

MINUTES OF THE HOUSE HIGHER EDUCATION COMMITTEE

The meeting was called to order by Chairman Tom Sloan at 3:30 P.M. on January 11, 2006 in Room 231-N of the Capitol.

All members were present except:

Representative Annie Kuether- excused  
Representative Eber Phelps- excused

Committee staff present:

Mary Galligan, Kansas Legislative Research Department  
Deb Hollon, Kansas Legislative Research Department  
Art Griggs, Office of the Revisor  
Haley DaVee, Committee Secretary

Others attending:

See attached list.

The Chairman called on Art Griggs, Revisor of the Statutes Office, for bill introductions. There were four items: one was a concurrent resolution encouraging the Governor to invite the Chief Executive of the Kansas Board of Regents to participate in the Governor's Cabinet; one relating to in-state rates at state institutions for people who graduated from Kansas high schools and went into the military; a bill on energy conservation projects for community and technical colleges; and a bill relating to the membership to the Midwest Higher Education Commission.

Chairman asks for questions or further bill introductions.

Representative Hill moved that the bills be introduced by the committee. The motion was seconded by Representative Storm.

The motion carried.

Mary Galligan, Legislative Research Department, briefed the committee on what the Legislative Education Planning Committee has proposed (Attachment 1).

Chairman Sloan adjourned the meeting at 4:05 p.m.

The next meeting is scheduled for Wednesday, January 13, 2006 at 3:30 p.m. in Room 231-N.



Report of the  
Joint Committee on Legislative  
Educational Planning  
to the  
2006 Kansas Legislature

**CHAIRPERSON:** Senator Jean Schodorf

**VICE-CHAIRPERSON:** Representative Kathe Decker

**OTHER MEMBERS:** Senators Marci Francisco, Roger Pine, Mark Taddiken, Ruth Teichman, and John Vratil; and Representatives Barbara Ballard, John Faber, Deena Horst, Steve Huebert, Eber Phelps, and Jo Ann Pottorff

**STUDY TOPICS**

Elementary and Secondary Education and Postsecondary Education

*December 2005*

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# Legislative Educational Planning Committee

## ELEMENTARY AND SECONDARY EDUCATION POSTSECONDARY EDUCATION

### CONCLUSIONS AND RECOMMENDATIONS

The Legislative Educational Planning Committee recommends 11 bills for introduction during the 2006 Session. The legislation would:

- Increase the interval for State Board of Education review of curriculum standards from every three years to every seven years;
- Delete the penalty for withdrawal of funds within one year of establishment of a Learning Quest account;
- Expand the tax deduction for college savings accounts to include out-of-state programs;
- Allow the Board of Regents to contract for health insurance or the services of a health maintenance organization for students at the state universities;
- Remove the \$25,000 limit under which the Director of Purchases may delegate authority to any state agency to make purchases, thereby authorizing delegation at any amount;
- Amend the concurrent enrollment statutes to allow gifted students in ninth and tenth grades to participate and to add technical colleges to the list of eligible institutions;
- Authorize the state universities to purchase insurance other than health insurance independently of the Committee on Surety Bonds and Insurance and state purchasing statutes;
- Authorize the Board of Regents and state universities to sell property acquired by bequest without the approval of the Legislature;
- Align various statutes with the Private and Out-of-State Postsecondary Institutions Act (passed during the 2004 Legislative Session);
- Require that a technical college which does not comply with statutes or regulations concerning its governing body shall revert back to a vocational school and may not offer any classes leading to an academic degree; and
- Clarify recent statutory amendments to the Board of Regents' retirement plan.

**Proposed Legislation:** The Committee recommends the introduction of 11 bills.

### BACKGROUND

The Legislative Educational Planning Committee (LEPC) is a statutorily-authorized committee with jurisdiction over preschool, elementary, secondary, and postsecondary education. The Committee is statutorily charged with monitoring the implementation and ongoing operation of the Kansas Higher Education Coordination Act (KSA 74-3201 *et seq.*). Legislation enacted by the 2005 Legislature changed the Committee's role to

exclude matters or issues relating to school finance from its purview. This action was to eliminate duplication between the LEPC and the 2010 Commission, a new entity created by the 2005 Legislature which is responsible for monitoring school district funding.

The LEPC consists of seven House members and six Senate members appointed by the Legislative Coordinating Council (LCC). The Committee may initiate its own studies or be assigned proposals by the LCC.

During the 2005 Interim, the LCC assigned the Committee the matter of area vocational school and technical college waiting lists.

## COMMITTEE ACTIVITIES

### Elementary and Secondary Education

#### Use of 65 Percent of Funding for Instruction

Legislation enacted by the 2005 Legislature states that it is the public policy goal of the State of Kansas that at least 65 percent of money provided by the state be spent for instruction. Enactment of the goal reflects nationwide interest in putting more money directly into classroom instruction and is being promoted by "First Class Education." First Class Education is an organization dedicated to having legislation enacted in the 50 states and Washington, D.C., which would require that by the end of 2008 at least 65 percent of education operating budgets be spent in the classroom.

What is considered "classroom expenditures" is based on the definition of "instructional costs" developed by the National Center for Education Statistics. Instructional expenditures include salaries for teachers and teacher aides; classroom supplies; and activities such as field trips, music, and art. Excluded are expenditures for administration; plant operations and maintenance; food; curriculum development; student support services such as nurses and counselors; and costs for construction, major repairs, and renovation. For the 2002-03 school year, Kansas ranked 41st from the top nationwide, spending \$7,454 per pupil compared to the national average of \$8,041. The expenditure for instruction in Kansas amounted to 59.2 percent of the education dollar, with 36.2 percent of the remaining money being spent for support services and 4.2 percent being spent for administration.

