

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:30 p.m. on January 27, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Hensley (excused)

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

Conferees appearing before the committee: Pat Baker, Deputy Executive Director, Kansas Association of School Boards

Others attending: See Attached List

Bill Introduction

Senator Vratil asked for introduction of a bill to repeal a number of obsolete statutes on education. Most of them were passed on or about the time of school consolidation 35 to 40 years ago and some were statutes passed in 1969 that related only to the Shawnee Mission school district. A list of these statutes are attached. (Attachment 1) A motion was made to introduce the bill by Senator Teichman, seconded by Senator Bunten. Motion carried.

No Child Left Behind

Pat Baker, Deputy Executive Director, Kansas Association of School Boards gave an overview of the wide range of challenges they see in the No Child Left Behind Act. These are outlined in the attachment. (Attachment 2) Discussion followed.

Senator Vratil made a motion to approve the minutes for January 22 and January 23, 2003. Seconded by Senator Teichman. Motion carried.

SENATE BILL NO. _____

By Committee on Education

AN ACT repealing K.S.A. 72-124a, 72-1626, 72-1626a, 72-6734, 72-6735, 72-8110 through 72-8114, 72-8116, 72-8118, 72-8118a, 72-8119 through 72-8122, 72-8124, 72-8125, 72-8126, 72-8129 through 72-8136, 72-8137, 72-8138, 72-8139, 72-8141 through 72-8144, 72-8144a, 72-8144b, 72-8144c, 72-8146, 72-8150 through 72-8154, 72-8156, 72-8158 through 72-8163, 72-8176 through 72-8183 and 72-9901 through 72-9907; relating to school districts.

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

Section 1. K.S.A. 72-124a, 72-1626, 72-1626a, 72-6734, 72-6735, 72-8110 through 72-8114, 72-8116, 72-8118, 72-8118a, 72-8119 through 72-8122, 72-8124, 72-8125, 72-8126, 72-8129 through 72-8136, 72-8137, 72-8138, 72-8139, 72-8141 through 72-8144, 72-8144a, 72-8144b, 72-8144c, 72-8146, 72-8150 through 72-8154, 72-8156, 72-8158 through 72-8163, 72-8176 through 72-8183 and 72-9901 through 72-9907 are hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

*Senate Education
1-27-03
Attachment 1*

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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TO: Senate Education Committee
FROM: Pat Baker, KASB Deputy Executive Director/General Counsel
DATE: January 27, 2003

RE: No Child Left Behind – Impact on Local Schools

Mr. Chairman, committee members, thank you for the opportunity to visit with you regarding the Reauthorized Elementary and Secondary Education Act and its impact on local school districts.

The premise of this far-reaching federal law is a noble one. It is consistent with the practices in Kansas of concentrating on student achievement in evaluating and accrediting our public schools. The implementation of ESEA will change the way our schools operate and how we view them. Kansas has, for over ten years, had a public education system grounded in a belief that all children can learn and perform at higher levels.

Our State Board of Education, Commissioner Tompkins and the Staff of the State Department of Education have worked quickly and diligently to put Kansas in a positive position to comply with the multiple requirements of the law.


While the goal of ESEA is commendable, the challenges it brings to local school districts are many. This afternoon, I would like to review with you some of the “practical” problems of implementation.


Senate Education
1-27-03
Attachment 2

No Child Left Behind

What Does it Mean
For Our State & Our
Schools?

