

## MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:30 p.m. on January 23, 2003 in Room 123-S of the Capitol.

All members were present except: Senators Corbin and Oleen (Excused)

Committee staff present: Carolyn Rampey, Legislative Research  
Kathie Sparks, Legislative Research  
Theresa Kiernan, Revisor of Statues  
Judy Steinlicht, Secretary

Conferees appearing before the committee: Brilla Scott, Executive Director, United School Administrators of Kansas  
Dr. Craig Elliott, Superintendent Maize USD 266  
G. A. Buie, Anderson County Jr./Sr. High Principal USD 365  
Becky Greer, Eisenhower Elementary Principal, McPherson  
Dr. Ray Daniels, Superintendent of Kansas City USD 500

Others attending: See attached list

### **Introduction of Bills**

Senator Vratil introduced four bills, the first, a conceptual bill regarding student counselor privilege to preclude school counselors from disclosing information given them by a student; a second bill providing a Kansas exemplary recognition program; the third bill authorizing establishment and maintenance of alternative teacher compensation programs, providing for grants of state moneys; the fourth concerning school districts local control act. These bills were introduced by a motion made by Senator Teichman, a second by Senator Schodorf. Motion carried.

Senator Umbarger introduced a bill regarding the re-employment of school retirants. The bill was introduced by a motion made by Senator Schodorf, a second by Senator Emler. Motion carried.

### **No Child Left Behind Act**

Brillas Scott, Executive Director, United School Administrators of Kansas thanked the Committee for allowing members to appear. Brilla introduced the first conferee, Dr. Craig Elliott, Superintendent of Maize, USD 266.

Dr. Elliott believes that implementation of the Quality Performance Accreditation (QPA) gave Kansas a head start on implementing No Child Left Behind. Kansas public schools already have laid the groundwork to move all students toward higher levels of performance. Comparisons with other states could be misinterpreted as Kansas already has high standards and has consistently been ranked in the top ten nationally. It may also be difficult to keep fully licensed teachers as required in the new act as there is now a shortage of students in teacher preparation courses. Dr. Elliott urged funding for early childhood programs and a long term commitment for school funding. (Attachment 1)

G. A. Buie, Principal at Anderson County Jr./Sr. High School believes the components of No Child Left Behind are similar to QPA. Mr. Buie states they see no great changes in their testing and see no big challenges in keeping qualified teachers and paras. His staff was supportive in putting a program together to achieve the goals put before them. (Attachment 2)

Becky Greer, an elementary principal in McPherson, believes that QPA brought about a focus on school improvement for the children in the State of Kansas and she believes that the No Child Left Behind Act has the potential to bring about more positive changes. She knows there will be challenges, but believes the message is clear. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:30 p.m. on January 23, 2003 in Room 123-S of the Capitol.

Ray Daniels, Superintendent of Kansas City, Kansas schools says they see promise and potential in the new law, but there are still grave concerns about the reality of the implementation and the funding of the law. (Attachment 4)

A motion was made by Senator Emler to approve the minutes of January 21. Seconded by Senator Schodorf. Motion carried.

The meeting was adjourned at 2:35 p.m. The next meeting is scheduled for January 27, 2003 at 1:30 p.m. in Room 123-S.

**SENATE EDUCATION COMMITTEE GUEST LIST**

DATE - 1-23-03

<u>NAME</u>	<u>REPRESENTING</u>
Steve Adams	KSDE
JUDI MILLER	KSDE
Kathyrne Mueller	Kansas Board of Regents
Chris Grenz	Topeka Capital-Journal
Beilla Scott	USA
Bekky Miller	USA - KAESP
G.A. B	USA - KHSSP
Greg [unclear]	USA - KASA
Ray Dandy	USA - KASA
Denise Cyp	U.S.D. #500 - U.S.A
Pat Baker	KASB
Mark Desoethi	KNEYA
Beal Stauffer	USA 501
Pat Colleton	KFUPE
Paul C. Lasso	SBB/EE&KC
Ray George	Olathe Dist Schools
Jacque Ober	SQE

January 23, 2003

Information Session

Senate Education Committee  
Senator Dwyane Umbarger, Chair  
State Capital 123-South, 1:30 p.m.

