

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Kathe Decker at 9:00 a.m. on February 4, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Daniel Williams- excused
Representative Valdenia Winn- excused

Committee staff present:

Kathie Sparks Legislative Research Department
Carolyn Rampey Legislative Research Department
Art Griggs, Office of the Revisor of Statues
Ann Deitcher, Secretary

Conferees appearing before the committee:

Representative Cindy Neighbor
Rodney Bieker, KSDE General Counsel
Mark Desetti, KNEA
Mark Tallman, KASB
Robert Vancrum, Blue Valley School District
Ray Daniels, Supt. Kansas City USD 500
Diane Gjerstad, Wichita Public Schools
Michael Donnelly, Ks Advocacy & Protective Services

The Chair recognized Rep. Reardon who made a request for a Committee bill that would allow retired teachers to return to teaching in the district from which they retired.. At this time they're allowed to teach in any other district in the state but, if they teach in the district from which they retired, they're limited to a salary of \$15,000. This would remove that prohibition.

It was moved by Representative Storm and seconded by Representative Horst to introduce this as a Committee bill. The motion carried on a voice vote.

Representative Neighbors then requested the introduction of a Committee bill referred to as the "Kansas Equality for Youth" (KEY) Act. (Attachment 1).

A motion was made by Representative Horst and seconded by Representative Craft that this be introduced as a Committee bill. The motion carried on a voice vote.

A written only request was made by students of Nemaha Valley High School for introduction of a Committee bill regarding Teacher Tenure Reform. (Attachment 2).

Representative Hutchins moved and Representative Miller seconded the motion that this bill be introduced as a Committee bill. The motion passed on a show of hands.

Minutes for January 15, 20, 21 and 22 were distributed for approval by the Committee.

It was moved by Representative Phelps and seconded by Representative Hutchins that following corrections in the minutes, they be approved as written. The motion passed on a voice vote.

HB 2592 - concerning school districts; relating to the transfer of territory between districts.

Appearing as a proponent of **HB 2592** was Rodney Bieker. (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE HOUSE EDUCATION COMMITTEE at 9:00 a.m. on February 4, 2004 in Room 313-S of the Capitol.

Following a question and answer session, the hearing on **HB 2592** was closed.

HB 2608 - relating to education; concerning the definition of at-risk pupils.

Representative Yonally offered an amendment to **HB 2608** regarding page 2, line 20 through line 22 that would delete "eligible for free meals under the national school lunch act and who are" "a district which maintains". Also deleted would be "two or more" on line 24. On line 26, (3) the words "retention at grade level one or more times, (4)" would be struck. On line 28 (5) and (6) would be changed to (4) and (5). (Attachments 4 and 5).

Appearing as a proponent of **HB 2608** was Mark Desetti. (Attachment 6).

Mark Tallman offered the opinion of the Kansas Assoc. of School Boards regarding **HB 2608** encouraging the Committee to support "the kind of significant increase in at-risk funding proposed by Governor Sebelius in her *Education First* plan." (Attachment 7).

Speaking in favor of **HB 2608** was Robert Vancrum. (Attachment 8).

Appearing as an opponent of **HB 2608** was Ray Daniels. (Attachment 9).

Diane Gjerstad spoke to the Committee in opposition to **HB 2608**. (Attachment 10).

Michael Donnelly spoke to the Committee in regard to additions to **HB 2608** he felt would benefit children with disabilities. (Attachment 11).

Following a question and answer session, the hearing on **HB 2608** was closed.

The meeting was adjourned at 10:55. The next meeting is scheduled for Thursday, February 5, 2004.

STATE OF KANSAS

CINDY NEIGHBOR
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: HEALTH AND HUMAN
SERVICES
HIGHER EDUCATION
INSURANCE
UTILITIES

OFFICE:
STATE CAPITOL—181-W
TOPEKA, KS 66612-1504
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Madam Chair and Members of the Education Committee. Thank you for allowing me to stand before you today. I am here to ask for introduction of a bill that I would refer to as the "Kansas Equality for Youth" (KEY) Act. I believe the Key Act will facilitate the opening of discussions looking at a new school finance formula. While I would not presume to think that this formula would be your only option, I would hope that it provides a starting point from which this committee can work. Your challenges are daunting and there will be many discussions.

While this bill originated with the thoughts of one individual (not me), the KEY Act should be seen in the final bill version to come before you as a combination of many ideas from individuals and groups that have shared, added, deleted, reviewed and revised the original concept. This is truly a group attempt to look at the school finance formula. It is the belief of this group that the attributes of a good formula are:

1. All districts should have an equal opportunity to educate their students (i.e. same revenue for a given tax rate).
2. The formula shall provide suitable funding for all districts.
3. It would allow local boards to increase their budgets to meet the needs of their community.
4. It shall provide a method for inflationary increases.