Guiding Principles of No Child Left Behind

-  **Accountability for Student Performance**
- Focus on What Works**
- Reduce Bureaucracy & Increase Flexibility**
- Empower Parents**



Accountability Measures

- ❖ Adequate yearly progress
 - State academic standards and assessments
 - ALL students proficient at the end of 12 years
- ❖ Same accountability system for all public schools and all students
- ❖ Dissemination of information to parents and public

Adequate Yearly Progress

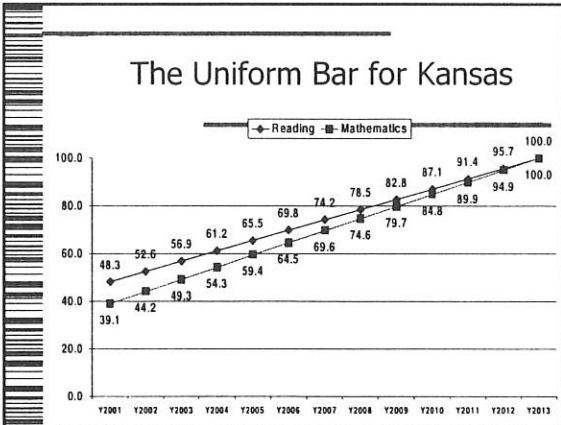
- ❖ Primarily based on **academic assessments**
- ❖ Must test at least **95%** of each **subgroup**:
 - Economically disadvantaged students
 - Students from major racial and ethnic groups
 - Students with disabilities
 - Students with limited English proficiency

Adequate Yearly Progress

- ❖ Must include public secondary school **graduation rates**
- ❖ Must include **one other indicator** for public elementary schools-**attendance**
- ❖ May include **other indicators**
 - **Cannot reduce** the number of schools identified
 - Additional indicators can be used to identify additional schools

The Kansas Starting Point

| Population | Mathematics | Reading |
|-----------------------------|-------------|-------------|
| 20 th Percentile | 39.1 | 48.3 |
| Disabilities | 30.6 | 28.4 |
| Disadvantaged (free) | 35.7 | 40.5 |
| Limited English Proficient | 29.9 | 18.9 |
| American Indian | 36.8 | 45.3 |
| Asian | 61.5 | 55.2 |
| African American | 26.0 | 33.5 |
| Hispanic | 33.3 | 34.9 |
| White | 61.4 | 67.3 |



Academic Assessments

- ❖ For **LEP students**
 - Assessments may be given in a **language other than English** until students have attended school in the United States for **3 consecutive years**.

State Assessment: Now & Then (2005-06)

| | |
|----------------------|-------------------|
| ■ Reading Diagnostic | 2 annual |
| ■ Reading | 5, 8, 11 annual |
| ■ 2005-06 | 3-8, HS, annual |
| ■ Writing | 5, 8, 11 biennial |
| ■ Mathematics | 4, 7, 10 annual |
| ■ 2005-06 | 3-8, HS, annual |
| ■ Science | 4, 7, 10 biennial |
| ■ 2005-06 | 4, 7, 10 annual |
| ■ Social Studies | 6, 8, 11 biennial |

Academic Assessments

- ❖ Federal funding for **test development**—
 - If funding not at predefined levels, not required to test;
 - Must continue test development
- ❖ No additional federal money for **test administration**

English Language Proficiency

School districts must provide for an **annual assessment of English proficiency** of all students with limited English proficiency in the state **beginning in the 2002-03 school year**

Participation in NAEP

- ❖ If selected, schools within the state must participate in the following **national assessments**:
 - NAEP 4th grade reading
 - NAEP 4th grade math
 - NAEP 8th grade reading
 - NAEP 8th grade math
- ❖ The **U.S. Department of Education** pays the cost of participation in the National Assessment of Educational Progress testing program

Report Cards

- ❖ **State Report Card**
- ❖ **School District Report Card**
 - **Number and percentage of schools identified for school improvement and for how long**
 - Information that shows how district students achieved on statewide assessments **compared** to students in the state as a whole
- ❖ **School Building Report Card**
 - Whether the school has been **identified for school improvement and for how long**
- ❖ **Dissemination of Information**
 - **All schools**
 - **All parents**

Sanctions for Title I Schools

| YEAR | ACTION |
|--------|---|
| Year 2 | Technical Assistance; 2-year turn around plan; public school choice |
| Year 3 | Public school choice; supplemental educational services |
| Year 4 | Corrective Action |
| Year 5 | Restructuring |