Testimony given by Craig Elliott, Maize USD 266 Superintendent of Schools  
Response to No Child Left Behind and QPA Regulations

Chairman Umbarger and honorable members of the Senate Education Committee:

I am Craig Elliott, Superintendent of Maize public schools. As a representative of the Pre-K-12 education community, I want to thank you for the opportunity to address the committee today regarding the federal No Child Left Behind legislation. Educators and administrators throughout the state are spending countless hours interpreting the law and preparing for its full implementation in 2005-06.

Without question, the initiation of the Quality Performance Accreditation (or QPA) system in the early 1990's has given the state of Kansas a "head start" on implementing No Child Left Behind. It laid the groundwork for helping public schools move all students toward higher levels of performance.

The premises of the federal law are fourfold:

1. All children can achieve to high standards;
2. All schools are accountable for all students;
3. A unitary accountability system must apply to all schools; and
4. All teachers must be highly qualified.

Who could argue with those statements? I believe that public educators throughout the state held these beliefs long before the No Child Left Behind legislation was written. The concern that we have is implementing the new regulations at a time when states are struggling to maintain existing services and programs. I direct your attention to an article recently published in *Education Week* regarding this dilemma. The thrust of the article is the fear that No Child Left Behind federal mandates will pale in comparison to other mandates like special education.

It will be easier for our state than others to adopt this legislation because of our past practices, but it also presents public school districts with a new set of challenges. I would like the opportunity to review two of those challenges with you today:

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1. Nationally, Kansas has frequently been ranked among the top ten states in the nation when it comes to public education. The fact that we already achieve at high levels may cause the data to be misinterpreted. With No Child Left Behind, we will not only be compared to one another within the state, but will also be subjected to national rankings. We welcome the comparisons as long as we are fairly comparing the data from state to state. I would urge us to proceed with caution as we define our standards. It goes without saying that we all believe in higher standards and educators in this state will not be willing to lower standards as has been the discussion at the federal level. However, we must be prudent and not turn into our own worst enemy. I draw on an analogy from Representative Myers from Derby to explain my point. At a legislative forum in Derby last fall, he was sharing with us that Kansas' water standards are set so high, that the minute the water enters Kansas from Nebraska, it is considered contaminated. We must be mindful to not have the same thing happen for public education in Kansas.
2. By 2005-06, 100% of teachers in core subject areas must be fully licensed, which means no emergency or temporary credentials, and must have a bachelor's degree. This will cause a major roadblock for many districts throughout the state. In light of the lack of candidates currently enrolled in teacher preparation courses, especially in areas such as math and science, there will probably be many violations. In a meeting I attended last week with the State Board of Regents Deans of Education, indications were that it is becoming increasingly difficult to recruit students to enter the teaching profession in general and specifically in the core subject areas. The compensation simply doesn't justify the amount of work these young people will take on as teachers.

In closing, I would urge you to continue your support of public educators in this great state. As you start deliberations relative to the necessary funding that will be required to fully implement this new federal legislation, I would ask that much thought be placed toward the educational needs of early childhood programs. This, along with a long term commitment (2-10 years) to school funding will provide the support necessary for public educators to continue making gains for which all Kansans will be proud.

I have provided an editorial from the January 19<sup>th</sup> issue of the Wichita Eagle about the writer's experience with Kansas public education. At a time when federal legislation is requiring us to demonstrate adequate yearly progress and test taking by our students becomes more "high stakes", I end my testimony with a quote from Albert Einstein: "Not everything that can be counted counts, and not everything that counts can be counted."

Thank you for your time this afternoon.



EDUCATION WEEK JANUARY 8, '02

# 'No Child' Law Vies For Scarce State Resources

BY JOETTA L SACK  
Washington

The goals of the "No Child Left Behind" Act of 2001 appear to be on a collision course with states' fiscal woes this year, threatening to temper the federal law's ambitions as states struggle to deal with new mandates and budget crises at the same time.