In school year 2003-04, expenditures for instruction in Kansas averaged 60.01 percent. This percentage represents an expenditure of almost \$2.1 billion. Only 23 school districts spent 65 percent or more for instructional purposes and 17 school districts, including the largest, spent less than 55 percent.

Conferees before the Committee raised questions about the relationship between spending a higher percentage for instruction and student performance. The Kansas Association of School Boards cited data from the National Assessment of Education Progress (NAEP) which shows that only four of the ten states that spend the highest percentage on instruction rank in the top ten states on NAEP reading and math tests. Four of the ten states, including Kansas, which spend the lowest percentage on instruction rank in the top ten in NAEP performance. The Association's representative contended that the total amount of spending appears to matter more than the percentage spent on instruction and that the states in the top ten on the basis of NAEP reading and math achievement spend, on average, more per pupil than do the bottom ten. The Association's position is that programs and services not included in the definition of "instruction," such as operations and maintenance, student support, instructional support, and school administration, create conditions in which students can learn better.

Representatives of USD 259 (Wichita), USD 501 (Topeka), and Schools for Quality Education took similar positions: "One-size-fits all" solutions fail to account for differences among Kansas school districts and often the services most needed by students who are difficult to educate are services excluded from the definition of "instruction."

It is almost certain that the percentage of expenditures for instruction will increase, partly because districts will make a greater effort to make sure that all expenditures for

instruction are reported in compliance with the recently-enacted public policy goal and also because school districts have the additional funding provided by the 2005 Legislature. Much of this money is going into the instructional area. How school districts spend their money could change from the 2003-04 patterns reviewed by the Committee as districts respond to the Legislature's declaration of intent that more funding be dedicated to the classroom and as they begin the 2005-06 school year with significantly more resources than in recent years.

### **Post Audit Study of Educational Costs**

The first school finance legislation enacted by the 2005 Legislature directed the Legislative Division of Post Audit to conduct a professional cost study to determine the costs of delivering the kindergarten and grades one through 12 curriculum, related services, and other programs mandated by state statute in accredited schools. The Kansas Supreme Court found the directive deficient because it limited the study to "inputs" only—the cost of providing for programs and services that are statutorily mandated. The Court expanded the scope of the study to include "outcomes"—the cost of attaining "measurable standards of student proficiency." In the Court's view, merely determining how much it costs to pay for statutorily-required programs and services does not answer the question of how much it costs to enable students to meet the educational standards adopted by the State board of Education.

The Legislature responded by requiring the Legislative Division of Post Audit to conduct two studies—one input-based and one outcomes-based. The Legislative Post Auditor met with the Committee to report on the status of the two studies, which will be presented to the 2006 Legislature. According to the Post Auditor, the input-based study will consider how much it should cost school districts to deliver the

curriculum, related services, and programs that are mandated by state statute, including high school graduation requirements developed by the State Board of Education and scholarship requirements imposed by the Kansas Board of Regents. The approach to the study will be to develop eight prototype school districts based on enrollment size and determine what it would cost each model district to provide statutorily-mandated courses and programs. The models then could be applied to actual school districts of similar size to determine how efficient they are compared to the hypothetical models.

The outcomes-based study will estimate how much it should cost school districts to meet the performance outcome standards set by the State Board of Education. This will be accomplished by collecting data from the last five years on spending per pupil, student performance, and district and student characteristics. From these data, the auditors will identify the relationships between spending, performance, and other factors. Statistical tests pertaining to the relationships among spending and performance will be conducted by the Center for Policy Research at Syracuse University, which is under contract to the Legislative Division of Post Audit to assist in the study.

The education cost study will be presented to the Legislative Post Audit Committee January 4, 2006.

### **Virtual Schools**

There are 18 school districts and four service centers in Kansas currently providing virtual learning opportunities. Virtual schools must be approved by the State Board of Education which has adopted requirements for virtual and online program intended to ensure quality of program offerings. Only students enrolled in an approved program may be counted as part of a school district's enrollment. To be counted, the student must be in a face-to-

face class on September 20 or there must be documentation that the student was engaged in academic activities on September 20.

To be approved, a virtual or online program must meet the following requirements:

- Undergo a site visit by a team comprised of at least three members appointed by the State Department of Education;
- Meet personnel requirements, including having Kansas certified teachers to provide instruction, assistance, and student support;
- Designate a student and parent communications liaison to ensure continuous communication between schools, teachers, students, and parents;
- Designate technical support staff;
- Designate a staff member to develop, implement, and evaluate a training program for staff, students, and parents in the use of the online program;
- Designate a testing facilitator to coordinate all district and state assessments for online students;
- Designate a data entry staff person to provide data entry services, including student enrollment in online courses and data processing of student grades for report cards and transcripts; and
- Designate a staff member to perform counselor duties such as reviewing transcripts, recommending course schedules for online programs, and providing career counseling.

Representatives from two school districts met with the Committee to talk about their virtual schools. One school, the Elkhart Cyber School in USD 218 (Elkhart), attracts home school students, students who are at-

risk, nontraditional students, and students who have been referred to it from across the state. Students and teachers interact through a closed e-mail system, in the virtual classroom, through a discussion board, on the telephone, and at home visits. Students in the program must take the state assessments. The second school, the Hope Street Academy in USD 501 (Topeka), attracts students who are one to four semesters behind and may have been suspended or expelled from other schools. Representatives of both schools said a student must be motivated and disciplined to succeed in a virtual school and that parental support is a necessary component for student success.