Notice to Parents

The School District must notify parents when a school is identified for school improvement, corrective action, or restructuring

School Accountability

- ❖ **School Improvement (2 consecutive years of failure to make AYP)**
 - Identification is to occur before the beginning of the next school year
 - Creates **school transfer option**
 - Mandates development and implementation of **school improvement plan**
 - Requires provision of **supplemental services in second year** of school improvement designation

School Improvement Phase

- ❖ The school district must ensure **technical assistance** is provided to the school including
 - **Analyzing assessment data** to identify
 - Problems in instruction
 - Problems in implementation of parental involvement
 - Problems in implementation of professional development
 - **Identifying and implementing** professional development, instructional **strategies and methods proven effective**
 - **Analyzing and revising the school's budget**

School Transfer Option

- Transfer to **another district public school**
- **Priority** to lowest-achieving, low-income students
- **District pays** transportation (5% and up to 15% of Title I funding)
- Can't refuse based on **capacity**
- Get court order to comply in **desegregation** cases
- Student **may remain** at new school until completion of the school's highest grade
- District's **transportation payment obligation** ends when transferring school is no longer subject to remedial action
- **Unsafe school choice option:** If school is persistently dangerous or student is victim of violent crime at school

If all schools are identified, the district must seek a **cooperative agreement** allowing for transfer of students to other school districts.

Supplemental Education Services

- ❖ Tutoring and other supplemental academic enrichment
 - **In addition to** instruction during the school day
 - High quality **research based**
- ❖ Providers—approved by KSDE
 - For-profit, not-for-profit entities, or school districts
 - That have a **demonstrated record of effectiveness** in increasing academic achievement
 - Are **capable** of providing the services and
 - Are **financially sound**

Supplemental Education Services

- ❖ **Parents select service provider from list of approved providers**
- ❖ **District's Obligations:**
 - Work with service provider to develop **services agreement**
 - Provide **annual notice to parents** of services' availability
 - Provide **assistance for provider selection**
 - **Pay** for supplemental services
 - 5% of allocation required, may spend an additional 10% for services and transportation
 - Must pay lesser of
 - Allocation/# of student eligible or
 - Actual Costs
 - Priority to lowest achieving children

School Accountability

- ❖ **Corrective Action** (4 consecutive years of failure to make AYP)
 - **Continue** technical assistance, supplemental services and school transfer options
 - **District and KSDE must each take at least one corrective action**
 - District must **publish and disseminate information** on corrective action to the public and the parents of each student enrolled in the school through means such as the internet, media and public agencies

Corrective Action— School District

- ❖ **Replace school staff** relevant to the failure to make AYP
- ❖ Institute a **new curriculum** (with professional development)
- ❖ **Decrease management authority** at the school level
- ❖ Appoint an **outside expert**
- ❖ **Extend the school day or school year**
- ❖ **Restructure** the internal organizational structure of the school

Corrective Action—KSDE

- ❖ **Defer or reduce funds**
- ❖ Institute and implement **new curriculum**
- ❖ **Replace district personnel** relevant to failure to make adequate yearly progress
- ❖ Remove the school from the jurisdiction of the district and provide **alternate governance**
- ❖ **Appoint receiver or trustee** to replace district superintendent and school board
- ❖ **Abolish or restructure** school district
- ❖ **Authorize student transfers** to other school districts (+ transportation)

School Accountability

- ❖ **Restructuring** (failure to make AYP after full year of Corrective Action)
 - **Continue** supplemental services and school transfer options
 - District must prepare a **plan to provide for alternative governance**
 - Reopen as a **charter school**
 - **Replace all or most of school staff** relevant to failure to make AYP
 - Contract with a **private management company**
 - **Turn the district over to KSDE**
 - **Other means for reform**

School Accountability

- ❖ Requires **notice of restructuring** to teachers and parents
 - Provide parents and teachers with
 - An opportunity to comment before taking action
 - An opportunity to participate in plan development.
- ❖ For **rural school districts** (less than 600 students) the Secretary of Education must provide technical assistance upon request when implementing restructuring.
- ❖ Kansas sanction: loss of accreditation

School Accountability

Duration of School Improvement, Corrective Action or Restructuring

If a school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for 2 consecutive years, the school is no longer subject to those remedial actions.