Some legislators already say that putting in place new tests, creating systems to track data from those tests, and complying with a myriad of other new federal requirements in the midst of declining revenues and budget shortfalls will be difficult, maybe impossible. Some early analyses show states will have to spend much more than they receive in order to comply with the new law, a reauthorization of the Elementary and Secondary Education Act, which includes such major programs as Title I aid for disadvantaged students.

The Denver-based National Conference of State Legislatures has estimated that it will cost states a total of \$1 billion each year to comply with the testing requirements of the No Child Left Behind Act, while the federal government is giving states only \$400 million in the first year of the law.

The New Hampshire School Administrators Association, meanwhile, estimates that the new law will overall bring in about \$17 million a year in revenue, but maintains that the state will incur at least \$126.5 million each year in new costs—roughly, an additional \$500-per-pupil expense annually for requirements such as salaries and technology, said Mark V. Joyce, the group's executive director.

"We don't quibble with all the noble intentions, but what we're seeing as the rules come out is extra costs shifting to states," he said. "We believe the sponsors of the bill don't understand the consequences, but are caught up in the noble intentions."

"Almost every state says there's going to be some added costs, but they don't have a really good handle on what [the law] will cost," said Michael Griffith, a policy analyst with the Education Commission of the States.

While Mr. Griffith was somewhat skeptical of the New Hampshire study's dire estimates, he said some rural states and places with few disadvantaged students could decide that the costs outweigh the benefits of the law, and might relinquish federal aid or seek waivers from the U.S. Department of Education.

"If it's as dramatic as what New Hampshire is talking about, you're going to see a lot of places opting out," he said. "This is a year when most states are hoping to be flat on education spending, but some are having to make reductions."

California's legislators, struggling with a budget hole that could total \$30 billion in the next 18 months—out of a total annual budget of about \$78 billion—have not had time to focus on the law, said Kevin Gordon, the executive director of the California Association of School Business Officials.

Privately, "a number of lawmakers have indicated the federal law is the least of their concerns in their very desperate effort to close the budget gap," he said.

## Costly Data

Some smaller states are figuring out how much new computer systems will cost to help them analyze student data by subgroups, as the law requires. Maine has allotted \$1.3 million for a data system but is unsure how much future costs might be, said Yellow Light Breen, a spokesman for the Maine Department of Education.

North Dakota state Superintendent Wayne Sanstead said the extra federal money may be sufficient to help his state pay for many of the changes required by the law. But the data analysis piece is a concern: "We're going to need some help in that arena," said Mr. Sanstead, whose

tions in the coming year's spending plan. Meanwhile, Rep. David E. Heaton, a Republican state lawmaker in Iowa, said his constituents are so opposed to building a new state assessment that they might forgo federal funding if the law forces such an action. Iowa is currently the only state that does not have a statewide assessment. Instead, it uses district-level assessments.

"If the [state] money was still coming in like it was two years ago, we could have said 'goodbye' to the federal government," Mr. Heaton said. "Before this is through, we will put pressure on our members of Congress to change this law, and if times improve, we might say 'goodbye.'"

## 'Consequences'

Several state legislators, who are just learning of the law's requirements as it goes into effect, confronted U.S. Secretary of Education Rod Paige about their concerns at a National Conference of State Legislatures meeting in Washington last month.

Mr. Paige, who emphasized the law's goal of helping disadvantaged children, says that the federal government has given adequate funding for its implementation.

"Some have characterized [the No Child Left Behind Act] as an unfunded mandate, and I think that's an inappropriate characterization—it provides funding at historic levels," Secretary Paige said.

But several legislators challenged his comments, saying their states were expecting to spend three or more times the federal government's contribution. "You



Vermont state Rep. Gaye R. Symington says federal aid to support

made a statement it's not an unfunded mandate, but it certainly feels that way to many of us in the states," contended Rep. Gaye R. Symington, a Democratic state lawmaker from Vermont.

"These tests are paid for by federal funds; the funds are there," Mr. Paige replied.

The secretary had strong words for states that might consider supplanting state funds with new federal money. "The law is very clear—the money is there to supplement, not supplant," he said.

That still did not sit well with Ms. Symington, who said Vermont had already invested hundreds of thousands of dollars in its 1997 overhaul of its accountability and school finance laws, known as Act 60. Whether the federal government approves any parts of Vermont's efforts remains to be seen, she said.