Since this is a large bill, I will not take your time this morning to go over all of the components. The drafting has been completed and has been sent to Dale Dennis for review. He has been asked to review the bill to make sure it contains all requirements. He was not asked for his opinion of the bill.

I want to again thank the Chair and Members of the Education Committee for allowing me this time to bring this bill before you for introduction and will stand for questions.

House Education Committee
Date: 2/4/04
Attachment # 1

9:45-11:30

jkoch@nvschools.org
fax - 785 336-3672Teacher Tenure ReformBrandon Miller, Ashley Hermesch, Kate Harris
Nemaha Valley High School
Mr. Koch's American Government

- 785-336-3557

H 785-336-3074

Purpose: We are here today to discuss why we think teacher tenure laws need reform. We are looking out for the best interests of the students. Once a teacher reaches tenure, they can become lazy and careless. They also may stop teaching in conjunction with the school's curriculum. In the end, only the students are being harmed.

- Why we think teacher tenure needs reform
 - Allows teacher to become lazy after they reach tenure
 - Complete job security
 - Impossibility of terminating tenured teachers
 - Expenses (\$30,000-\$40,000)
 - Long process
 - These evaluation forms would aide in proving a teacher incompetent, insubordinate, or immoral
 - Model evaluation forms from colleges
 - No Child Left Behind
 - In need of high quality teachers to comply with NCLB
 - 100% proficiency/ competency
- We believe that there should be numerous evaluations throughout the whole school year not only by the principal, but also by the superintendent.
- We also believe that students should be a major source of evaluating a teacher. Periodically, for example every semester or year, students should be given an evaluation form to note a teacher's progress and areas of needed improvement.

House Education Committee

Date: 2/4/04

Attachment # 2-1

Reforming Teacher Tenure (Persuasive Essay)

Kate Harris, Ashley Hermes, Brandon Miller
Mr. Jeff Koch, Instructor
Nemaha Valley High School

Since its beginning, teacher tenure has become more of a problem for administrators in maintaining quality teachers in the classroom. Teacher tenure is granted with minimal requirements that allows nearly every teacher to obtain it, even poor quality ones. Approximately eighty percent of public school teachers have tenure. Poor quality teachers are hurting today's educational system and students. According to the September 21st, *Investors Business Daily*, estimates of the number of incompetent teachers range from a low of five percent to as many as eighteen percent of the 2.6 million total bad teachers. We believe that the current teacher tenure laws should be reformed because teacher tenure gives teachers the opportunity to become lazy and careless, and if there is a need to terminate a teacher, it is impossible due to the expenses and effort needed created by the teacher tenure laws. This is where the problem lies.

One of the major reasons why teacher tenure laws are a problem is that these laws allow laziness and carelessness. After a teacher is granted tenure, they have practically no fear of being terminated. This is very wrong. We understand that job security is a necessity in today's world; however, these laws take security too far. If a teacher feels completely secure in his or her job, what personal initiative do they have? "Our tenure laws protect ineffective and unmotivated teachers and administrators. Removing a tenured employee from his or her position is so difficult, expensive and time-consuming that, for all intents, it is impossible." New York state Assemblywoman Debra Mazzairelli told *Investors Business Daily*. In addition, why should one work hard if he/she knows there will be no reward or repercussion for their actions? This is only

hurting the school district, and more importantly the students. If teachers display a sense of laziness, the students might also start to display this characteristic. Teachers have a large effect on students, more than one might think. If a teacher views an action as appropriate, it is more than likely that the students will too.

To obtain the standards set in No Child Left Behind, schools are going to need the highest quality teachers available. Schools must have the most qualified teachers on staff to meet the standards of the No Child Left Behind Laws. Teachers with tenure whom are incompetent, immoral, or insubordinate in the school systems are preventing schools from obtaining those standards that have been set. Having teachers who do not meet these standards, not only hurt the educational system, but also, they hurt the students that come out of these schools.

Another reason we see teacher tenure as a problem, is that incompetent teachers are not teaching in conjunction with the school's curriculum. This can cause disruption in the students' education and learning environment. An example of this could include; others can often perceive discussion of sexual subjects as immoral. Discussions that contain sexual subjects can cause psychological harm and it often can lead to participating in sexual activities. Students normally look to teachers as mentors and examples, and if a teacher views sexual discussions and activities as appropriate, students are more likely to think so also. Teachers have control over the intellectual, moral, and psychological development of the children.

Students are not being given their rightful advantage of furthering their knowledge about subjects granted by the schools when they have teachers that are incompetent. This can be a negative impact, causing the student's education to be jeopardized with teachers that meet the "Three I's." (Incompetent, immoral, or insubordinate)

So how do we solve the problem of teachers who meet the "Three I's?" A solution we see to teaching in conjunction with the school's curriculum is to set up guidelines and strictly enforce appropriate behavior. We feel that the administrators and the state should work together to form a curriculum that can be met by both the teachers and the students.

