

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 12:05 p.m. on April 27, 2006, in Room 231-N of the Capitol.

Committee members absent: Senators Apple and Allen – Excused

Committee staff present: Kathie Sparks, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Mark Tallman, Kansas Association of School Boards
Val DeFever, Schools for Quality Education
Bill Reardon, Kansas City, Kansas, Public Schools
Diane Gjerstad, Wichita Public Schools

SB 596–Schools; accreditation; student performance standards

Theresa Kiernan, Revisor of Statutes Office, clarified that the bill states that the Board of Education may adopt a system based upon goals that have student performance or student proficiency as a goal. When a school accreditation system is adopted, it still must be one which reflects high academic standards and is measurable.

Mark Tallman, Kansas Association of School Boards (KASB), stated that KASB agrees that increasing academic achievement for all students should be a goal, but it opposes a system which attempts to use a single measure of achievement under rigid guidelines. He went on to share four concerns KASB has about **SB 596**. In conclusion, he noted that KASB supports changes in school accreditation, but it opposes reducing student proficiency requirements to avoid the need for increased funding and higher achievement. (Attachment 1)

Senator Vratil asked Mr. Tallman how a student can be required to achieve proficiency. Mr. Tallman responded, “I don’t think you can require a student to achieve proficiency. All you can do is try to create the conditions that will hopefully lead them in that direction.” Senator Vratil commented that the bill recognizes the fact that you cannot require a student to achieve proficiency. Senator Tallman commented, “I hope it does, and to that extent, we would agree with that. If the intent of this bill is to recognize that we’re not going to guarantee success because we can’t, we agree with that. We just don’t want to substitute the idea that we should stop trying.”

Senator Vratil went on to say, “With respect to your suggestion that the state might lose federal funds if this bill passes, we received information indicating that only one state other than Kansas has student performance standards in their accreditation standards. Why don’t the other 48 states lose their federal funding?” Mr. Tallman said, “My assumption is that there is some other accountability system that they are using that incorporates those standards of AYP. That would be my best guess. I spoke yesterday with people in the state department, and it’s my understanding you don’t have to put No Child Left Behind standards into accreditation, but they have to be somewhere in the law, and you have to have the same accountability for your non-Title I schools as your Title I schools.”

Val DeFever, Schools for Quality Education, expressed her concern about the loss of funding should **SB 596** become law. It was her understanding that Kansas could lose up to \$173 million for Title I and other federal education programs. She also expressed her concern that the bill was attempting to empower site councils to a greater degree. In conclusion, she urged the Committee to carefully consider the possible ramifications the bill may have. (Attachment 2)

Bill Reardon, Kansas City, Kansas, Public Schools, testified in opposition to **SB 596**. He commented that many Kansas educators agree that the requirement of 100 percent proficiency is not attainable. However, the bill attempts to resolve this dilemma by removing all state standards, and this approach would throw up a white flag and declare that poor kids, failing kids, and kids with special learning problems are just too difficult to educate at a level consistent with state standards. In addition, he cautioned that the elimination of state standards could result in the potential loss of federal Title I funds, and all federal education title dollars

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 12:05 p.m. on April 27, 2006, in Room 231-N of the Capitol.

throughout the state could also be in jeopardy. In his opinion, the most prudent approach would be to recommend the issue for an interim study. (Attachment 3)

Diane Gjerstad, Wichita Public Schools, testified in opposition to **SB 596**. She pointed out that, while the federal law clearly requires the state to demonstrate continuous and substantial academic improvement for all students, the bill would prohibit public monies to be expended on a requirement of improvement in student performance. In her opinion, the bill would jeopardize federal title funds because “continuous and substantial academic improvement” is required for the consolidated grant application for federal title funds. In addition, she noted that another complicating factor is the increasing entanglement on the federal level of No Child Left Behind and the federal special education act (IDEA). She contended that changes in school accreditation should not be made without due deliberation with wide input. She suggested that the topic be studied by the LEPC or the 2010 Commission. (Attachment 4)

There being no others wishing to testify, the hearing on **SB 596** was closed.

Several Committee members expressed their opinion that further study would be appropriate before recommending the passage of the bill. Senator Vratil commented, “The purpose of this bill is to reflect reality. Several of the conferees agreed with me that you can’t require a student to achieve at a certain level. That’s what the current accreditation standards for the State of Kansas require. This bill would have the effect of eliminating those mandatory standards and would allow the State Board of Education to express those with goals, which is more realistic.”

Senator Teichman moved to request an interim committee study for **SB 596**, seconded by Senator Pine.