Allison Shelley/Education Week

Rep. Symington says new law is lacking.

"Now it feels like they're coming in with a mallet and asking us to join hands and hit ourselves over the head with the mallet," Ms. Symington said after Mr. Paige's remarks. "They're coming at us at a time when we least need it."

Staff Writer Alan Richard contributed to this report.

## High marks

I wish the Education Week representative who gave Kansas' schools a D-minus in its Quality Counts 2003 report had visited Hillsboro Middle School ("Magazine gives state D- in recruiting quality teachers," Jan. 8 Eagle).

Since moving here five months ago from out of state, I can't say enough about the positive experience that my family has had in our new school system. There are 11 teachers who teach my two children, and I can say with all confidence that each teacher truly cares about them. Not only are their academic needs being met, but they also are developing positive attitudes toward learning.

What is even more encouraging is the quality of the special-education program. My seventh-grader has developmental and mental disabilities, and at his recent individualized education plan meeting there were more than a dozen teachers and staff members. Each one participates in his educational goals and helps him feel successful.

So as a parent, I would give "my" Kansas school an A-plus.

KAREN ELLIOTT  
Hillsboro

WICHITA EAGLE  
JANUARY 19, 2003

**Remarks by: G. A. Buie – Principal at Anderson County Jr./Sr. High School  
Representing United School Administrators of Kansas**

**To: Senate Education Committee  
Affects of No Child Left Behind**

The academic components of The No Child Left Behind Act are similar to the current QPA model. At Anderson County, our junior high will be required to take an additional math and reading assessment.

The current QPA model has been a positive influence on education in USD 365. It forced the alignment of local curriculum standards with the Kansas curriculum standards, which has lead to collaboration with teachers and administrators across the state.

The new act states that 95% of our students must be tested on state assessments. During the past 4 years, we have tested 100% of our students. Through the current QPA model, we take a close look at each student result on their state assessments. Low scores are then pulled for further review by the staff and we determine an individual student's needs for the next school year. With No Child Left Behind, we see no reason to change the model.

No Child Left Behind talks about highly qualified teachers, teachers that are teaching in the classes that they are certified. Once again, this will not be an adjustment to USD 365. Having paraprofessionals meet the minimum of 60-college hours or passing a test will be addressed, but we are not anticipating any major challenges.

With the addition of Adequate Yearly Progress (AYP) to the secondary level, we will be constantly reminded of the importance of each and every test that we take, but it is a challenge I think we are prepared to confront.

Graduation rates have always been important to administrators, but at the same time telling a parent "no it's not in your child's best interest to drop out of school" seldom gets the result we would like or what we feel the student needs. With graduation rates becoming a piece of the AYP point system, I will need expanded conversations with parents of students wishing to drop out of school. I will have to become more resourceful at keeping students in school.

At Anderson County during our November in-service, I introduced The No Child Left Behind Act to my staff. I was expecting some resistance as we started planning for our third QPA cycle. It did not happen they were impressive; they showed true dedication

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Attachment 2*



Senate Education Committee  
Senator Dwayne Umbarger, chair  
1:30 p.m., Room 123-S  
Response to NCLB and QPA Requirements

Senator Umbarger and members of the Senate Education Committee,

I am **Becky Greer**, an elementary principal in the McPherson Public Schools. Thank you for allowing me to speak today on behalf of United School Administrators of Kansas. As an administrator who advocates for students and their learning, there is no question that QPA brought about a focus on school improvement for the children of Kansas. The system was not perfect, but it caused schools to focus on school improvement. No Child Left Behind has the potential to bring about additional positive change for the state of Kansas if we make purposeful decisions that can have long term positive impact. The accountability, the focusing of resources on what works and the expanded options for parents forced by NCLB can be good for Kansas' children. My goal in the next minutes will be to let you know the challenges we are facing as we implement the NCLB legislation at the elementary level.

**State assessments are used to determine AYP and we have a culture of looking at triangulation of data.** Assessments inform instruction and using multiple sources as a way of determining achievement allowed students to show mastery of material in a variety of ways. While best practice will be to continue this approach locally, AYP is determined by a single source of information.