We believe there should be numerous evaluations throughout the whole school year not only by the principal, but also by the superintendent and even some members of the school board. From these evaluations, the administrators can decide if a teacher is insubordinate, incompetent, or immoral.

In addition, if there are numerous complains of inappropriate behavior to administrators, these should be taken into serious consideration. It seems most of the time, in order to prove that inappropriate behavior has been going on; who must almost have a video of a teacher doing this behavior. This is impossible and not reasonable. Even to have this request taken into consideration, there must be loads of proof and documentation. It is unreasonable to ask a student to document every little inappropriate behavior. It should not be the students' responsibility to keep a teacher in line. A teacher should not have to be told to act appropriately; they should just automatically do so.

A solution to making teacher tenure not nearly as impossible to get rid of teachers is to cut down the effort and expenses it takes. In recent years, school budgets and school spending have been at a minimum. Schools cannot afford to get rid of teachers with tenure, because it is a long, expensive process. It seems that when test scores are down, or students are doing poorly, the administrators are the ones being put to blame. However, if an administrator is unable to fire poor quality teachers and replace them with better quality ones, how are the test scores supposed

to increase? The administrator is not the one teaching the students, it is the teacher, and the teacher should be held accountable for the lack of quality.

Teacher tenure is not just a small problem- it affects every school in the state. When it affects every school, it affects every student. Immoral, incompetent, and insubordinate teachers are harming students, and this is very wrong. Today's youth are the future leaders of America, and if low quality teachers are teaching the future leaders, they may not be able to reach the full potential for which they are capable. We understand this is a complex issue, and that there are several tedious laws dealing with tenure. We are not asking to diminish the program completely. Instead we are trying to make the program become better for not only the students, but for the teachers as well.

Kansas Teacher Tenure Reform
(Problem-Solution Essay)

Brandon Miller, Ashley Hermesch, Kate Harris

As society has grown and changed, so have the expectations of professional occupations, especially the teaching profession. As years have passed, teacher tenure has been more of a problem than a solution. Although the intent of granting teachers tenor is a noble effort, it has often backfired. After a teacher is granted tenure, he or she can have a sense of almost complete job security. If a teacher has complete job security, they can often lose personal initiative and begin teaching irrelevant material. This leads to poor quality teaching, which can have a negative effect on the students being educated.

The first reason we see teacher tenure as a problem, is that incompetent teachers are not teaching in conjunction with the school's curriculum, which causes disruption in the students' education. When a teacher is terminated related to performance, it usually falls under three categories: incompetency, insubordination, and immorality. The second reason why teacher tenure has been a problem, is that this protection makes it nearly impossible to terminate a teacher. We understand that job security is a necessity in today's world, but there comes point in time when there can be too much security. After teachers have gained tenure, they can have almost no fear in being fired, no matter how lazy they become. This is very wrong. Having poor quality teachers produces poor quality students. In the end, only the students are being harmed.

Incompetency as a cause for dismissal generally refers to a lack of requisite ability to perform assigned teaching duties. In most cases, teachers that have been declared incompetent have been previously warned that their behavior has not been acceptable and there has been

effort to help improve the teacher. However, the teacher has failed to comply with improvement efforts.

Insubordination is the willful disregard of instructions. Most cases of insubordination contain willful disobedience or a refusal to obey a reasonable order. If a teacher constantly, willfully, and intentionally disobeys authority they are considered insubordinate.

Immorality is the unfitness or improper conduct displayed by a teacher. While immorality is usually connected with sexual conduct, it can also include the unjustified use of profanity, gambling, immoral crimes, and other matters that can be perceived to be that way. Courts have considered the following criteria in determining whether a teacher is immoral or not:

- 1.) the age and maturity of the students
- 2.) the size or population of the school and community
- 3.) the likelihood that the teacher's conduct has had, or will have, an adverse effect on students, other teachers, or the school community.
- 4.) the proximity or remoteness in the time of the conduct
- 5.) any aggravating circumstances surrounding the conduct
- 6.) the likelihood that the conduct will be repeated
- 7.) the motive for the conduct

Others can often perceive discussion of sexual subjects as immoral. Discussions that contain sexual subjects can cause psychological harm and it often can lead to participating in sexual activities. Students normally look to teachers as mentors and examples, and if a teacher views sexual discussions and activities as appropriate, students are more likely to think so also. Teachers have control over the intellectual, moral, and psychological development of the children.

A solution we see to teaching in conjunction with the school's curriculum is to set up guidelines and strictly enforce appropriate behavior. We feel that the administrators and the state should work together to form what they feel students should be learning in the classroom. There should be numerous evaluations throughout the whole school year not only by the principal, but also by the superintendent and even some members of the school board. By these evaluations, the administrators can decide if a teacher is insubordinate, incompetent, or immoral.