### **Juvenile Detention Facilities**

The Committee held a hearing involving educational services provided King's Camp/King's Achievement Center by USD 265 (Goddard). The owner of the Center, which is a Level V residential home for boys who are in the custody of the Juvenile Justice Authority, is Representative Richard Kelsey. School districts that provide educational services to students who reside at the Flint Hills Job Corp Center in Manhattan or are confined in a juvenile detention facility are eligible to be reimbursed for the services under a state aid program which pays a school district the actual cost of services provided or an amount equal to counting each student as two pupils under the school finance formula, whichever is less.

Representative Kelsey described a history of contention with USD 265. A primary concern is that the school district educates the students at the district's own facilities instead of at the Center itself. Representative Kelsey believes this subjects Center students to outside influences and makes it more difficult to keep them out of trouble and to change their behavior in preparation for adulthood. He said Center students have been subjected to excessive school suspensions, are supervised by

school officials who could easily be overpowered by a student in a fit or rage, are transported five miles to the school facility without adequate supervision, and have only 168 days of instruction.

Representative Kelsey raised several concerns, including whether school districts should be reimbursed under the juvenile detention facilities aid program when they provide educational services at their own facility rather than at the juvenile detention facility; whether all costs of educating students are taken into account, such as special education, transportation, and other costs; and whether a juvenile detention facility ought to have the final say about where it gets educational services instead of the final say resting with the school district in which the facility is located or with the State Department of Education.

Officials representing the Goddard school district said educational services originally had been provided by the Goddard district at the Center, but the facilities were badly in need of repair. They said Representative Kelsey also wanted the school district to pay rent to the Center for use of the space. The district then decided to educate Center students at district facilities, in part because the district could offer support services not available at the Center, such as libraries and current technology. School district officials believe it helps Center students to mix with non-adjudicated students and better prepares them to reenter society. School district officials said they consider the program a success and that initial resistance from Goddard students and the general community to integrating Center students with regular students has been overcome.

Representatives of the school district say one of their concerns is that students at the Center who have special needs are not having those needs met. A primary point of contention with the school district is the fact that the Center is approved to offer a General Educational Development (GED) certificate

and Center students being educated at school district sites are removed from high school programs when they reach 16 and put into the GED program at the Center. According to district officials, this interrupts the students' education and deprives them of the opportunity to receive support services they may need and to mix with other students in preparation for reentry into society.

At the time of the Committee hearing, the district and Representative Kelsey had been unable for four years to develop a written agreement regarding services that both parties could sign. A main obstacle to reaching agreement is the Center's GED program.

In December, Representative Kelsey reported that he has made arrangements with USD 400 (Smoky Valley in Lindsborg) to provide virtual schooling at the Center, beginning with the 2006-07 school year. Officials at the Goddard district indicate that facilities and staff currently involved in educating students from the Center will be used to educate the increasing number of students enrolled in the district as the result of enrollment growth over the last two years.

### **High School Reform**

The traditional high school model, characterized by large, comprehensive buildings with diverse student populations in which students can access a range of courses, extracurricular activities, and support from among a range of resources and opportunities, has fallen into disfavor in many quarters. Concerns about high dropout rates, unprepared graduates, and low achievement of students with special needs have stimulated reform efforts across the country. Foremost among them are activities supported by the Bill and Melinda Gates Foundation, which has made grants totaling \$815.0 million since 2001 for high school reform.



Reform efforts supported by Gates Foundation grants have three primary objectives:

- **Create at least 10,000 great high schools in the next ten years.** Central to this objective is the creation of small schools or “learning communities” consisting of no more than 100 students per grade and no more than 400 students per school. This objective is based on the idea that students who go to school where everyone knows everyone else and where classes are small are less likely to engage in acts of violence and more likely to develop relationships with teachers who mentor them, to become more engaged in school work and internships in the community, to complete their course work, and to think about graduating and going on to college.
- **Make a college-preparatory curriculum the default curriculum in our high schools.** Reformers believe that, too often, students are tracked into dead-end courses that do not challenge them and do not prepare them to pursue additional education after high school, to find meaningful work, or to participate in society as informed citizens. Meaningless and dead-end courses should be eliminated and college-prep courses should be the rule, not the exception.
- **Increase access to higher education and double the numbers of poor and minority students who complete college degrees by the end of this decade.** According to the Gates Foundation, student assistance should be available to students who need it, facilities must be adequate to accommodate students who want to participate, and students whose parents did not graduate from college and who did not have instilled in them an awareness of the benefits of continued education should be made aware at a young age that college is an alternative they should pursue.

Gates Foundation grants typically are used in two ways: One is to divide large, comprehensive high schools into smaller learning communities. The other is to create small schools from scratch, perhaps building on an existing charter school. Under either strategy, the goal is students who have mastered content, graduate from high school, are prepared for college, eventually graduate from college, participate in the labor market, and are involved citizens.

In 2003, the Gates Foundation gave a grant to the National Conference of State Legislatures (NCSL) for the purpose of identifying policy changes at the state level which will encourage high school redesign. NCSL has grouped several strategies states can use to bring about high school reform into the following broad categories:

- **Policies that Improve the Connection Between High School and College.** A primary strategy used by states to improve the connection between high school and college is dual enrollment, which allows high school students to take courses at postsecondary institutions while they are still in high school. NCSL considers this a good strategy because it helps make the senior year more meaningful and productive and helps high school seniors prepare for college-level work.
- **Policies that Connect K-12 and College.** States need to implement strategies which integrate various educational levels, such as aligning high school graduation requirements with college entrance requirements; requiring high schools to send notices to students and parents about college preparatory courses; requiring high school counselors to work with each student to provide a career planning process; and requiring counseling and career awareness programs to be offered to students as early as the sixth, seventh, and eighth grades.