School Accountability

- ❖ Nothing in the school accountability provisions alters rights under
 - Federal, state or local laws
 - Collective bargaining agreements
 - Other agreements between employers and employees
- ❖ Schools identified under previous law subject to the new sanctions immediately

Empowering Parents of Title I Students

- ❖ Right to request the qualifications of their child's teacher(s)
- ❖ Notice of their child's level of achievement on state assessments
- ❖ Notice if their child is not being taught by a highly qualified teacher
- ❖ Notice of right to school choice if school is not making AYP (2 years) or school is "unsafe."
- ❖ Notice of right to supplemental education services if school is not making AYP

Focus on What Works

- ❖ Scientifically based research
- ❖ Qualification of Teachers
 - All teachers hired after the beginning of the **2002-03** school year and teaching in **Title I-Part A** programs must be highly qualified
 - All teachers of **core academic subjects** must be highly qualified by the end of the **2005-06** school year
 - State plan must include an annual measurable objectives for school districts that include an **increase in the percentage** of
 - **Highly qualified teachers** at each school district
 - Teachers receiving **high quality professional development**

Who is a "highly qualified teacher"?

New Teachers

Has obtained full state certification (no waivers, etc.) and

❖ **Elementary school teacher:**

- Holds a bachelors degree
- Has demonstrated mastery by passing a **rigorous test** in reading, writing, math and other areas of the curriculum

❖ **Middle or High School Teacher:**

- Holds a bachelors degree
- Has demonstrated competency in subject area taught by passing a **rigorous State test**, or through completion of an **academic major, graduate degree, or comparable coursework**

Who is a "highly qualified teacher"?

Not new to the profession:

- ❖ Has obtained **full certification** (no waivers, etc)
- ❖ Holds at least a **bachelor's degree and**
- ❖ **Demonstrates competence** in all academic subjects in which the teacher teaches based on a high, objective, uniform state standard of evaluation **or**
- ❖ Has passed the tests like a new teacher

Qualifications for Paras

- ❖ All **paras** hired after 1/8/02 and working in **Title I-Part A** programs must have
 - Completed at least **two years of study** at a **higher education** institution
 - Obtained an **associate's (or higher) degree** or
 - Met a rigorous standard of quality and can demonstrate, through a formal **state or local assessment**
 - Knowledge of and ability to assist in instructing reading, writing and mathematics, or readiness for these subjects
- ❖ All Title I paras, regardless of hiring date, must have earned a **high school diploma or its equivalent**.
- ❖ Those hired before 1/8/02 must meet the **same standard** by 1/8/05

Increasing Flexibility

| | Title I | Title II—Training | Title II—Ed Tech | Safe & Drug Free | Title V—Innov. Progs. |
|---------------------------------|---------|-------------------|------------------|------------------|-----------------------|
| District can transfer \$ into | ✓ | ✓ | ✓ | ✓ | ✓ |
| District can transfer \$ out of | | ✓ | ✓ | ✓ | ✓ |
| State can transfer \$ into | ✓ | ✓ | ✓ | ✓ | ✓ |
| State can transfer \$ out of | | ✓ | ✓ | ✓ | ✓ |

It's the Money

* tentative allocations

| Title | KS allocation* | SEA | LEA |
|-------------------------------------|----------------|-----|-----|
| Title I, Part A | \$74 million | F | F |
| Title I, Part B—Reading First | \$6.4 million | F | C |
| Title I, Part B—Even Start | \$1.6 million | C | C |
| Title I, Part C—Migrant | \$11.4million | F | F |
| Title II, Part A—Training & Recruit | \$22.6 million | F | F |
| Title II, Part D—Ed Technology | \$4.3 million | F | C |