In addition, if there are numerous complaints of inappropriate behavior to administrators, these should be taken into serious consideration. It seems most of the time, in order to prove that inappropriate behavior has been going on, one must almost have a video of a teacher doing this behavior. This is impossible and not reasonable. Even to have this request taken into consideration, there must be loads of proof and documentation. It is unreasonable to ask a student to document every little inappropriate behavior. It should not be the students' responsibility to keep a teacher in line. A teacher should not have to be told to act appropriately; they should just automatically do so.

A solution to making it not nearly as impossible to get rid of teachers is to cut down the effort and expenses it takes. In recent years, school budgets and school spending have been at a minimum. Schools cannot afford to get rid of teachers with tenure, because it is a long, expensive process. If a teacher with tenure is fired, they can come back, sue the school for large amounts of money, and still keep their job. In doing this, the school has just wasted their time. It seems that when test scores are down, or students are doing poorly, the administrators are the ones being put to blame. However, if an administrator is unable to fire poor quality teachers and replace them with better quality ones, how are the test scores supposed to increase? The

administrator is not the one teaching the students, it is the teacher, and the teacher should be held accountable for the lack of quality.

Teacher tenure is not just a small problem- it affects every school in the state. When it affects every school, it affects every student. Immoral, incompetent, and insubordinate teachers are harming students, and this is very wrong. Today's youth are the future leaders of America, and if the future leaders are being taught by low quality teachers they may not be able to reach the full potential for which they are capable.



Kansas State Department of Education

120 S.E. 10th Avenue
Topeka, Kansas 66612-1182

TO: House Education Committee
FROM: Rodney J. Bieker, KSDE General Counsel
RE: 2004 House Bill 2592
DATE: February 4, 2004

I am here today to testify on behalf of the State Board of Education in favor of the concept expressed in HB 2592, although we request the language contained in the bill draft that is attached to my testimony be adopted. (We, obviously, did a poor job of explaining to the revisor's office that the State Board wants a law requiring mediation. HB 2592 provides for voluntary action, not mandated action. Thus, significant changes are needed to HB 2592 and are made in the attached bill draft.)

What is proposed here is the use of mediation when local boards of education are unable to agree, on their own, to a proposed transfer of territory between their school districts.

Under current law, K.S.A. 72-7108, a transfer of territory from one school district to another can occur only if:

- (1) there is a written agreement to the transfer by the local boards of education and approval by the State Board; or
- (2) the State Board grants a petition by one board to take territory from another district.

The State Board believes the law should provide for an intermediate step between these two methods of land transfer. Specifically, the State Board proposes that, if a land transfer is sought but the local boards cannot agree, on their own, to the transfer, then the State Board would appoint a mediator to meet with the parties and see if an agreement could be reached through mediation. The districts would be required to participate in at least one mediation session. This procedure would allow the local boards an opportunity to meet with a trained mediator to consider an agreement. If an agreement was not reached through mediation, the option of filing a petition with the State Board would still exist.

Under the proposed law, the State Board would maintain a list of qualified mediators and appoint a mediator upon request to do so. The costs of mediation would be paid by the school district that seeks the transfer of territory.

The State Board of Education believes the enactment of these provisions would be a positive step in regard to land transfer matters. It asks for your favorable consideration of these provisions.

To replace HB 2592

HOUSE BILL No. _____

AN ACT concerning school districts; relating to the transfer of territory between districts; requiring mediation.

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

Section 1. (a) The state board, in accordance with this section, shall implement procedures to allow districts to discuss any proposal for the transfer of territory pursuant to K.S.A. 72-7101 *et seq.*, and amendments thereto, through a mediation process.

(b) The procedures implemented by the state board shall ensure that any mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The state board shall maintain a list of individuals who are qualified mediators.

(c) Any district proposing a transfer of territory shall first seek an agreement to transfer the territory. If an agreement is not obtained, the proposal for the transfer shall be abandoned or the district seeking the transfer shall file a written request with the state board for the appointment of a mediator.

(d) When a request to appoint a mediator is received, the state board shall appoint a mediator and shall notify the school districts of the appointment of the mediator.

(e) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the districts. Each district involved in a proposed transfer of territory shall be required to participate in at least one mediation session.

(f) If mediation fails to result in an agreement between the districts, a petition for transfer of territory may be submitted to the state board pursuant to K.S.A. 72-7108, and amendments thereto.

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

STATE OF KANSAS

JIM YONALLY
REPRESENTATIVE, 16TH DISTRICT
JOHNSON COUNTY



HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
ETHICS AND ELECTION
LOCAL GOVERNMENT
TRANSPORTATION

TESTIMONY ON HB 2608

Madam Chairman, thanks for this opportunity to speak to the committee about HB 2608.