- Policies to Improve the Dropout Rate. Strategies include requiring parental notice before older students can leave school and implementing programs that target at-risk students who need more personal attention and support from teachers.

Representatives of Kansas school districts with exemplary high school reform efforts met with the Committee and agreed on the importance of establishing a personal connection with each student, particularly those who are struggling and need extra help. USD 500 (Kansas City) has been so successful in implementing a small learning-community model that the Gates Foundation has contacted it and is in the process of awarding it funding to expand internships and work-based experiences for 12th graders. The Gates Foundation selected the district to study so that its successful methods can be applied to other Foundation projects.

In USD 500, high school students are placed in groups of 150 to 200 students where they stay for the rest of their high school years. The reason for the small groups is to improve the quality of relationships and to improve the quality of teaching and learning. Each staff member has approximately 15 families with whom the staff member forms a relationship to support student achievement. The result is that students and their families have a staff member they know who becomes their "advocate." School district officials attribute improved graduation and student achievement rates to the small learning-community initiative.

Similar improvements were reported by representatives of USD 365 (Garnett). In that district, new methods of teaching and learning have been implemented at Anderson County Junior/Senior High School which allow students to learn at their individual levels. At the school, everything is centered on the student. Teachers gather

information about students' learning styles, likes and interests, and educational backgrounds. From this information, teachers develop individualized learning programs for each student. When this model was implemented in the science department, almost 85 percent of the students were at the proficient level or above, compared to fewer than 65 percent three years earlier.

The principal of Louisburg High, USD 416 (Louisburg), stressed that high school reform means more than building personal relationships. Reform efforts must be characterized by higher expectations for students, the availability of programs to help students prepare for careers, and programs to help students transition to postsecondary institutions.

The principal of North High, USD 259 (Wichita), also credited small learning communities with helping students succeed. Students at North High have the same assistant principal and counselor for their entire high school career and particular attention is paid to students who are poor, at risk of dropping out to get jobs, have little parental involvement in their school work, and have no history of educational success. Efforts are made to recruit ethnic minority teachers and teachers who want to work with urban students. Since the initiatives have been implemented, attendance and graduation rates have improved, expulsion and dropout rates have decreased, math and reading proficiencies have increased, and achievement gaps have narrowed.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee is impressed with efforts school districts are making to connect with high school students who are in danger of dropping out or otherwise not succeeding. The Committee recognizes that all students, regardless of achievement, would benefit from the innovations currently taking place in Kansas high schools and believes that more school districts ought to have the

opportunity to implement programs and strategies to ensure student success. For that reason, the Committee recommends that, if additional funding for elementary and secondary education becomes available during the 2006 Session, a high school reform pilot program should be created to provide grants to school districts to implement exemplary practices intended to better prepare high school students for college and for participation in the workforce.

### **Meeting with the State Board of Education**

The Committee devoted part of a meeting to a joint meeting with the State Board of Education. The purpose of the joint meeting, which is an annual tradition, is to develop a stronger relationship with the Board for the purpose of discussing issues of mutual concern.

**Personal Financial Literacy.** The Committee and the State Board received a report from State Board staff on the ongoing implementation of legislation enacted in 2003 which required the State Board to develop curriculum, material, and guidelines for local boards of education to use in implementing a program on personal financial literacy. The program had to deal with issues relating to consumer financial education, personal finance, and personal credit.

To implement the legislation, the State Department worked with other state and private entities to enhance teachers' knowledge and use of materials and information on financial literacy. The State Department also incorporated personal financial literacy standards in the curriculum content areas of mathematics, history and government, economics and geography, and family and consumer science education. These standards are assessed in the state mathematics assessment, which is given annually in grades three through eight and once in high school, and in the history

and government assessment, which is given biennially in grades six, eight, and once in high school.

**Important Issues Identified.** Part of the joint meeting with the State Board of Education consisted of small group discussions for the purpose of identifying upcoming educational issues. Not all members of the Committee and the State Board agreed with each of the items identified, but most agreed that the issues would be raised during the 2006 Session. The issues include the following:

- Consideration should be given to more extended-day opportunities, professional development, and high school reform.
- Consideration should be given to school choice for at-risk students.
- There should be clearly defined standards and outcomes and less rigidity in schools.
- There should be personalized learning and students who need help should be targeted and provided extra support. Each student should have a personalized learning program.
- Additional funding should be provided high schools that need to reform or schools that are not meeting annual yearly progress goals and need to improve.
- There should be more discussions among stakeholders.
- The charter school law should be liberalized in order to give the State Board a more active role in creating charter schools.
- Consideration should be given to scholarships for special education and at-risk students.

## State Assessments

Kansas students continue to do well and improve on the state assessments, although there still are subgroups for whom the achievement gap is not closing and improvement, in general, is not as good for high school students as for students in earlier grades. Highlights of the 2005 state assessments are the following:

- Participation rates in all tested areas (reading, mathematics, history and government, and science) are up compared to 2004 and are higher than in 2003.
- The percentage of students scoring at the proficient level and above in reading increased over the prior year and over the last five years for all student subgroups.
- The reading proficiency gap is closing, based on ethnicity and eligibility for free or reduced-price lunches.
- The percentage of students scoring at the proficient level and above in mathematics increased over the prior year and over the last five years in total, although proficient English as a Second Language students in the tenth grade did not increase over 2004 and the number of proficient African-American and Hispanic students declined over a five-year period. The increases in proficient students in mathematics also were not as great for tenth graders as for fourth and eighth graders.
- The mathematics proficiency gap is closing for African-American and Hispanic fourth and seventh graders, but has increased for African-American and Hispanic tenth graders.
- The percentage of students at the proficient level or above in mathematics who qualify for free or reduced-price

lunches has increased over the past five years.

