

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:05 A.M. on March 25, 2008 in Room 313-S of the Capitol.

All members were present except:
Benjamin Hodge- absent

Committee staff present:

Theresa Kiernan, Office of Revisor of Statutes
Dianne Rosell, Office of Revisor of Statutes
Dale Dennis, Kansas State Department of Education
Martha Dorsey, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Janet Henning, Committee Assistant

On a "Point of Personal Privilege", the Chairman recognized Representatives Loganbill and Craft..

Representative Loganbill introduced a group of teachers from USD 259 who were visiting in the Capitol. Representative Craft introduced two constituents from USD 475 who were visiting in the Capitol.

SB 399: Mandatory attendance of kindergarten; age of eligibility

Representative Aurand told Committee members there were two issues for this bill. The first one was an attempt to eliminate some of the confusion with regard to five and six years old under current law that if they are enrolled in school, even though they aren't required to be enrolled, once they are enrolled in school, they are required to attend and are truant if they do not. But if the Committee could come to a consensus of this clarifying language, it was thought this may be inserted in place of the entirety of the rest of the bill. (Attachment 1)

A discussion among Committee members occurred regarding this matter.

Chairman Aurand inquired of Committee members of their intent to work **SB 399** and include the preceding language to the bill. A show of hands, 6 - yes and 8 - no, indicated the Committee did not wish to proceed further.

Chairman Aurand advised Committee members that it was possible of an amendment on the Appropriations bill and acknowledged there were several members in the audience with comments with regard to the second amendment.

Mark Tallman, Kansas Association of School Boards, spoke to Committee members concerning proposed language concerning compulsory attendance. (Attachment 2)

Mr. Tallman also provided handout material to Committee members comparing the National Assessment of Education Progress - Reading Scores for Kansas and Texas. (Attachment 3)

Mark Desetti, Kansas National Education Association, spoke to Committee members of concerns regarding the proposed amendment to allow students to be excused from school in order to attend other instructional programs. (Attachment 4)

HB 2969: Virtual school act

SB 669: Virtual schools, funding; enrollment; administration

Chairman Aurand gave a brief explanation of the Sub-Committee Report on Virtual Schools and advised this issue was expected to be heard at the next meeting, March 26, 2008 and **SB 669** would be worked

SB 531: School finance; base state aid per pupil

Chairman Aurand requested by show of hands if the Committee members wanted to work this bill. It was the consensus of the Committee to do so. Chairman Aurand advised Committee members this bill would be worked at the next meeting, March 26th, and Committee member should have prepared amendments, if necessary.

Chairman Aurand adjourned the meeting at 10:15 A.M. The next meeting is scheduled for March 26, 2008.

72-1111. Compulsory school attendance; exemptions. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma or a general educational development (GED) credential, shall require such child to be regularly enrolled in and attend continuously each school year (1) a public school for the duration of the school term provided for in K.S.A. 72-1106, and amendments thereto, or (2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section.

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if (1) the child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program, or (2) the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out, and a listing of educational alternatives that are available for the child, or (3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto. The provisions of this clause (3) shall be applicable to children from and after July 1, 1997 and shall relate back to such date.

~~(c) Any child who is under the age of seven years, but who is enrolled in school, is subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.~~

(c) (1) As used in this subsection, "child" means any child who is under the age of seven years, but who is enrolled in school.

(2) Any child who is enrolled in school is subject to the compulsory attendance requirements of this section. Any child who is inexcusably absent from school on either three consecutive school days or five school days in any semester or seven school days in any school year, whichever of the foregoing occurs first, shall be considered to be not attending school as required by law. A child is inexcusably absent from school if the child is absent therefrom all or a significant part of a school day without a valid excuse acceptable to the school employee designated by the board of education to have responsibility for the school attendance of such child. Any child who is not attending school as required by law shall be subject to the provisions of K.S.A. 72-1113, and amendments thereto. A school district may refuse to promote a child to the next grade-level if the child is inexcusably absent during a school term for a period of time which, in the aggregate, equals 10% or more of the school term.

(3) Any child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

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(d) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act is subject to the compulsory attendance requirements of such act and is exempt from the compulsory attendance requirements of this section.

(e) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

(f) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction, which is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions: (1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include parent (or person acting as parent) supervised projects in agriculture and homemaking, work-study programs in cooperation with local business and industry, and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities, and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law, and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made, and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto;

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards therefor which shall be specified by the state board of education;

(8) if the sponsors of an instructional program approved under this subsection fail to comply

at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(g) Any child may be withdrawn from school during the school day in order to attend alternative educational programs, educational enrichment programs or remedial educational programs if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended stating that the child will be withdrawn from school during the school day and stating the reason for the withdrawal.