First, let me say that I support additional funding for students who are truly, "at risk". This bill represents one way that I believe that can be accomplished.

What the bill does is to continue to provide funding to school districts based on the number of students the district has receiving free lunches. However, it would do that only if the district is actually providing the student with "an approved at risk pupil assistance plan".

In addition, it would provide funding for students who are also in an assistance program, providing the student meet some additional criteria that describes students who are actually "at risk".

I have an amendment to offer that require students to meet only one of the criteria listed in the bill to be eligible for funding and for the student's district to receive state assistance in providing that program.

1 education and related services for preschool-aged exceptional children,
 2 provided for by the district shall be counted as one pupil. A pupil enrolled
 3 in a district and attending special education and related services for pre-
 4 school-aged exceptional children provided for by the district shall be
 5 counted as 1/2 pupil. A preschool-aged at-risk pupil enrolled in a district
 6 and receiving services under an approved at-risk pupil assistance plan
 7 maintained by the district shall be counted as 1/2 pupil. A pupil in the
 8 custody of the secretary of social and rehabilitation services and enrolled
 9 in unified school district No. 259, Sedgwick county, Kansas, but housed,
 10 maintained, and receiving educational services at the Judge James V. Rid-
 11 del Boys Ranch, shall be counted as two pupils. A pupil residing at the
 12 Flint Hills job corps center shall not be counted. A pupil confined in and
 13 receiving educational services provided for by a district at a juvenile de-
 14 tention facility shall not be counted. A pupil enrolled in a district but
 15 housed, maintained, and receiving educational services at a state institu-
 16 tion shall not be counted.

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

20 (c) "At-risk pupils" means pupils who are eligible for free meals un-
 21 der the national school lunch act and who are enrolled in a district which
 22 maintains an approved at-risk pupil assistance plan and who are eligible
 23 for free meals under the national school lunch act or who are character-
 24 ized by any ~~two or more~~ of the following indicators: (1) A rate of absen-
 25 teeism from school attendance that exceeds 50% for the preceding semes-
 26 ter; (2) failure in two or more subjects or courses of study; (3) ~~retention~~
 27 ~~at grade level one or more times;~~ (4) pregnancy or parenthood, or both;
 28 ~~(5) identified chemically or alcohol dependent; or (6) adjudicated juvenile~~
 29 ~~offender.~~

(4)

(5)

30 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
 31 attained the age of four years, is under the age of eligibility for attendance
 32 at kindergarten, and has been selected by the state board in accordance
 33 with guidelines consonant with guidelines governing the selection of pu-
 34 pils for participation in head start programs. The state board shall select
 35 not more than 5,500 preschool-aged at-risk pupils to be counted in any
 36 school year.

37 (e) "Enrollment" means: (1) For districts scheduling the school days
 38 or school hours of the school term on a trimestral or quarterly basis, the
 39 number of pupils regularly enrolled in the district on September 20 plus
 40 the number of pupils regularly enrolled in the district on February 20
 41 less the number of pupils regularly enrolled on February 20 who were
 42 counted in the enrollment of the district on September 20; and for dis-
 43 tricts not specified in this clause (1), the number of pupils regularly en-



Mark Desetti
Testimony
House Education Committee
HB 2608
February 4, 2004

Madame Chair, members of the Committee, thank you for the opportunity to come before you today to testify on HB 2608.

We consider this bill a long overdue amendment to the at-risk student statutes. When a similar bill was introduced by former Representative Lisa Benlon we supported it and we have been encouraging its re-introduction ever since.

We support what Representative Yonally is trying to do here but we do have some suggestions that we think would make the bill even better.

It is widely recognized that, while poverty is a strong indicator of difficulty in schools, it is not the sole indicator. Since our current system provides funds for at-risk students based on the number of students eligible for free lunch, it is conceivable that school districts with low numbers of students in poverty could have many more at-risk students than students who generate at-risk funds.

This bill tries to ensure that at-risk funds flow to students who need them. The six indicators outlined in the bill are indeed very good indicators for at-risk students. High absenteeism, failing classes, retention or being over-age for grade, pregnancy or parenthood, chemical or alcohol dependency, and juvenile offenses all point to dropping out of or not completing high school. However, I would suggest that any one of these taken by itself is just as strong an indicator. I would also suggest that the 50% absence rate is far too high and that failing one class puts a student behind on the path to graduation.

I would ask the committee to amend the bill to require only one of the indicators, to reduce the absence rate to 20%, and to reduce the number of failing classes to one. Students on this path demand a lot of staff attention and monitoring. They benefit from tutorial programs, study sessions, and counseling. We need to do our best to provide those services.

Secondly, it is widely recognized that the weighting Kansas uses for at-risk students is inadequate to do the job it is intended to do. Bringing students with serious difficulties – whether because of difficult home conditions, poverty, mistakes they have made, or even simply attitude – is a serious challenge but one from which we must not turn aside. Kansas' at-risk weighting is among the lowest in the United States. This is precisely why Senator Kerr urged its increase several years ago and Governor Sebelius has included an increase in her Education First plan.