- All subgroups of students showed improvement on the history and government assessment, although less improvement was shown for eleventh graders.
- The achievement gap on the history and government assessment is closing for African-American and Hispanic students, except for those in the eleventh grade. The gap has narrowed for students who are eligible for free and reduced-price lunches, based on the history and government assessment, except for eleventh graders who qualify for free lunches.
- All subgroups of students showed increases in science, although the five-year gap has not narrowed for tenth graders who are Hispanic or who are eligible for free lunches.

In the current school year (2005-06), reading assessments will be given to students in grades three, eight, and eleven and mathematics assessments will be given to students in grades three, eight, and ten.

Representatives of the State Department of Education expressed a concern relating to the assessments, which regards the statutory requirement that the State Board of Education review performance standards every three years. They said the interval is too short to revise standards before they are reflected in the assessments. This is because it may take a year and a half to develop new standards and another year to set the cut scores. There is no time to implement the new standards before it is time to consider revising them again.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee agrees that the current three-year interval for State Board review of curriculum standards is too short. Not only does it fail to allow for new standards to be revised and implemented before it is time to start over, but it fails to provide trend data which can be used to compare student achievement. For that reason, the Committee recommends the introduction of legislation to extend the interval from three to seven years. The longer interval will give school districts time to implement the standards before they have to be considered for revision and, importantly, will provide five years of data based on the same standards.

### Issues Relating to Teachers

Of the 26,267 Kansas teachers who teach at least one core content class, 25,110, or 95.6 percent, are highly qualified. "Highly qualified" means the teacher has demonstrated competence through a major in the content area or on the basis of workshops, experience, professional development, and other professional activities. The content area with the lowest percentage of highly qualified teachers is foreign language, for which only about 85 percent of the teachers are highly qualified.

An area of concern is the fact that the number of new teachers generally is declining from 2000. This has implications for the state's ability to adequately staff classrooms, particularly in hard-to-fill areas. Also of concern are the numbers of teachers who leave the profession or who retire.

To address some of these concerns, the State Board of Education has approved restricted licenses, which are awarded individuals who have a degree, have developed a relationship with a school district which agrees to employ them, and are working with a higher education institution to obtain necessary course work so that they can be licensed to teach.

Individuals who are participating in these alternative routes to teacher certification are eligible to begin teaching immediately as they work toward their permanent license.

State Department staff stressed the importance of programs to help teachers, such as the Mentor Teacher Program. This program provides stipends of \$1,000 for experienced teachers to mentor beginning teachers. The program has been funded with \$1.0 million for school year 2005-06, which will allow teachers to mentor new teachers who are in their first year of teaching.

### Federal Programs

Kansas is expected to spend \$383,897,954 in federal funds for education in FY 2006. Of the total, \$131.2 million is for nutrition program such as the National School Lunch Program, the Special Milk Program for Children, and the Child and Adult Care Food Program; \$98.5 million is funding under the Individuals with Disabilities Education Act; \$5.8 million is for secondary vocational education programs; and the remainder is for elementary and secondary education programs. The latter category includes Title I funding, which is targeted for low-income students. Kansas' share of Title I funding has declined because Kansas' proportion of low-income children, based on 2000 census data, has declined, even though the total number of children living in poverty in Kansas has increased.

Funding for programs under the No Child Left Behind Act is estimated to be \$175.6 million in FY 2006. Federal funds generally have been available for test development and other implementation costs, but states are concerned that funding for ongoing services may not be available. The ongoing services, which include extended-day programs, summer school, and other special services and programs, meet the needs of students who fail to achieve proficiency.

## Report from Standard and Poor's

Standard and Poor's has been engaged by Governor Sebelius to conduct a study of Kansas school districts to identify those districts that are most resource effective. The study, conducted in 2005, includes an analysis of how resource-effective districts make the best use of their money and will be used to establish a baseline to measure resource effectiveness for districts across the state.

In the spring of 2005, the State Department of Education and school districts provided Standard and Poor's academic, financial, and demographic data on each district. The data were analyzed and 16 "highly resource-effective" school districts were identified, based on data profiles developed by Standard and Poor's. From the 16 districts, four were selected for site visits and further study. Those districts currently are reviewing case studies that have been developed for them and a report on the four districts will be made public shortly. A final report to be issued January 2006 will include baselines which can be used to measure the effectiveness of all districts in the state.

Representatives of Standard and Poor's met with the Committee to report on the status of the study and to discuss the four districts which are being studied in depth. The four are USD 470 (Arkansas City), USD 475 (Geary County Schools), USD 233 (Olathe), and USD 466 (Scott County). These districts have two things in common:

- They perform better on state reading and mathematics tests than most other districts with similar enrollments of economically disadvantaged students, and
- Their spending is more cost-effective than most other demographically similar school districts.

The researchers told the Committee that they observed in each of the four districts a high commitment to student achievement, evidenced by the fact that goals are clearly articulated, staff is informed and focused, strategies are developed and clearly articulated, and resources are directed toward identified goals. Staff development plays an important role in most cases in ensuring that the staff is well-trained and engaged in the process. Researchers commented on the fact that they observed situations in which "everybody is in charge of quality" and that administrators generally are familiar with current research on school improvement.

The study will conclude with the development of benchmarks and the identification of best practices that can be applied statewide.