Senator Vratil commented, “I just want to remind the Committee of the Legislative Post Audit study. For those of you who think we are spending too much money on education, keep in mind that it is these student performance standards that are driving that. The Legislative Post Audit study indicated that it would take \$400 million to achieve the performance standards that are in effect today for this year. It will take another \$216 million next year. So, it’s these performance standards that are driving the increased costs of public costs of public education in Kansas. That’s what **SB 596** is all about.” Senator Teichman responded, “Senator Vratil is absolutely correct in what he is saying. I think that’s why we need to understand what it is that we’re doing and not rush to make sure that what we do will pass the test with the federal government and the State Board of Education, and make sure that we do it right the first time and not have to come back and correct it.” Committee discussion followed.

On a call for a vote on Senator Teichman’s motion, the motion carried.

Senator Vratil moved that the Chairman write a letter to the Commissioner of Education asking him to write to the U.S. Department of Education asking what, if any, federal funds would be lost to the State of Kansas if **SB 596** passed and request that a representative from Washington appear before an interim committee to answer questions, seconded by Senator McGinn. The motion carried.

The meeting was adjourned at 1:00 p.m.

There are no further meetings scheduled.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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

Testimony on **SB 596**
before the
Senate Committee on Education

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards
Also Representing
Kansas National Education Association
Kansas Families United for Public Education
United School Administrators

April 27, 2006

Madam Chair, Members of the Committee:

We strongly agree that the 100 percent student proficiency standard under the No Child Left Behind Act is impossible, and will eventually place all schools in the position of being considered "failing." Because state accreditation standards are tied to NCLB, this also means all schools will face eventual loss of accreditation.

We believe that the Kansas school accreditation system should be based on measurable improvement in student performance; in short, on outcomes. This was the original concept behind Quality Performance Accreditation, which was supported by the statewide education organizations in Kansas. We do not believe we can or should accept that large numbers of Kansas students will fail to meet reasonable academic standards. If just 10 percent of the Kansas public school enrollment is not meeting standards, that represents about 45,000 students. In fact, our measures of student performance tell us that closer to 25 percent of students are currently failing to meet high standards.

While we agree that increasing academic achievement for all students should be a goal, we would oppose a system which attempts to use a single measure of achievement under rigid timelines. If **SB 596** can accomplish that change in the system, we would support it. However, we want to share the following concerns and questions about this bill.

First, the bill prohibits both the state and local school districts from adopting, implementing, and enforcing accreditation standards which *require* improvement in student performance or proficiency. However, the bill allows accreditation standards based on *goals* of improvement in student performance

Senate Education Committee
4-27-06
Attachment 1

or proficiency. What is the difference? If the school accreditation system contains student performance goals, but schools are not required to meet those goals, on what will accreditation be based? How will schools know what targets they must meet?

Second, it is our understanding that the No Child Left Behind Act does not require including adequate yearly progress standards in school accreditation, but it *does* require a unified accountability system for all schools, based on AYP standards. If performance standards are removed from accreditation under this bill, but are still required by some other accountability system under federal law, and if they still apply to schools receiving federal Title I funds, what has changed? Schools will still face the cost of meeting those standards.

Third, if the intent of the bill is to remove any requirements for student performance, we suggest it should explicitly withdraw Kansas from the No Child Left Behind Act. While many teachers, administrators and school board members would no doubt agree with that idea, it seems highly likely that this move would jeopardize federal funding for school districts. These funds are vital to achieving the levels of success Kansas schools have had; achievement that has risen steadily over the past five years and placed Kansas among the highest performing states on national measures, for all students and for many subgroups of students. Kansas receives more than \$170 million each year for No Child Left Behind programs. That is more than the total three year increase in funding this committee approved this week for at-risk, high density at-risk, non-proficient at-risk and all kindergarten combined. Is the Legislature prepared to replace these dollars if federal funding is lost – or to accept a decline in student achievement?

Fourth, we share the Legislature's concerns about the eventual cost of obtaining 100 percent proficiency. However, we would note that current standards are far below 100 percent. Despite our high national standing, approximately one-quarter of our students fail to meet standards of proficiency on state reading and math tests. The percentage of non-proficient students is highest at the high school level, and is much higher among certain groups of students. While agreeing that 100 percent proficiency is impossible, we believe we can and must do better. The Post Audit Study demonstrated a strong correlation between funding and student achievement. We commend the Senate Education Committee for supporting measures that would substantially increase education funding, especially for students who are at risk of failing to meet academic standards.

To be clear: we support changes in school accreditation, but we oppose reducing student proficiency requirements to avoid the need for increased funding and higher achievement.