I understand that the intent of the bill is to provide funds to districts with at-risk students who are not in poverty, but it simply reallocates inadequate funds and would have the effect of hurting high-poverty areas. The hitch is that our weighting is too low to provide the resources necessary to meet the needs of the students we have now. I believe we can address this issue in one of three ways. We can make sure that we provide funds for *all students who are eligible for free lunch*, we can expand the availability of funds to students enrolled in an at-risk program who are eligible for free *and reduced lunch*, or we can *increase the weighting* as called for in the Education First plan. One way or the other, we believe the legislature must work hard to provide the necessary resources to get the job done.

We cannot afford to downplay the needs of our students. Kansas has an achievement gap that we must address and addressing that gap takes resources. This bill is a step in the right direction in that it directs funds to students who do not generate at-risk funds now but it does nothing to ensure that our at-risk programs are funded at a level to be successful. Our economy demands that we bring every Kansas student through high school and the mandates of federal law require that every student reach the proficient level on our state assessments. With most of our children we are successful. We ask you to provide the resources to bring the others along as well.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on
HB 2608 – At-Risk Weighting

Before the
House Committee on Education

By Mark Tallman, Assistant Executive Director/Advocacy
February 4, 2004

Madam Chair, Members of the Committee:

Thank you for the opportunity to appear today on **HB 2608**, which would add criteria to the definition of “at-risk pupils” for the purpose of calculating funding for at-risk pupil assistance programs.

KASB has long supported expanding the definition of at-risk pupils to recognize that many students who are academically at-risk are not from low-income families. It makes sense to tie the at-risk weighting factor as closely as possible to those students who are actually in need of additional services.

However, we are concerned about the provision of this bill that would require free lunch eligible students be enrolled in a pupil assistance program in order to be counted for funding. While we agree there is a rational basis for this change, the new criteria contained in this bill are so limited that many students who are currently served by this program could be excluded. We believe that the current level of funding for at-risk weighting is so low that such a change would reduce funding in many districts.

Probably the easiest way to address this concern is to continue to count all free lunch eligible students and allow students to also qualify under additional criteria, such as the indicators proposed in this bill. Of course, this would expand the cost of the at-risk weighting program. But we believe current at-risk weighting is seriously underfunded. We do not want to simply shift funding from one group of at-risk students to another. Such a change would not improve the overall academic progress of the state.

Another method would be to base funding for at-risk programs on the indicators actually used to qualify students for services. It is important to note that about 25 percent of Kansas students currently qualify for free lunch. A somewhat higher percentage is actually being served by at-risk programs. Furthermore, we know that approximately 33 percent of students did not score “proficient” on state reading assessments, and approximately 40 percent of students did not score “proficient” in math (although we believe the math results are inaccurately reflected by the timing of the high school math test). However they are identified, we must recognize that approximately one-third of Kansas students are not doing as well as they should.

We also know that these students CAN learn, given more time and better teaching methods. The state has doubled the at-risk weighting factor since 1992. In recent years, the Kansas State Department of Education has reported progress in closing the achievement gap. But that gap remains far too large. More resources are necessary. In addition to broadening the at-risk weighting definition, we encourage this committee to support the kind of significant increase in at-risk funding proposed by Governor Sebelius in her *Education First* plan.

Thank you for your consideration.

House Education Committee

Date: 2/4/04

Attachment # 7

Testimony to House Education Committee on House Bill 2608
Robert J. Vancrum, Government Affairs Specialists
Blue Valley School District

Chairman Decker and Honorable Members of the Committee:

I am here to testify on behalf of the Blue Valley School District in favor of House Bill 2608, which would change the definition of "at-risk pupils" for purposes of the current school finance formula to track those students who have an approved At-Risk Pupil Assistance Plan. The current plan pays money to school districts based entirely on student population that is eligible for free meals under the National School Lunch Act. This has the potential to be significantly different than the school age population that actually is at-risk of failing to proceed to graduation with their peers. Chronic absenteeism, being held back a grade level, pregnancy, chemical or alcohol dependence and juvenile offender status all have a lot more to do with student's ability to make average yearly progress than family income.

There is some relationship between these factors and income. But the primary reason why the school finance formula uses such a rough short-hand definition to determine who gets additional funds is that it is fairly simple to compute and fairly simple to audit.

The Governor this year has suggested that at-risk funding be increased from .10 to .25, a significant jump in funding which we agree is critical for school districts having to meet the additional burden of Federal No Child Left Behind Act with no additional funding. These funds are really misdirected if they are being distributed solely on the basis of number of pupils that come from low income families. Certainly many of the factors outlined above bear no relationship to income level. Frankly to stigmatize all poor kids as being at-risk is not fair to them either. It is probably never a sufficient reason to adopt such a standard because it is easy for bureaucracy to administer. We have had this change on our legislative agenda for a number of years. Certainly the time has come to do so.

