

## **MINUTES**

### **2010 COMMISSION**

October 24-25, 2005  
Room 123-S—Statehouse

#### **Members Present**

Dr. Rochelle Chronister, Chairperson  
Dr. Ray Daniels, Vice Chairperson  
Representative Kathe Decker  
Representative Sue Storm  
Carolyn Campbell  
David Davies (Ralph DeZago, substituting morning of October 25)  
Barbara Hinton  
Stephen Iliff (October 24)  
Dennis Jones (October 24)

#### **Members Absent**

Brett Potts  
Senator Jean Schodorf

#### **Staff Present**

Carolyn Rampey, Kansas Legislative Research Department  
Kathie Sparks, Kansas Legislative Research Department  
Art Griggs, Revisor of Statutes Office  
Theresa Kiernan, Revisor of Statutes Office  
Shirley Higgins, Committee Secretary

#### **Conferees**

Dale Dennis, Deputy Commissioner, State Department of Education  
Jim Hays, Research Specialist, Kansas Association of School Boards  
Dan Biles, Attorney for the State Board of Education  
Dr. Alexa Posny, Deputy Commissioner for Learning Services, State Department of Education  
Diane DeBaker, Director of School Improvement and Accreditation, State Department of Education  
Tom Foster, Assistant Director of School Improvement and Accreditation, State Department of Education

## **Monday, October 24 Morning Session**

The meeting of the 2010 Commission was called to order by Chairperson Rochelle Chronister at 9:30 a.m. on October 24, 2005, in Room 123-S of the Statehouse.

Chairperson Chronister called upon Kathie Sparks, Kansas Legislative Research Department, and Dale Dennis, State Department of Education, for an informational review of the school finance formula.

At the outset, a handout entitled "School Finance" was distributed. The handout included the following sections:

- PART I – Unified School District Budget and State Aid Computations on Selected Funds;
- PART II – Unified School District Budget Fund Review;
- PART III – Budget Profile and Budget At A Glance; and
- PART IV – School Finance Court Case (Attachment 1).

Ms. Sparks and Mr. Dennis referred to the handout as they jointly explained the major provisions of the school finance formula – (1) the general fund; (2) the local option budget or supplemental general fund budget, and (3) bond and interest aid. During their presentation, they responded to several comments and questions from Commission members. At the conclusion of the presentation, Ms. Sparks noted that Part III of the handout included two illustrations of the type of publications prepared and placed on the Internet by the Kansas State Department of Education, and Part IV included a summary of *Montoy v. State of Kansas, et al.*, prepared by Dan Biles, attorney for the State Board of Education.

The meeting was recessed for lunch at 11:50 a.m.

## **Afternoon Session**

Chairperson Chronister called the meeting to order at 1:30 p.m., at which time she called upon Jim Hays, Kansas Association of School Boards, for a presentation on population and demographic issues for Kansas K-12 schools.

Mr. Hays began by commenting, "One of the things that local school boards really appreciate, when they are going about their job, is the ability to develop a broader context, to develop a statewide perspective on what it is that they are facing in policy issues." He went on to discuss how Kansas school district enrollments during the 20<sup>th</sup> Century were affected by the "baby boom," the decrease in the state's population, and the growth of the Hispanic population in the state. In addition, he discussed how school district enrollments have been affected by the increasing disparities in the population of Kansas counties (Attachment 2).

At various points in his presentation, Mr. Hays called attention to relevant charts and graphs in a booklet which he prepared in July 2005 entitled "Kansas School Enrollment and Demographic Information" (Attachment 3). As to the Census Bureau data regarding Kansas counties on page 16

of the booklet, he commented, "The Census Bureau estimates since 2000 for Kansas counties are somewhat disturbing. Keep in mind these are estimates. They are not official census figures. They are used for a variety of purposes, and they are based on what the Census Bureau believes are trends. If these trends are right, we've only got two counties in the state, Johnson and Leavenworth, that have experienced growth since 2000 that's even close to what they had during the 1990s when more than half the counties in the state declined in population." With regard to the data on school district enrollments beginning on page 22 of the booklet, he noted, "Last year was seven consecutive years where more than 60 percent of our districts in Kansas declined in enrollment." With regard to high school enrollments for the 2004-05 school year, he noted that the data on page 33 of the booklet showed that one-half of the buildings enroll 86 percent of the students, and the other half of the buildings enroll 14 percent of the students.