**Achieving the AYP each year will necessitate radical changes in the delivery of instruction.** Communities will need to be ready to support extended school days, extended school years and reallocation of resources, perhaps greatly changing school as we know it in order to get the desired results in the next years.

**Small populations at a testing grade level can create fluctuating scores.** At any given grade level, a downward score may be only the result of 1-2 students scoring low for any number of reasons and thus move a school to a school on improvement.

**Finding qualified aides and paras who will work for only four hours a day, yet have two years of college will present a hiring challenge.** In interviewing for these positions, every elementary principal currently looks for the most highly qualified person that can be hired with the most math and reading background possible. The reality is that with most jobs offering only a few hours a day and low pay, attracting someone who has college hours is not easy.

**We must be welcoming to all children- not just those who come with the readiness to learn and who will help us achieve the AYP.** Educationally we must continue to look beyond our individual schools and individual AYP's and realize that when we invest in a child that will perhaps move out of our school soon, the investment in educations of

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children is still the main priority, not the AYP score. Some children will require more personnel support to achieve results and this presents funding or reallocation issues.

**Schools districts similar to McPherson will be receiving no additional funding.**

Meeting all the new requirements with less resources will mean innovative approaches. In addition, increased testing will bring about increased costs. A school on improvement, required to provide tutoring or transportation to another school, will be challenged to find the financial means to do so. Not being able to refuse transfer students from a school on improvement presents staffing challenges as well.

**While the law requires immediate results, providing the leadership to avoid knee jerk reactions is a challenge.** It is clear that teachers will be teaching to the state standards as never before. Never has it been so clearly articulated that this is the target. This is the time to apply all the best practices articulated in the research. It is not the time to revert back to practices that while used for years, are not effective.

While we have some grave challenges in meeting all of the NCLB legislation, the target is clear. In meeting this challenge, we must continue to educationally nurture the children of Kansas, while balancing the need for gentle pressure relentlessly applied to achieve the necessary results. Assessments now drive the instruction in Kansas. We need your support and resources to create successful educational scenarios as we meet the requirements of this legislation.



January 23, 2003

Presentation to the Senate Education Committee by Ray Daniels, Superintendent of the Kansas City, Kansas, Unified School District 500.

Mister Chairman, I am here today on behalf of United School Administrators of Kansas. I want to thank you and the other members of the committee for providing me with this time to discuss the No Child Left Behind Act and its impact on the Kansas City, Kansas School District. This federal legislation is having significant impact on states, communities, and public schools in our country and that impact is going to increase in the coming years as the full requirements and consequences of the law are applied.

First let me say that the law is a classic good news-bad news story. Actually, in Kansas City, Kansas we find much to like about the law. It puts a national focus on improving the educational opportunities for all students in our country regardless of wealth, background, or location. And isn't that what this country, this state, and every school district should aspire to? No matter what the personal circumstances of a student, we, as those responsible for the education of that child, will provide the necessary support and programs to insure that he/she has the opportunity for an excellent education and a fulfilling life. We also like the promise of additional federal funds, flexibility, and technical assistance to help school districts and individual schools meet the needs of all students. And we particularly like the provisions and the potential for supplemental services for those students who are not achieving at a proficient level and who need extra time or extra help or both. In Kansas City, Kansas, we have too many students who are not achieving at the expected level, and we have long recognized the need for additional services. But we have not been able to afford after school and summer school programs for all of the students who need them. This new law provides the opportunity for this to occur.

But while we see promise and potential in the law and while some of the promises have come to fruition for some students, there are still grave concerns about the reality of the implementation and the funding of the law. As with many mandates from the federal government, the requirements, responsibilities and consequences are expected to be addressed by local districts, but the promise of sufficient funding and support have not materialized yet.

In KCK we are already feeling the effects of the law. Our district has ten schools, eight elementary and two middle schools, that have been identified as being on improvement because they have not made adequate yearly progress (AYP) for two or more consecutive years. We began to receive mandates from the federal government last spring but the actual regulations regarding administering the law were not published until December.