Thank you very much for your attention. I will be happy to stand for questions.

I'm Ray Daniels, Superintendent of the Kansas City, Kansas Unified School District 500, and I'm here today representing my district.

I am concerned about Sec. 1(c) the amended definition of "At-risk pupils" in this bill. The definition refers to "...pupils who are enrolled in an approved at-risk pupil assistance plan..." but there is no definition of what an approved at-risk pupil assistance plan is. If the definition of the assistance plan is too restrictive, it could cost my district millions of dollars.

In KCK 77% of the students qualify for free or reduced lunch. Because we have such high numbers of students who qualify, all of our schools are approved by the State Department each year as being eligible for school wide services. As a result, all of our schools receive additional at-risk funds according to the formula for those students identified as qualifying for free lunch. The monies are used school wide to assist all students in raising their achievement. Many districts have schools with small numbers of at-risk students, and the at-risk monies are targeted only for those few. Again, in KCK our poverty levels are so high, all of our schools qualify for school wide programs.

For districts like KCK with high numbers of poverty, it is much more effective and efficient to continue offering services on a school wide basis. We are seeing significant, positive effects in student achievement in our district, and the school wide program is vital to our continued success. In addition, if we had to offer specific programs for those students who qualify for free or reduced lunch, over half of the student body in all of our schools would be in the programs and in some schools the percentage of students would exceed 90%. We would not have the funding to hire the additional staff needed.

Research makes it clear that income level has a high correlation with academic success. In Kansas we are working hard to close the gap between free and reduced lunch students and those who fully pay. That same gap exists in KCK, but we are having success in closing it. If the definition of "approved at-risk assistance plan" is so restrictive that it does not include school wide programs, KCK would lose millions of dollars or be forced to change to inefficient, costly programs that would cost millions of dollars. In either case, the students whom this bill is designed to serve would be the losers.

I urge the committee to include school wide programs in the definition of "approved at-risk assistance plan."

House Education Committee

Date: 2/4/04

Attachment # 9



House Education Committee Rep. Decker, chair

H. B. 2608 At risk definition

February 4, 2004

*Presented by: Diane Gjerstad
Wichita Public Schools*

Madame Chair, members of the committee:

During the past six years the Wichita district headcount has grown by 500 students. While growing the student base is good, the make up of our student population has changed significantly in just the past six years. During this time the percentage of students who qualify for free or reduced lunch has grown from just over half to 64% (state average 35%). The number of non-English speaking students has grown by 1830 during this time to a total of 5111 just less than 10% (compared to the state average of 5.5%).

The need for focused teaching of all student groups has been amplified with the passage of No Child Left Behind which requires prescribed annual increases for all student groups greater than 30. The immediate pressure to improve under NCLB is felt at the Title buildings, but will soon spread to all schools. The sanctions for not meeting the goals (called annual yearly progress or AYP) are harsh and difficult to communicate to the public.

The impact and expectations of NCLB are important as we discuss H.B. 2608 which would expand the at-risk definition and require at-risk dollars be spent only on students meeting the definition. This is a huge policy shift. Today districts are able to pool resources and concentrate programs to meet the needs of the population they serve. In Wichita the Board of Education made a commitment to early childhood through pre-K and today supports all day kindergarten in 48 out of 59 elementary schools. All day K is subsidized by pooling \$2.6M in at-risk dollars. At the secondary level pooling \$2.4M in at-risk dollars funds the three alternative high schools. Passage of H.B. 2608 would close a dramatic number of all day K classrooms in Wichita and one or more alternative high schools.