It's the Money

* tentative allocations

| Title | KS allocation* | SEA | LEA |
|---|----------------|-----|-----|
| Title II, Part A—English Lang. Inst. | \$1.4 million | F | F |
| Title IV, Part A—Safe and Drug Free | \$3.7 million | F | F |
| Title IV, Part B—Comm. Learning Centers | \$2.2 million | F | C |
| Title V, Part A—Innovative Programs | \$3.7 million | F | F |
| Title VI, Part A—Assessment | \$5 million | F | NA |
| Title VI, Part B—Rural & Low Income | \$568,000 | C | FC |

ESEA-Implications for Local School Districts

I. Educating about the new law

One of the early challenges is to prepare all stakeholders for change.

- Boards of Education
- The Kansas Legislature
- Administrators and Staff
- Parents
- Patrons
- Students

Our schools will change what they do, how they do it and be held up in public scrutiny and evaluation. It will be vitally important to provide a sound, knowledgeable basis to everyone.

II. Time

To meet all the requirements of “No Child Left Behind” additional time will be required. That is: administrator and staff time, teacher time and student time.

- A. Administrators-time for tracking and interpreting data; time for research and implementing changes in curriculum; time for new and revised teaching methods; time for planning and delivering staff development; and time to keep all constituencies informed.
- B. Staff- An extended school day and school year will be required in many cases. Additional and different staff development, which is research-based and ongoing will be necessary.

Summer school, after school programs, intensive assistance to students will not be options but necessities.

Training for use of technology to increase student achievement is also part of ESEA.

New State Board requirements increase the units of math, science and fine arts students must have to graduate, which will require more teachers in areas where shortages already exist. This means many schools will have to add positions, and increase salaries for those positions.

III. Employment Issues

- A. Teachers who do not meet the definition of “Highly Qualified” may be subject to having employment terminated. Questions arise as to

whether the definitions in Kansas' law pertaining to "teachers" are consistent with requirement in the Law. Many Paraprofessionals, who typically are very low paid, probably cannot meet the requirement of ESEA. School districts will be hard pressed to find qualified staff.

The federal No Child Left Behind Act requires that all teachers in core academic subjects be "fully qualified," and it increases educational standards for teacher aides. While these changes will not directly raise district costs, they will have a powerful indirect impact. As a general economic principle, when qualifications are increases, there are fewer individuals who meet those qualifications, and compensation must be raised to increase the pool of applicants.

B. Collective Bargaining

Time

- Contract Days-For teaching as well as all other items
- Duty Days-Length and work load
- Supplemental Services-Must be provided to students in some situations
- Curriculum Planning
- Assessment Analysis-Development of data
- Professional Development -See below

Non-renewal and Termination

- Non "Highly-Qualified" teachers
- Lack of adequate yearly progress (AYP)
- Reorganization of buildings or districts

Salary and Wages

- Extended contracts-required time
- Bonuses and incentive pay
- Pay for training/retraining
- Bringing all teachers to "highly-qualified" status

Evaluation

- Procedures V. criteria-Procedures are a mandatory subject of bargaining. The board may establish the criteria to evaluate.
- Must include student achievement (K.S.A. 72-9004)

Professional Development

- Must be researched based
- Money may not be used for one day or short-term workshops
- Must focus on student achievement
- Technology and its use in the classroom to improve student achievement is a requirement under the NCLBA.

Assignment and Transfer

- Not mandatorily negotiable-but is in many negotiated agreements and policies
- ESEA requires the best teachers to be placed in the poorest performing classes

Other

- Involving teachers in the ongoing process of meeting the challenges of the Elementary and Secondary Act will, no doubt, have an impact on many parts of the bargaining process.