## Other Reports Received by the Committee

**School Activities Outside the Classroom** (September minutes, page 4). The Kansas State High School Activities Association (KSHSAA) maintains data going back 20 years on the number of students in grades seven through twelve who participate in school activities during the school day and the number of hours and staff involved. The data were presented to the Committee in response to a concern about the number of hours of instructional time lost due to school activities during the day. According to the representative of the KSHSAA, some out-of-class activities have been eliminated or reduced because of budget cuts or because more class time is needed for instructional activities.

**Implementation of 2005 School Finance Legislation** (August minutes, page 5). Staff from the State Department of Education reported that school district personnel were working to implement and expand programs for at-risk children as the result of additional funding being made available by action of the 2005 Legislature. Districts also were working to hire staff and fill vacancies in

needed areas. In general, school districts were allocating funding to programs to help close the achievement gap, such as summer school, tutoring, and extended day programs.

**Impact of Hurricane Katrina** (September minutes, page 8). Kansas may get an additional 350 to 400 students from families which relocated to the state from parts of the country affected by Hurricane Katrina. The State Department of Education will survey school districts to see whether the students need special education or other services. It is believed that the students were in Kansas in time for the September 20 enrollment count. It is expected that federal funding will be available to school districts who enroll children from displaced families. In addition, 22 students have been moved from juvenile detention facilities in other states to similar facilities in Kansas.

#### **State Department of Education Nutrition Guidelines**

Federal law requires school districts to establish a local "school wellness policy" which includes nutrition guidelines for all foods available on school grounds during the day. The 2005 Kansas Legislature enacted legislation in support of the federal requirement, which directs the State Board of Education to develop nutrition guidelines for all foods and beverages made available to students in Kansas public schools during the school day. Particular attention is to be given to providing healthful foods and beverages, physical activities, and wellness education with the goal of preventing and reducing childhood obesity.

Staff from the State Department of Education conducted training sessions for school food service workers across the state in the fall of 2005. The role of the State Department includes approving local programs and providing training and technical assistance. It is up to local boards of education to adopt the specific policy for each school district.

In an effort to make more nutritious beverages available to students, the Kansas Beverage Association recently has adopted a policy to make only bottled water and 100 percent juice available to elementary students, only nutritious and lower calorie beverages available to middle school students, and vending machine selections consisting of no more than 50 percent soft drinks available to high school students. Similar policies will be implemented by beverage associations nationwide.

#### **Vouchers in Other States**

Committee members requested a staff report on states which have voucher programs. According to the report, voucher legislation has been introduced in at least 21 states in the last five years. In Kansas during this period, at least eight bills establishing a voucher program and at least three bills which provide a tax credit or deduction for education expenses have been introduced.

The staff report summarized characteristics of voucher programs in several cities and states, including tax-funded scholarships authorized in three states and personal tax deductions or credits authorized in three other states. The United States Supreme Court has said that voucher programs must have a secular legislative purpose, the primary effect of the program must neither advance nor inhibit religion, and the program must not result in excessive entanglement of government in religion.

#### **Kansas Center for Performance Excellence**

Dr. John Shoemaker, Director of the Kansas Center for Performance Excellence, met with the Committee to report on activities in Kansas relating to the Baldrige National Quality Program. Baldrige awards have recognized excellence in the private sector for a number of years. The program now has expanded to include elementary, secondary, and postsecondary institutions, although most of the funding for operations of the Kansas Center for Performance

Excellence continues to come from large businesses in the private sector.

In Kansas, educational activities have involved the Olathe and Garden City school districts, Johnson County and Fort Scott Community Colleges, and Fort Hays State University, Kansas State University, and Wichita State University. The purpose of the award program in schools is to improve student achievement and cost effectiveness. Criteria are developed in the process of applying for an award which can be used as a management tool for institutions to become more efficient. According to Dr. Shoemaker, institutions which undertake the award application process realize benefits simply because of the self-assessment involved. To date, no Kansas educational institution has received a Baldrige award.

#### **No Child Left Behind Blue Ribbon Schools**

The United States Secretary of Education annually honors public and private elementary and secondary schools that are either academically superior in their states or have demonstrated dramatic gains in student achievement. To qualify, a school must be one of the following:

- A “dramatically improving” school that has a least 40 percent of its students from disadvantaged backgrounds and has dramatically improved student performance in accordance with state assessment systems, or
- A “high performing school” that is in the top 10 percent on state assessment scores in both reading and mathematics.

The six Kansas No Child Left Behind Schools for 2005 are Roosevelt Elementary School, USD 418 (McPherson); IXL Elementary School, USD 470 (Arkansas City); Ware Elementary School, USD 475 (Geary County); White Church Elementary School, USD 500 (Kansas City); Baxter

Springs High School, USD 508 (Baxter Springs); and the Independent School, an accredited private elementary and secondary school in Wichita.

Representatives of four of the schools met with the Committee to discuss the qualities that led to their recognition. Several common characteristics were a high level of personal involvement between school staff and students and their parents and strong support for teachers in the form of mentoring and professional development. Several representatives stressed the importance of removing unqualified or unmotivated teachers so that “the right people are on the bus.”

### **Postsecondary Education**

#### **Facilities Needs at State Universities**

Staff of the Legislative Division of Post Audit presented an audit entitled *Regents Institutions: Reviewing Proposals for Increased Maintenance Funding at the State's Colleges and Universities*. The audit described the recent history of funding for facility needs and addressed the question of why more money is needed now than when the Legislature approved the “Crumbling Classrooms” initiative in 1996. The Crumbling Classrooms initiative involved the issuance of bonds to fund \$178.6 million in projects on university campuses, including rehabilitation and repair, improvements to meet State Fire Marshal codes and the Americans with Disabilities Act, major remodeling of existing buildings, and new construction projects.

