- These provisions for schools not making “adequate yearly progress” begin in 2001-02.
- Beginning in 2002-03, each state must develop and submit to the public a report card which includes the following:
 - student academic achievement on state assessments disaggregated by subgroup,
 - a comparison of subgroups of students at basic, proficient, and advanced levels of academic achievement on state assessments,
 - graduation rates,
 - the number and names of school identified for improvement,
 - a comparison of actual academic achievement levels for all groups of students compared to the annual objectives for such groups,
 - the professional qualifications of teachers,
 - the percent of students not tested, and
 - an explanation of the state’s accountability system.
- Beginning in 2002-03, each school district and school must develop and submit to the public a report including similar information for the district and school on the information contained in the state report card.

- Students who have attended school in the United States for three consecutive years must be tested in reading and language arts in the English language with a provision that waivers can be granted up to an additional two years on a case-by-case individual basis.
- By 2003-04, all teachers' aides must have two years of study at a higher education institution, an associate's or higher degree, or met a rigorous standard of quality established at the local level, which includes an assessment in math, reading, and writing. All new hires in these positions must meet the new requirements beginning in the fall of 2002.
- Funds may be set-aside at the state level to provide rewards to schools and teachers that substantially close the achievement gap.
- By the end of the 2005-06 school year, each state shall ensure that all teachers meet the state certification requirements and must develop annual objectives in order to reach this goal.
- A "reading first" program is established to provide assistance to states and schools in establishing scientifically research-based reading programs for all children in kindergarten through grade three and provide fund for states to develop and implement a program of staff development.
- An "early reading first" program is also established on a competitive grant basis to enhance readiness for children in poverty who are age three and four.
- Funds are provided to help in upgrading school libraries.
- Funds are provided for a dropout prevention and school reentry program.

Title II Teachers

- Part A Teacher and Principal Quality Training and Recruiting Fund
- Part B Mathematics and Science Partnerships
- Part C Innovation for Teacher Quality
- Part D Enhancing Education Through Technology

Major Provisions

- This title consolidates a number of separate programs including class size reduction and the Eisenhower mathematics and science professional development program into a block grant to school districts to improve teacher quality in support of the requirement for the goal of all teachers fully certified by the end of 2005-06.
- Funds are provided to support partnership with states, districts, and higher education institutions in mathematics and science to align curriculum with higher education expectations, provide staff development to teachers of math, and encourage people to pursue teaching of mathematics and science.
- Funds are provided on a competitive basis to recruit mid-career professionals to teach in high need areas.

- Funds grants for improving the teaching of “Traditional American History”.
- Previous technology grant programs are consolidated into a single program.

Title III English Language Acquisition, Language Enhancement, and Academic Achievement Act

Major Provision

- This title consolidates the current Bilingual Education Act with the Emergency Immigrant Education Program to focus on teaching English to limited English proficient students.

Title IV 21st Century Schools

Part A Safe and Drug-Free Schools and Communities

Part B 21st Century Community Learning Centers

Major Provisions

- The safe and gun-free school program is reauthorized.
- The 21st Century Community Learning Centers Act, which currently is a nationally competitive program, will become a formula program to each state.

Title V Promoting Informed Parental Choice and Innovative Programs

Part A Innovative Programs

Part B Public Charter Schools

Part C Magnet Schools Assistance

Part D Fund for the Improvement of Education

Major Provisions

- Funds are provided to promote local innovation aligned with statewide reform efforts and meeting the educational needs of all students.
- Funds continue to be provided to assist states with public charter schools under provisions of a state statute.
- Funds are provided to the U.S. Secretary of Education to support nationally significant programs and projects to improve the quality of education at the state and local levels.

Title VI Flexibility and Accountability

Part A Flexibility and Accountability

Part B Rural Education Initiative

Major Provisions

- Provisions in this title grant greater flexibility to state and local school districts in the use of federal funds to address needs and priorities.

- The U.S. Department of Education has the authority to work with a limited number of states and school districts to consolidate eligible programs and waive statutory requirements in exchange for the results envisioned in H.R. 1.
- All states would be required to participate biannually in the fourth and eighth grade National Assessment of Education Progress assessments in reading and mathematics.
- Funds would be provided to assist rural school districts meet unique needs. Those who would qualify would have less than 600 students or a county population density of less than 10 persons per square mile and are designated in the School Local Code as a rural area.

Title VII Native Americans and Alaskan Education Programs

- Part A Indian Education
- Part B Native Hawaiian Education
- Part C Alaska Native Education

Major Provision

- This title maintains the currently funded programs.

Title VIII Impact Aid

Major Provision

- Retains the authorization of funds to states with federal military facilities and other qualifying federal property.

Title IX General Provisions

Title X Amendments to Other Statutes

- Part A Homeless Education
- Part B Indian Education within the Bureau of Indian Affairs (BIA)
- Part C Miscellaneous Other Statutes

Major Provision

- A provision in this title strengthens the support for the education of homeless children and youth.