~~(g)~~ (h) As used in this section:

(1) "Parent" and "person acting as parent" have the meanings respectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

(2) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.



To: House Committee on Education
From: Mark Tallman, Assistant Executive Director/Advocacy
Date: March 24, 2008
RE: Proposed Amendment to 72-1111 ((g))

The Kansas Association of School Boards appreciates the opportunity to comment on Chairman Aurand's proposed language concerning compulsory attendance. We commend his willingness to allow the full committee to consider this issue. We would offer the following concerns about this proposal.

First, it contains very broad language: allowing any child to be excused from school "in order to attend alternative education programs, educational enrichment programs or remedial education programs." Because there is no definition, investigation or enforcement mechanism, this language would allow parents to remove their children from school at any time, for any purpose that the parent considers, or alleges, to be "alternative," "enrichment" or "remedial."

Second, this committee has repeatedly expressed concerns about quality standards and research-based interventions. No such standards would have to apply to programs under this exception.

Third, if parents unilaterally place their children in programs without coordination with the school, differences in the curriculum and methods of teaching in these remedial programs use can lead to further confusion and learning delays for the student.

Fourth, the broad language in this amendment would allow for multiple interruptions in the child's scheduled school day. While the parent may remove them for reading assistance to meet the providers scheduling times, the child may be missing math, science or some other class where they receive a sense of success or their favorite class. Schools currently try to cooperate with parents who want to schedule additional remedial tutoring for their child, but parents are encouraged to do this after the regular school day or on Saturday's so the child does not miss the sequential instruction in the regular classroom.

Fifth, under the Federal No Child Left Behind Act, the status of a school and district is based on requirements for student attendance, participation on state assessments and scores on those assessments. This language would allow parents to remove children regardless of the impact on the school's Adequate Yearly Progress requirements. For example, with state assessments, this amendment would allow parents to take their children out of class but the school district would still be responsible for the testing outcomes required under NCLB. It is difficult, if not impossible, to educate children when they are not attending class on a regular basis.

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Sixth, you have heard concerns that schools are ignoring reading issues linked to dyslexia. In fact, schools and districts are already under a mandate to improve reading ability so that all students are reading proficiently by 2014. You have been presented extensive evidence already this session that reading performance in Kansas has steadily improved in recent years, as measured by Kansas assessments has risen steadily. What you have not heard is that a decade after the state of Texas adopted legislation similar to what you considered in this committee, Kansas remains well ahead of Texas as measured by the National Assessment of Education Progress – in fact, the gap between the two states has not significantly changes. The evidence shows that Kansas schools are working hard to meet the needs of students with dyslexia, and will continue to do so without additional legislation.

Thank you for your consideration.

National Assessment of Education Progress – Reading Scores

	2002	2007	U.S. 2007	Change
Kansas Grade 4				
Scale Score	222	225	220	+3%
Percent at Basic	68%	72%	65%	+4%
Percent Proficient	34%	36%	31%	+2%
Texas Grade 4				
Scale Score	217	220	220	+3%
Percent as Basic	62%	66%	65%	+4%
Percent Proficient	28%	30%	31%	+2%
Kansas Grade 8				
Scale Score	269	267	261	-1%
Percent at Basic	81%	81%	72%	0
Percent Proficient	38%	35%	29%	-3%
Texas Grade 8				
Scale Score	262	261	261	-1%
Percent at Basic	73%	73%	72%	0
Percent Proficient	31%	28%	29%	-3%



Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti
Senate Bill 339
Proposed amendment
March 25, 2008

We have some concerns regarding the proposed amendment to allow students to be excused from school in order to attend other instructional programs.

We have not heard that this is such a widespread problem that it would require legislation. If there is an isolated incident, then that incident should be dealt with by the locally elected school board. We believe that legislation should be a last resort, not the first action.

But more important is the impact of what this would mean to schools if parents felt empowered to remove their children from school anytime they wished to provide remedial work or enrichment experiences.

The No Child Left Behind Act has made our state assessment system a high stakes program. Schools are labeled as failing on those assessment scores, some schools are facing sanctions, and adequate yearly progress under NCLB is tied to school accreditation.

We would suggest that if the amendment on excusing absences is adopted it needs to be expanded. Any parent choosing to withdraw a child from school and expecting the time out to be excused should be presented with and required to sign a document indicating what instruction the child will be missing and that the loss of such instructional time may jeopardize the student's grades and performance on the state assessment test.

While this signed document would not allow the district to omit the student's test scores from AYP calculations, it would serve to remind policy makers and the media of the challenges faced by the school.

We would ask only that schools be offered some level of protection when they are later called into account for the student's performance.

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