With regard to future enrollments for all school districts in the state, Mr. Hays commented, "We do not see a substantial enrollment growth in Kansas in the foreseeable future." He called attention to a section in the booklet beginning on page 45 concerning actual and projected enrollments for Kansas school districts, noting that 87 districts out of 301 had an average percentage change over the last ten years above zero, and 214 had an average percentage change over the last ten years of below zero. He commented, "What I've done here is take that average percentage change and project it for the next five years. If the next five years in every school district in Kansas is exactly the way it was for the last ten years, what will the enrollments be? You will note that some of those 87 districts that have positive numbers in the terms of percentage change over the last ten years are larger districts, and so this method will tell you that, overall, Kansas school enrollment may grow over the next five years if, in fact, those big districts continue to grow the same way that they have grown for the last ten years. As seen before in terms of our overall population numbers, there's a lot of information that would indicate that that's not going to happen. School enrollment is usually forecast using what's called a Co-Hort survival ratio technique. Basically, that means that the first thing we do is see how many kids were born and how many kids showed up seven years later in first grade. Then we track the relationship between each Co-Hort as it moves through the system and look for places where that movement through the system changes or is disrupted. Statewide, that relationship between children being born and children showing up in first grade is pretty encouraging because our birth rates have turned up a little bit. And, overall, statewide, retention of students through the system is pretty favorable. And also, a third factor in terms of overall population and enrollment stability, if not growth, in Kansas is that we're reaching more kids. Our expectations from the system have risen as they always have risen."

Mr. Hays concluded his presentation by briefly discussing a packet of information which included the following: a chart regarding changing student needs and enrollment patterns for the years 1998 through 2005, a chart showing the changes in the number of certified school district employees for the years 2000 through 2005, a list of school district superintendents with their other duties identified, and a list of school districts involved in cooperative arrangements (Attachment 4).

Chairperson Chronister called attention to the preliminary minutes of the October 3, 2005, meeting of the Commission. Dennis Jones pointed out that information on page two concerning Commission membership indicated that he is from Lincoln; however, he is from Lakin. Dr. Daniels suggested that "are actually receiving special educational services" found on page 4, paragraph one, item (3), be changed to read "are actually receiving specific educational services for bilingual and at-risk students."

*Chairperson Chronister moved that the minutes of the October 3, 2005, meeting of the 2010 Commission be approved as corrected, seconded by Dr. Daniels. The motion carried.*

Chairperson Chronister called upon Dan Biles, attorney for the State Board of Education, for an overview of the constitutional and statutory responsibilities of the State Board of Education. Mr. Biles began by noting that there are three primary sources of authority or responsibility for the State Board of Education – the *Kansas Constitution*, state law, and federal law. He went on to discuss the self-executing powers of the State Board of Education pursuant to Article 6 of the *Kansas Constitution*, which was approved by voters in 1966 and, in effect, created the State Board of Education as a governing body which has general supervision over the educational interests of the state and the public schools. He summarized lawsuits concerning the Board's self-executing powers, and he outlined the Kansas Supreme Court's findings regarding the intent of Article 6. A list of Article 6 sections relevant to the State Board of Education was attached to his written testimony ([Attachment 5](#)). Upon conclusion of his presentation, Mr. Biles responded to questions from Commission members regarding teacher accreditation and the recent Kansas Supreme Court ruling on school finance.

The meeting was adjourned at 3:45 p.m.

## **Tuesday, October 25 Morning Session**

Chairperson Chronister called the meeting to order at 9:05 a.m., at which time she called upon Dr. Alexa Posny, Deputy Commissioner for Learning Services, State Department of Education, for an informational report on the Individuals with Disabilities Act (IDEA). Dr. Posny addressed the following topics in her presentation, which was entitled, Three Decades of IDEA:

- Changes in society (deinstitutionalization of children with mental/physical disabilities);
- Changes in systems (customer settings and personnel);
- Changes in schools (students identified at younger ages, teachers' duties increased, more intensive and effective teacher recruitment and retention efforts);
- Changes in outcomes for special education students; and
- Changes in laws and regulations (Federal IDEA changed in 2004 to Individuals with Disabilities Education Improvement Act [IDEIA] and the 2004 Kansas Special Education for Exceptional Children Act).

Dr. Posny described in detail the evaluation procedures used to determine if a child has an exceptionality and is in need of special education and related services under an individualized education program (IEP). In addition, she discussed the requirements for the IEP review and revision process in which both the IEP team and the parents are involved, and she explained the due process procedure which a parent or public agency may initiate with regard to the educational placement of a child ([Attachment 6](#)).

Dr. Posny continued with an overview of the intent of the No Child Left Behind (NCLB) Act. After outlining the five premises of NCLB, she presented data relating to Kansas' response to NCLB achievement, assessment, and accountability requirements. Additionally, she discussed required reports to parents, the requirements for school support teams for local school districts, and the requirements for school improvement plans ([Attachment 7](#)).

Chairman Chronister called attention to copies of a list of Kansas colleges/universities licensure officers and contractors, which was prepared by staff as requested by the Commission on October 24 (Attachment 8). She then called upon Diane DeBaker, Director of School Improvement and Accreditation, Kansas State Department of Education, for an overview on Quality Performance Accreditation (QPA).