No Child Left Behind Act of 2002

“This historic law offers all of us the promise of stronger accountability for results, more flexibility and local control, expanded options for parents and an emphasis on teaching methods that have been proven to work.” *Rod Paige*

State Board Strategic Goals

- **Help all students meet or exceed academic standards**
 - Increase achievement and reduce achievement gap
 - Improve the school accreditation program
 - Increase public awareness and participation
- **Recruit, prepare, support and retain qualified teachers and school leaders**
 - Increase the supply
 - Improve the preparation programs
 - Provide support
- **Redesign schools and learning environments**
 - Increase understanding of current and future expectations
 - Establish a vision for a preferred future

Testing

Kansas

- Annual reading and math assessment in 3 grades
- Biennial writing, science and social studies assessment in 3 grades
- ACT, SAT, NAEP and advanced placement courses provide comparative data

ESEA

- By 2005-06 annual reading and math assessment in 6 grades (3-8)
- By 2007-08 annual science assessment in 3 grades
- Required biennial NAEP assessments in reading and math provide comparative data

Testing

Kansas

- **Standard of excellence given to schools with a high percent of students at the top performance levels**
- **Five achievement levels are used including unsatisfactory, basic, satisfactory, proficient and advanced**

ESEA

- **In 12 years all students must achieve at the proficient level**
- **A minimum of three achievement levels including basic, proficient and advanced**

Reporting Results

Kansas

- Annual state report (accountability)
- Annual school report card
- Annual school report to KSDE

ESEA

- Annual state report card
- Annual school report card
- Annual school district report card

Reporting Results

Kansas

- Report card includes:
 - Student academic achievement
 - Comparison of subgroups
 - Graduation, dropout, and attendance rates
 - School safety
 - Percent of students taking advanced courses
 - Percent of students not tested

ESEA

- Report card must include:
 - Student academic achievement
 - Comparison of subgroups
 - Graduation rates
 - Schools identified for improvement
 - Professional qualifications of teachers
 - Percent of students not tested
 - State's accountability system

Adequate Yearly Progress

Kansas - Current

- **Applies to Title I schools**
- **Based primarily on state reading and mathematics assessments**
- **Must include a performance assessment**

ESEA Required

- **Must apply to all students**
- **Must include reading and mathematics as well as another academic area at elementary and graduation rate at secondary**
- **Must use multiple measures**

Adequate Yearly Progress

Kansas

If schools don't meet AYP for 2 consecutive years:

- **Will be identified as needing improvement, receive technical assistance, develop a plan, and offer school choice**

ESEA

If schools don't meet AYP for 2 consecutive years:

- **Will be identified as needing improvement, receive technical assistance, develop a plan and provide transportation to attend another public school**

Adequate Yearly Progress

Kansas

If schools don't meet AYP for 3 consecutive years:

- **Will be identified for corrective action, district must take action, receive technical assistance, develop a plan, and offer school choice**

ESEA

If schools don't meet AYP for 3 consecutive years:

- **Must continue to offer public school choice and supplemental educational services from providers of the parents' choice**

Adequate Yearly Progress

Kansas

If schools don't meet AYP for 4 consecutive years:

- **State will take corrective action**

ESEA

If schools don't meet AYP for 4 consecutive years:

- **Must take corrective actions such as replacing staff and implementing a new curriculum while continuing to offer school choice and supplemental services**

Adequate Yearly Progress

Kansas

Loss of accreditation

ESEA

If schools don't meet AYP for 5 consecutive years:

- **Must develop a plan, implement governance actions (e.g., state takeover, private management etc.), and/or staff restructuring**

Closing the Gap

Kansas

- **KSBE has placed a strong emphasis on reading**
- **Reading Excellence Act grant has been highly successful**

ESEA

- **Establishes scientific research-based reading programs in K-3**
- **Provides reading readiness activities for ages 3-5**
- **Provides rewards for schools and teachers that close the achievement gap**

Teacher Quality

Kansas

- By 2003, all teachers must be provisionally, conditionally or fully licensed
- Provide alternative licensing options for second career professionals
- Paraprofessionals must have graduated from high school

ESEA

- By 2005-06, all teachers of core academic subjects must meet the state teaching requirements
- Recruit and train mid-career professionals to teach high need areas
- By 2003-04, all paraprofessionals must have 2 years of IHE study, an associates or higher degree, or have passed an assessment in math, reading and writing

Parent Involvement

Kansas

- School site councils have involved parents for the past 10 years
- Parent booklets on reading and on state standards have been disseminated
- Programs such as Parents-as-Teachers and Even Start have involved parents in literacy activities as well as parenting activities

ESEA

- Reports to parents on school achievement
- Reports to parents on their student's performance on state assessments
- Report to parents on qualifications of teachers
- Provides parents choice and tutorial services for students in under-achieving schools

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Flexibility

Kansas

- One of the first ed-flex states
- Numerous districts waived federal regulatory requirements

ESEA

- Greater flexibility to state and local districts in the use of funds
- Grants some states the ability to waive statutory requirements

Coordinating Services

Kansas

- **Local consolidated plans have been in effect since 1997**
- **Local consolidated annual reports have been available since 1997**

ESEA

- **Maintains a single consolidated plan or application**
- **Replaces individual program annual reports with a single consolidated report**

Targeting Resources

- **Grants are provided to:**
 - support dropout prevention and school reentry initiatives
 - support partnerships with states, districts and IHEs in math and science to align curriculum and provide staff development
 - improve teaching of traditional American History
 - assist rural school districts to meet unique needs
 - increase access to technology especially for high-need schools