The conferee explained that the bond repayment obligation has reduced the amount of money normally available for other building maintenance projects and has contributed to the facilities needs that have been deferred. She informed the Committee that a study completed in 2004 shows that the deferred maintenance needs at the six state universities total \$584.0 million.



The President and Chief Executive Office of the Board of Regents told the Committee that the Board supports the findings of the audit. He warned that failure to address facility needs could cause the amount of deferred maintenance to climb to nearly \$800.0 million by FY 2014.

### **Performance Agreements with Regents Institutions**

A member of the Kansas Board of Regents discussed accountability and the requirement that the Board of Regents enter into performance agreements with each institution and award new state funding based upon compliance with the performance agreement.

From a list of six systemwide goals developed by the Board, individual institutions must address the first goal and two additional goals selected from System Goals B, C, and D. System Goals E and F also may be addressed in addition to other goals identified by the institution that are not on the list. The Regents System Goals are the following:

- System Goal A. Increase System Efficiency/Effectiveness/Seamlessness.
- System Goal B. Improve Learner Outcomes.
- System Goal C. Improve Workforce Development.
- System Goal D. Increase Targeted Participation/Access.
- System Goal E. Increase External Resources.
- System Goal F. Improve Community/Civic Engagement.

Once an agreement is approved, an institution must submit a report the following year on how it has complied with

its agreement. Depending upon whether the institution has made improvement toward reaching the majority of its goals, the Board may award 100 percent, 80 percent, or 60 percent of new funding, or it may deny any new funding altogether.

The first compliance reports were made in 2005. Twenty-eight institutions were approved by the Board for full new funding, six were awarded full new funding with comments, one was awarded 80 percent of new funding, and two were awarded no new funding. Institutions that get no or only partial new funding will have the full new funding amount added to their base the following year.

The second set of performance agreements covering the period January 1, 2005, through December 31, 2005, was approved by the Board in November of 2004. Reports on compliance with these performance agreements will be due to the Board Office in March of 2006.

The Committee heard testimony from representatives of the University of Kansas, Seward County Community College, and Kaw Area Technical College. Each conferree noted some of the rewards and challenges involved with implementing the performance agreements.

### **Concurrent Enrollment**

Staff of the Kansas Board of Regents presented information on the Board's policy on concurrent enrollment. In order to qualify for participation, a pupil must demonstrate scholastic ability, be authorized by the principal of the school to apply for enrollment at an eligible postsecondary education institution, and be acceptable for enrollment at the institution. Credit earned by the student may qualify both as high school and college credit.

Proposed revisions include adding technical colleges to the list of postsecondary institutions that are eligible to

participate in the concurrent enrollment program, adding gifted students in ninth and tenth grades to the statutes, and requiring teachers who teach concurrently enrolled students to have a master's degree or a baccalaureate degree, plus 24 hours of graduate credit.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends introducing legislation concerning the requested changes (included in the legislative package outlined below).

### Center for Innovative School Leadership

The Center for Innovative School Leadership is a partnership among Emporia State University, Fort Hays State University, and Pittsburg State University which is headquartered at Emporia State University. Its charge is to work with school districts in order to help them realize greater efficiencies and identify best practices. The Director of the Center told the Committee a protocol has been developed which establishes the process by which the Center will work with school districts. The Center intends to pilot test the protocol with the Hugoton and Uniontown school districts.

The Center intends to work with school districts in the following areas: facilities management, human resources, leadership, and teaching and learning. The conferee noted that school finance will not be part of what the Center looks at because that aspect of school district operations is being addressed by the Legislative Division of Post Audit.

### Activities of the Jones Institute for Educational Excellence

Staff from the Jones Institute for Educational Excellence presented information on the following three programs.

- **Reading Recovery.** Reading Recovery is a one-on-one reading program for students in the early grades. The program, now in its eighth year, has served 1,196 students, has trained 149 Reading Recovery Teachers, and has been implemented in 121 buildings in 71 school districts, based on 2004 data.
- **National Board Certification.** The Director of the National Board Certification Program told the Committee that Kansas has 177 National Board certified teachers, out of 40,000 nationwide. She said that, nationwide, the initial certification rate for school year 2003-04 was 40 percent, but in Kansas 68 percent of the teachers who pursued National Board certification attained it.
- **Future Teacher Academy.** For 2006, the academies will be held on the campuses of Emporia State University and Dodge City Community College. "Mini" Kansas Future Teacher Academies will be held in the Emporia area in February and in the El Dorado-Wichita area in April.

### Emporia State University Elementary Partnership Programs

The Chair of the Department of Early Childhood/Elementary Teacher Education at Emporia State University described a partnership the University has developed with Kansas City Kansas Community College, and Butler County Community College whereby students may take most of the courses they need to become elementary school teachers on the community college campus.

Under the program, students complete the general education courses which are offered by the community colleges. In the third year, students complete professional education courses taught by Emporia State University faculty on the campus of one of the community colleges. In the fourth year,

candidates complete a year-long internship in a school district near the community college campus.

### **Report from the Kansas Board of Regents**

The Chair of the Kansas Board of Regents reported to the Committee on current activities of the Board, including proposals for legislation under consideration. The conferee told the Committee that the Board is in the midst of receiving "efficiency reports" from the state universities outlining how the specific campuses are managing their resources and attempting to leverage state funding to the maximum.

The President and Chief Executive Officer of the Board of Regents gave a preliminary overview of possible legislative initiatives which the Board would finalize by the end of October.