Ms. DeBaker distributed copies of the *Quality Performance Accreditation Manual* published by the Kansas State Department of Education in 2005 (Attachment 9) to be used as a reference during her presentation (Attachment 10). She went on to explain that, as of July 1, 2005, all Kansas schools are accredited under a different system from what was used in the past. She further explained that accreditation is now based on regulations passed by the State Board in December 2002 which align QPA to NCLB. After briefly summarizing the accreditation history of the state, she compared previous QPA regulations with current QPA regulations. She then called attention to the provisions for quality criteria and performance criteria for 2005 and beyond found in K.A.R. 91-31-32. Upon completing a review of the regulations concerning the quality criteria, Chairperson Chronister suggested that Ms. DeBaker complete her presentation after a lunch break.

The meeting was recessed for lunch at 12:00 p.m.

### **Afternoon Session**

Chairperson Chronister called the meeting to order at 1:30 p.m., at which time Ms. DeBaker resumed the QPA overview by summarizing the performance criteria regarding mathematics, reading, history/government, science, state assessments, attendance, and the graduation rate. In conclusion, she discussed the following accreditation status ratings for 2005 and beyond: accredited, accredited on improvement, conditionally accredited, and not accredited (KAR 91-31-31). She also summarized the accreditation appeal process (KAR 91-31-37).

Tom Foster, Assistant Director of School Improvement and Accreditation, Kansas State Department of Education, followed with an overview of the process used to develop curriculum assessment programs in Kansas. He divided his discussion under the following headings: The Written, The Taught, and The Tested (Attachment 11). At the outset, he noted, "When this process breaks down, you have classroom teachers that are being forced to spend time on activities that they don't consider have any value to them or their students at all. It's only when those assessments actually become useful to them that they become valuable to them. That's what we wanted to change about Kansas assessments. The Department designed assessments that would provide information that can be used by teachers in making instructional decisions for individual students." He noted that the Board approves all content standards that are tested.

At this point, Mr. Dennis commented that, by statute, the standards must be reviewed every three years. He explained, "The first year is, in essence, a pilot. The second year, you set your cut scores. The third year, you get the test. Then you're ready to start over again. So, the years you get for comparison are very, very limited. Instead of every three years, doing it every five years would be more effective." Dr. Posny added, "To put it in its proper context, this is the year that we should be revising the reading and math standards again, and we have not even given the new assessment based upon the last revision. That's the problem. And in order to really have trend data, you must have an assessment that at least gives you three data points. What we really needed was five to six years in order to have anything that shows us any results." Mr. Dennis commented, "If not, you've got schools in constant turmoil, and there are evaluation tools that are very limited."

Mr. Foster explained that, after the standards are approved, assessments are developed for core skills at various student levels. He noted, "If we did a good job, we would expect our students to progress or improve at about the same as they do on a national test. The trend line data for the National Assessment of Education Progress (NAEP) test and the state assessments are roughly parallel. So we know that the indicators that we pick as core content constructs are, in fact, the essential building blocks of those contents." He went on to discuss the Kansas assessment process, and he listed the schedule for assessing reading, math, writing, science, and history/government for school years 2005-06 through 2008-09. In conclusion, he commented, "The assessment process is a technically sophisticated and complicated process."

Chairperson Chronister called upon Dr. Posny for a summary of 2005 Kansas assessment results on reading, mathematics, science, and history/government. Dr. Posny began by stating, "Bottom line, if I were to sum up the results, we have almost what is known as the perfect bar chart. The results are up again." She followed with statistics relating to annual yearly progress (AYP), challenges for school districts and high poverty districts high performance, and standards of excellence. Noting that NAEP (the nation's report card) is strictly a survey instrument, she concluded with a comparison of Kansas achievement levels in math and reading with NAEP achievement levels (Attachment 12).

Chairman Chronister asked that Commission members be prepared at the next meeting to list specific issues or ideas they would like to examine as the Commission continues with its deliberations. She noted that her partial list included information on the following:

- Schools which operate as a business to be presented by Mark Tallman, Kansas Association of School Boards;
- Effective school practices;
- Costs and effectiveness of preschools;
- Barriers to consolidation and things that can be done to encourage consolidation;
- Sales taxes that some schools have coming their way; and
- Whether or not the demographics of private schools match the demographics of public schools (special education and minority students).

Barbara Hinton, Legislative Post Auditor, indicated that she would bring a "laundry list" of studies and audits others have done. Dr. Daniels reminded members that the cost of extracurricular activities was one of the subjects assigned to the Commission. Chairperson Chronister suggested that the Commission take a field trip to visit a few special education classrooms.

The next meeting was scheduled for November 14-15, 2005.

The meeting was adjourned at 3:40 p.m.

Prepared by Shirley Higgins  
Edited by Kathie Sparks

Approved by the Commission on:

November 14, 2005  
(date)