As I said earlier, we were excited about providing the supplemental services to the students in the ten schools on improvement. It turned out to be a frustrating series of events. We had hoped to get the services started soon after school started. Actually, we were only able to start them last week. KSDE was required to identify a list of service providers. The list did not come out until October, and we were disappointed in the paucity of providers statewide and particularly in the KC Metro area. In fact, there were only two in our area. One was a program off the internet for secondary students who had computers hooked to the internet in their homes. This eliminated a large number of our families, and no parents signed up for that service. The other provider was Sylvan Learning Center at 90<sup>th</sup> and Metcalf in Johnson County which created transportation problems for our parents in Wyandotte County. Subsequently, Sylvan notified us that they had no slots available for our students. The cost was also a major factor. We were allotted only

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\$1049 per student, and this was well below the program cost at Sylvan. No parents were able to use the Sylvan services.

Our district took the initiative to develop our own program, and as far as I know, KCK is the only district in the state that is offering its own program. But we were not approved until late in the first semester. We have had a difficult time lining up staff to provide the after school tutoring for the students, but the program did get started 2 weeks ago for second semester.

Unfortunately, that is much too late to have any significant impact on student achievement on state assessments this year. So we feel like we have lost a year to help our students and schools make AYP. Also, the supplemental services program was not fully funded. We have over 1000 students eligible for these services but were only funded for 610. We look forward to an increase in funding from the federal government to serve all eligible students. But the good news is that we have a program in place that will help many students in the future, and we are optimistic about the potential of this program.

As you can tell, the funding has fallen short of what was expected. We were also required to take 20% off the top of our Title I allocation for supplemental services and transportation for school choice. This resulted in less money for our other Title I schools. Also, the money promised for technical assistance for schools on improvement has not been provided. We now understand that we might get the money in March or April. We are appreciative of this money and look forward to receiving it, but it will be too late to help our ten schools this year.

The law also has a school choice provision that allows any student in a school identified as on improvement to transfer to another school in the district. We notified the parents of all of the students in the ten schools on improvement of this option and the schools to which they could transfer. As with much of the law, the explanation and communication with the parents, staff, and community was difficult. Out of the ten schools, we had 122 students choose to transfer to other schools.

The final concern I want to address is staffing. While we agree with the goal of having a "highly qualified" teacher in all core subjects at all grade levels by the 2005-2006 school year, we think it is a goal that we will have a very difficult time meeting. There is a great shortage of math and science teachers in the country and in Kansas. It is especially acute in urban and rural districts. Actually, in KCK we have a challenge employing teachers in most secondary subjects. We were disappointed the law did not provide any incentives or compensation to help attract and retain highly qualified teachers and principals. The requirements and consequences for teachers and principals are raised to a level never before seen, and yet no provisions are included to reward and attract quality staff. Our district is not meeting this requirement now, and we don't see how this law is going to provide any assistance in doing so. And in some ways, the law may make it more difficult.

The other staffing issue relates to paraprofessionals. The law requires that all paraprofessionals also be highly qualified by completing 48 college hours or passing a rigorous test. All new hires must meet these requirements now and all paras must meet the requirements by 2005-2006. The problem becomes especially severe with ESL paraprofessionals who also must meet the requirements unless they only translate. We think this provision is going to make it very difficult to hire para staff particularly those who work with our ELL students.

Our district has not shied away from accountability and addressing the challenges of educating urban youth. We have worked hard to address the requirements of the No Child Left Behind law, but we agree with many who have spoken and written about the likelihood that many schools and districts across the nation and in Kansas are going to be identified as needing



improvement and failing over the next few years. Urban districts and schools are going to be particularly hard pressed to have every identified subgroup make AYP.

I urge legislators to become knowledgeable about No Child Left Behind because many decisions made by state legislatures will need to be considered in light of the impact of this law on schools and districts. At this time of higher accountability and consequences and lower funding, legislatures should be careful about mandating any new programs or initiatives that make greater requirements on teachers and principals. Our district has been working with the law for less than a year, and it is already causing a significant need for more time, resources, and effort by staff. I applaud this committee for taking time to expand your knowledge about the law and urge you to continue your education regarding it.