The conferee highlighted technical education reform as a priority issue for the Board. He said a technical education task force has been created to look at the technical education system and will make its findings and recommendations to the Board. The President also cited the deferred maintenance backlog as a concern of the Board.

In total, the items under Board consideration for introduction during the 2006 Session are the following:

- Interest Ownership of University Funds (2005 SB 73 and 2005 HB 2021)—Allow institutions to keep interest earnings on tuition and fees.
- Student Health Care Insurance Procurement—Allow the Board to procure health insurance for all students and employees of Regents institutions.
- State University Purchase of Insurance—Allow state universities to purchase insurance products, except employee health insurance, at the campus level.
- State Purchasing Authority—Delegate purchasing authority to state agencies.
- Authority to Contract with State Universities—Clarify who is authorized to legally obligate a university.
- Concurrent Enrollment—Include technical colleges in list of eligible institutions and allow freshman and sophomore gifted students to participate.
- Technical College Transition—Allow an option for technical colleges to remain under the governance of a school district board of education.
- Simplification of Disposition of Bequests—Allow state universities to sell land received from gifts or trusts without approval of the Legislature.
- Technical College Adult Basic Education Mill Levy Authority—Allow a school district to transfer its local tax levy authority for Adult Basic Education to the governing board of a technical college.
- Kansas Wetlands Cheyenne Bottoms.—Allow Fort Hays State University to request \$250,000 to operate the Kansas Wetlands Educational Center at Cheyenne Bottoms.
- Proprietary Schools Statutory Clean Up—Update obsolete language.
- Board Retirement Statutory Clarification—Clarify recent statutory amendments to the Board's retirement plans.
- Property Sale—Authorize Kansas State University to sell university-owned property.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends the introduction of the requested legislation with the exception of two items: Adult Basic Education mill levy and the Kansas State University property sale. Legislation is already pending concerning the technical college Adult Basic Education mill levy. The Board of Regents requested that the Kansas State University property sale legislation be handled by the university rather than as a part of the Board's package.

In addition, the Committee supports Fort Hays State University's request for \$250,000 for operating expenditures of the Kansas Wetlands Educational Center at Cheyenne Bottoms.

### Technical College and Area Vocational School Waiting Lists

The matter of waiting lists at technical colleges and area vocational schools was assigned the Committee by the Legislative Coordinating Council. The Vice President for Academic Affairs, Kansas Board of Regents, introduced the topic by saying that funding limitations have restricted the capacity of technical institutions to meet student demands for programs. He included in his testimony a list of technical programs with waiting lists for the fall of 2005 which shows a total of 860 students.

The conferee told the Committee that technical education is a priority of the Board and that the staff has been developing a new funding model for technical education which would be implemented for school year 2007-08. In addition, he said the Board staff would explore changes in structure and governance for technical institutions in order to improve the technical education system.

The Committee also heard testimony from representatives of Kaw Area Technical School, Manhattan Area Technical College, and Wichita Area Technical College. Each

described their concerns with the current funding mechanism; the necessity of eliminating, reducing, or not expanding programs; and the difficulty in meeting local job training needs.

### Learning Quest

The Director of the Learning Quest Program, Office of the State Treasurer, gave the Committee a report on the program, including current total assets and the number of accounts held by Kansans and in total. The conferee said that the Treasurer's Office intends to ask the 2006 Legislature to introduce two program changes. One would allow Kansas residents to receive an income tax deduction regardless of which 529 plan they choose, including 529 plans from other states. (Presently, the benefit to Kansas taxpayers is only for holders of Kansas 529 plans.) In addition, the Treasurer's Office would like to remove the penalty imposed on Kansans who withdraw funds within one year after opening an account.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends introduction of the requested legislation.

### Developmental Education

The Vice President for Academic Affairs of the Board of Regents provided general information to the Committee concerning developmental education programs. The purpose of the programs is to increase the chances of success for students in certain entry-level subject areas. The conferee also discussed the results of a recent survey of developmental education programs at the community colleges.

The Vice President for Instruction of Johnson County Community College discussed specific programs being implemented by the community colleges to assist various types of students needing developmental education. These students

include recent high school graduates who did not believe that certain classes were important, students returning to education after an absence of several years, students needing improvement in English skills, and first-generation students intimidated by postsecondary education.

### **Teacher Education Program Approval**

The Director of Teacher Education and Licensure for the State Department of Education briefed the Committee on the approval process for teacher education programs. This process includes a review of each content area by a minimum three-person team and submission of various types of student and program data. The approval process typically takes one and a half years which is typical of most states.

The Committee also heard testimony from the Vice President for Missouri and Kansas Campuses of the University of Phoenix who discussed the institution's current programs in Kansas and its desire to begin a teacher education program in the state. In response to a question by the Committee, the conferee noted that it had encountered no barriers or difficulties in the approval process used by the State Board of Education.

### **Joint Transition Council**

The Vice President for Academic Affairs of the Board of Regents presented information concerning the Joint Transition Council. The purpose of the group is to improve student matriculation from high school into postsecondary education. The conferee provided the background of the initiative, the membership of the Council, and the group's activities to date.

The Assistant Commissioner of the State Department of Education provided information concerning national and state achievement trends and achievement gaps. The conferee also discussed various national high school reform initiatives aimed at closing the achievement gap and better preparing students for college.

The recommendations of the Transition Council are to:

- Develop a database to gather, share, and report student information between secondary and postsecondary institutions;
- Eliminate provisions of concurrent enrollment statutes which request the student to pay for the courses; and
- Initiate courses of college, work readiness, and life planning into middle schools.