Fundamentally, we believe the Legislature and the Kansas State Board of Education, and ultimately the people of Kansas, must decide the level of achievement they want – and be prepared to pay what it costs. Public officials, business groups, higher education and the public at large continue to call for higher achievement, and lament the fact that some students emerge from our school system lacking the necessary skills for postsecondary education or the workplace. Yet some of those same individuals say that schools have enough funding. If schools are expected to achieve excellence and prepare students for the challenges of the future, they must receive suitable funding.

Schools for Quality Education
April 27, 2006

Val DeFever

In regards SB596 and shifting our focus from the high expectations of No Child Left Behind standards back to Quality Performance Accreditation goals, I have heard concern expressed about moving away from the high expectations for the children of Kansas. These are likely to be concerns echoed by many across the state should SB596 become law.

As a former State Board member and Title I teacher I have grave concerns about lost funding. In a hand out from the Department of Education, I received earlier this year; it would appear that we are likely to lose up to \$173 million dollars for Title I and other federal education programs. Title I reaches many children in our schools, large and small across the state. Although additional state dollars provided last year are definitely needed, the lose to federal money is unlikely to be supplanted by the state.

When NCLB was implemented I was still sitting on the state board. At that time there was serious discussion among board members about not participating in NCLB. Our major concern with noncompliance was the loss of \$144 million federal dollars for Title I. Our focus in Kansas has long been on giving children most at risk, additional assistance. Over recent years we have seen continual improved academic success with this population. I would caution our policy makers to look and hard look at the possible loss of federal funding and its adverse affect for all the children of Kansas.

Lastly it would appear that SB596 is attempting to empower site councils to a greater degree. I have served both on a site council and a local board of education. My experience was in Independence, a 4th enrollment category school. On the site council we had a number of very good community members and parents. They were interested in their children education and the opportunities offered them. Test scores tended to befuddle them. Most were not prepared or particularly interested in assist in technical decisions. This was the interest and level of expertise I found in a town of 10,000. My concern is that although it would be nice to tap the knowledge base of the general citizenry it is unlikely that there is going to be a great deal of interest in filling these positions if more responsibility is placed on them. Because of work and family obligations it is already somewhat difficult to fill the spots of site councils, as they presently operate. As a local school board member I would have welcomed input from site councils, but not felt that many of the present site council members had a grasp of the complexities of our school district as they were not reading the volumes of material the board received each month.

With all these concerns I would respectfully submit that SB596 should be given the committee's most careful considered before adopted.

Senate Education Committee
4-27-06
Attachment 2



Kansas City, Kansas Public Schools

Unified School District No. 500

Testimony on SB 596 Before the Senate Education Committee April 27, 2006

I am sure that there is a widespread conviction among Kansas educators that the requirement of 100 per cent proficiency is not attainable. SB 596, however, attempts to resolve this dilemma by removing all state standards. This approach would, in effect, throw up a white flag and declare that poor kids, failing kids, kids with special learning problems are just too difficult to educate at a level consistent with passing state standards. This is, in my opinion, counter to the beliefs of most Kansans, and in fact counter to the beliefs of most Americans. This is an issue with widespread agreement among both liberals and conservatives and business leaders – that every child can learn and that it is the responsibility of the states to implement high standards and that failure to meet these standards should result in sanctions. Changing “standards” to “goals” would be a cop-out on the part of the state – pure and simple!

There is another issue that begs for caution. The elimination of state standards could result in the potential loss of the Federal Title I funds. USD 500 currently receives \$8.6 million Title I dollars. All but a handful of our elementary and middle schools are Title I schools. As you know, these funds are directed to schools that have high numbers of poverty students. Placing this funding for poor children in jeopardy is counterintuitive to the efforts of this legislature to increase funding for this same student population. In fact, all federal education title dollars throughout the state could also be in jeopardy if SB 596 passes.

It would appear that the most prudent approach would be to recommend an interim committee review of this issue. This would allow sufficient time and input to determine the status of federal education dollars if SB 596 were to pass. The interim committee could then develop an appropriate response to the obvious pitfalls resulting from the NCLB requirement of 100 percent compliance.