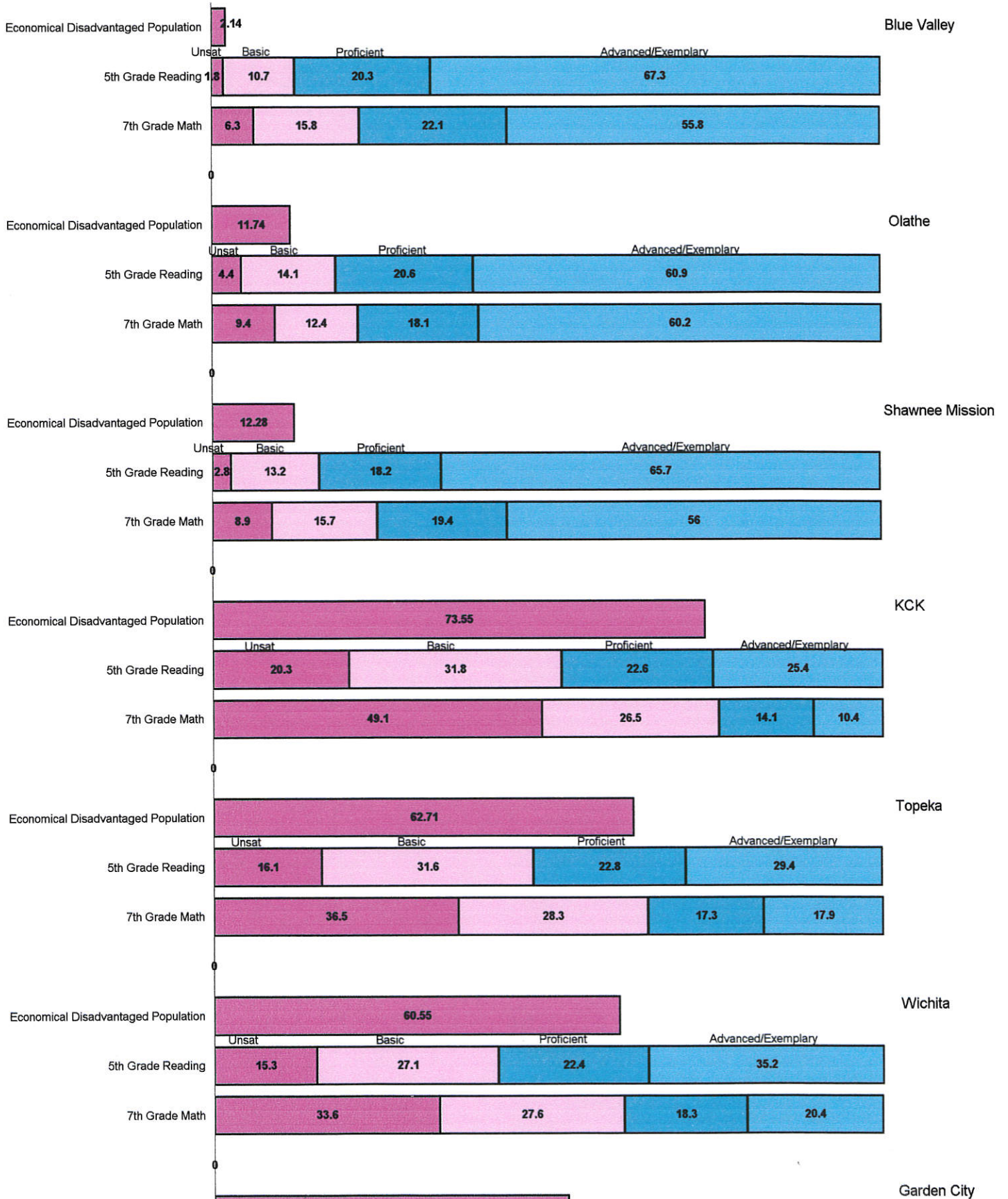
We pool resources because today at-risk funding generates only about \$2 per day. Requiring Wichita to spend \$2 on individual students at 100 buildings would dilute the impact, along with removing the local district's ability to concentrate funds.

One simple way to impact the well documented link between poverty and student performance would be to add to the current definition "and reduced" lunch eligible students.

Thank you, Madame Chair, I would stand for questions.

House Education Committee
Date: 2/4/04
Attachment # 10-1

Link Between Student Achievement and Economics





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Testimony to the House Committee on Education

Chairman Decker and members of the committee, my name is Michael Donnelly. I am Director of Policy and Outreach for Kansas Advocacy and Protective Services. KAPS (Kansas Advocacy & Protective Services, Inc.) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As such, KAPS is the officially designated protection and advocacy organization for Kansans with disabilities. KAPS is a private, 501(c)(3) nonprofit corporation, independent of both state government and disability service providers.

Thank you for the opportunity to speak with regard to HB 2619. My testimony today focuses on the proposed definition of "at-risk" pupils. As stated above KAPS is a legal advocacy organization focused on the legal and civil rights of Kansans with disabilities, including children who have disabilities. KAPS proposes that the committee add "identified as pupil with disability(ies)" to the definition of at-risk.

Students with disabilities continue to be at a much higher risk for educational failure, entry into the juvenile justice system and life long unemployment than their non-disabled peers. For example the unemployment rate among adults with disabilities is nearly 70% and is often due to educational failure and skills development. We suggest that students with disabilities also be provided an "at risk pupil assistance plan" and that the school that they attend be given additional resources necessary to alleviate some of those risks.

As this Committee discusses the state of education in Kansas KAPS strongly encourages this Committee, and the entire legislature, to consider holding schools accountable in new and better ways for the education and treatment of their students with disabilities. By providing the option

of additional dollars to support their efforts to educate the at-risk students (students with disabilities), this Committee will be providing one more avenue by which students with disabilities needs are met, and by which they will more likely succeed in adulthood.