Bill Reardon, Lobbyist USD 500



Senate Education Senator Schodorf, chair

Testimony on S.B. 596

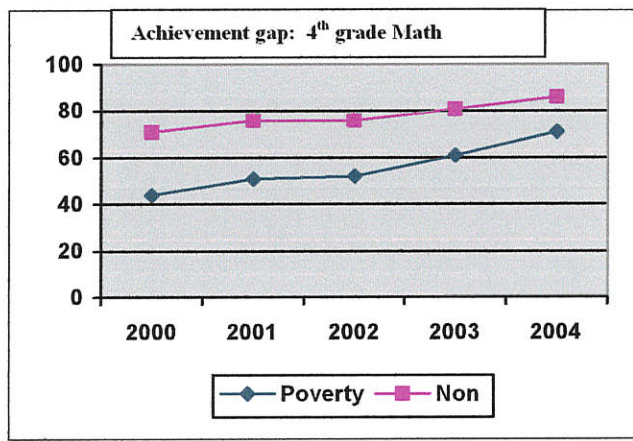
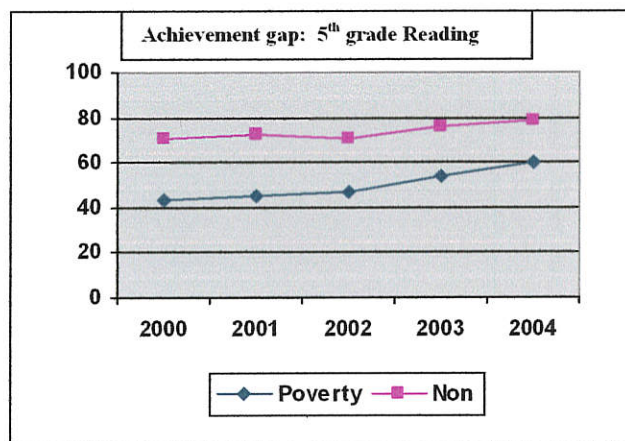
April 27, 2006

Presented by: Diane Gjerstad

Madame Chair, members of the Committee:

No Child Left Behind is the federal mandate everyone loves to hate. It is complicated, frustrating, has unintended consequences and will be costly. But no one can argue the point that NCLB has given school districts a unified, laser focus on improving student achievement *for all kids*.

Students are performing better today than five years ago. And just as importantly, the students who have historically underperformed – free lunch students – scores are rising at a slightly faster pace.



Source: Kansas State Department of Education "Accountability Report"

Above, the statewide achievement data compares free/reduced lunch students (the blue line) to their non-poor (pink line) classmates in reading and math. Notice the economically disadvantaged students consistently score lower in both core subjects. This is called the “achievement gap”. Closing this persistent gap is a central focus of NCLB.

The good news is statewide the achievement gap has narrowed. In reading the gap has narrowed from 28% five years ago to 20%; and more sharply in math from 27% to 15%. Both groups of students made academic gains; but as you can see the kids on the blue line have a steeper hill to climb to catch up with their peers. (It's the additional cost of bridging this gap which Post Audit's Cost Study found to be an additional .484 above the base.) Schools are making strides under the tough annual yearly progress standards of NCLB.

*Senate Education Committee
4-27-06
Attachment 4*

The State's application to the US Department of Education for federal requires:

Consolidated plan requires the state to adopt "challenging academic content standards and challenging student academic achievement standards". The standards must be rigorous, challenging and aligned with the state's content standards. The accountability system must hold all schools to the same standards; and **shall** demonstrate annual yearly progress which "results in continuous and substantial academic improvement for all students".¹

SB 596 would prohibit public monies to be expended on a "requirement" of improvement in student performance, while the federal law clearly requires the state to "demonstrate continuous and substantial academic improvement for all students."

Because "continuous and substantial academic improvement" is required for the Consolidated Grant Application for federal title funds, it stands to reason that lacking a basic program requirement would jeopardize federal title funds. Last year the Wichita Public Schools received \$23m from title I, II, III, IV and V.

Another complicating factor is the increasing entanglement on the federal level of *No Child Left Behind* and federal special education act (IDEA). The reauthorized IDEA requires the same assessments and accountability system as NCLB to measure student achievement. Jeopardizing federal title funds just may have a domino effect by jeopardizing federal special education funding. Wichita received \$11m in federal aid plus \$1m for Medicaid. The district's general fund already subsidizes special education by about \$30m each year (by the way, districts like Wichita receive much less than 92% of excess cost for special ed). Loss of \$11m would require an even greater subsidy and a subsidy in a school district means less money available for regular education students.

Today is the second day of the wrap up session. We are all players in a deliberative process. One which works pretty well given the complexity of issues. When we attempt to shortcut the process, we are often unhappy with the results. Changes to the state's school accreditation system should be made with due deliberation, with wide input and full awareness of any potential fall-out.

Madame Chair, I would suggest this topic would be appropriate for either LEPC or the 2010 Commission. In fact the statute authorizing 2010 Commission's includes as a charge:

"...monitoring the quality performance accreditation system".

S.B. 596 attempts to substantially amend the accreditation system, a topic the drafters of the 2010 legislation last session foresaw as appropriate for the 2010 Commission to study.

Madame Chair, large questions loom. The Wichita district alone has at least \$35m (dare I use the term after Tuesday afternoon's discussions) *at risk!!* I would urge the committee to give this legislation further study.

¹ Title 1 of the Elementary and Secondary Education Act as amended – Part A "Basic Program Requirements"