

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

December 12-13, 2005
Room 123-S—Statehouse

Members Present

Senator Jean Schodorf, Chairperson
Representative Kathe Decker, Vice Chairperson
Senator Marci Francisco
Senator Roger Pine
Senator Mark Taddiken (December 13)
Senator Ruth Teichman
Senator John Vratil
Representative Barbara Ballard
Representative John Faber
Representative Deena Horst
Representative Steve Huebert (December 13)
Representative Eber Phelps
Representative Jo Ann Pottorff

2010 Commission Members Present (December 13)

Rochelle Chronister, Chairperson
Carolyn Campbell
Representative Kathe Decker
Stephen Iliff
Dennis Jones
Barbara Mackey
Senator Jean Schodorf
Representative Sue Storm

Staff Present

Mary Galligan, Kansas Legislative Research Department
Deb Hollon, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Art Griggs, Office of the Revisor of Statutes
Theresa Kiernan, Office of the Revisor of Statutes

State Department of Education Staff

Dale Dennis, Deputy Commissioner

Conferees

Jodi Mackey, Director, Nutrition Services, State Department of Education
Dr. Robert Masters, Vice President for Academic Affairs, Kansas Board of Regents
Dr. Marilyn Rhinehart, Vice President for Instruction, Johnson County Community College
Ron Hein, Executive Director, Kansas Beverage Association
Dr. John Shoemaker, Director, Kansas Center for Performance Excellence
Dr. Martha Gage, Director of Teacher Education and Licensure, State Department of Education
Jerrad Tautz, Vice President and Director, Kansas and Missouri Campuses, University of Phoenix
Dr. Alexa Posny, Assistant Commissioner, State Department of Education
Michael Stewart, Director, Performance Evaluation Services, Standard and Poor's
Jason Kingston, Associate Director, Performance Evaluation Services, Standard and Poor's
Paul Gazzo, Analyst, Performance Evaluation Services, Standard and Poor's
Pam Klenda, Principal, Roosevelt Elementary School, USD 418 (McPherson)
Mark Whitmer, Principal, IXL Elementary School, USD 470 (Arkansas City)
Deb Gustafson, Principal, Ware Elementary School, USD 475 (Geary County)
Jamie Carlisle, Principal, Baxter Springs High School, USD 508 (Baxter Springs)

December 12

School District Nutrition Programs

Jodi Mackey, Director of Nutrition Services, State Department of Education, gave the Committee an update on activities regarding the establishment of school nutrition guidelines (Attachments 1 through 7). Ms. Mackey explained that federal law requires districts to establish local "school wellness policies" 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.

Ms. Mackey told the Committee that 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.

Ron Hein, Executive Director, Kansas Beverage Association, reported that the 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 (Attachment 8). Mr. Hein said that similar policies will be implemented by beverage associations nationwide.

Committee members expressed concerns to Mr. Hein that the Association has not developed a policy limiting the availability of caffeinated beverages, and questioned why the policy appears to exclude milk.

Voucher Programs in Other States

The staff presented a report on vouchers in other states ([Attachment 9](#)). 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.

Developmental Education

Dr. Robert Masters, Vice President for Academic Affairs, Kansas Board of Regents, presented a report on developmental education, which he defined as “all fields of study that are designed to increase the likelihood of student success at the entry level of a certificate or degree program” ([Attachment 10](#)). In general, these courses are in the areas of reading, mathematics, and English, and may not be counted toward meeting graduation requirements.

Dr. Masters told the Committee that state universities may be doing some remediation in the area of mathematics, but for the most part, remediation activities at the state universities declined greatly after the imposition of qualified admissions requirements. Senator Vratil challenged this statement, and said he has heard the opposite. Dr. Masters said his report was based on a survey of institutions, and perhaps the definition of “developmental” does not include preparation for higher order mathematics classes, in which state universities are engaged. He said, in general, developmental education is the purview of community colleges and is part of their mission to provide open and equal access at a low cost to residents of the state.

According to information presented by Dr. Masters, 60 percent of students taking developmental courses are recent high school graduates, 40 percent are returning students, 70 percent are white, and 30 percent are minorities.

Dr. Marilyn Rhinehart, Vice President for Instruction, Johnson County Community College, discussed specific programs being implemented by the community colleges to assist various types of students needing developmental education ([Attachment 11](#)). 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.

Funding for Technical Institutions

In response to a question asked at an earlier meeting, the staff presented information on how funding for technical institutions is allocated ([Attachment 12](#)). The institutions, which do not have

taxing authority, receive funding from state and federal funds, student tuition and fees, private donations, and from the sale of items produced during instruction.

Most of the state funding for area vocational schools and technical colleges is allocated based on a statutory formula which sets the state portion of funding at 85 percent of local costs. The remainder is funded from student tuition. The state portion of the formula has not been fully funded in recent years. Institutions receive their allocations based upon the share each would have received had the statutory formula been funded. There is no direct connection between enrollment and the formula.

Recent National Reports and Studies

The staff gave the Committee a summary of two national reviews of higher education currently being undertaken (Attachment 13). One is the development of a national strategy for higher education by a commission appointed by the United States Secretary of Education, which will address access, accountability, affordability, and quality. The report will be completed by August 2006. The other study is being conducted by the National Conference of State Legislatures and focuses on issues in higher education and state budget models.

Minutes

Upon a motion by Representative Ballard, seconded by Representative Decker, the minutes of the November meeting were approved.

Review of Bill Drafts and Instruction to Staff for Final Report

The Committee reviewed drafts of ten bills that had been prepared for its review (Attachments 14 through 23). Upon a motion by Senator Vratil, seconded by Representative Pottorff, the Committee approved the introduction of proposed legislation to increase the interval for State Board of Education review of curriculum standards from three to seven years and to remove language which requires that the curriculum standards be "equal to the best standards" (bill draft 5rs1395).

Upon a motion by Representative Decker, seconded by Representative Horst, the Committee voted to introduce all proposed legislation, with Committee amendments already adopted and including legislation concerning the Kansas Board of Regents' retirement plan which had not yet been drafted. The legislation will be prefiled for introduction during the 2006 Session. The motion does not include legislation concerning the Adult Basic Education mill levy and the Kansas State University property sale. That is because legislation already is pending concerning the technical college Adult Basic Education mill levy and the Board of Regents has requested that the Kansas State University property sale legislation be handled by the University rather than as a part of the Board's legislative request. 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, which is an appropriations item and does not need implementing legislation.

December 13

Draft of Final Report

By consensus, the Committee instructed the staff to include certain comments and recommendations in its final report, which will be mailed to members for their final approval.

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, Kansas State, and Wichita State Universities. 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, educational 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.

Dr. Shoemaker told the Committee that he would like to develop a pilot project with eight school districts to help them write Baldrige award grant applications, analyze their applications, and help develop an improvement plan which could be used by other school districts.

Teacher Education Approval Process

Martha Gage, Director of the Teacher Education and Licensure Division of the State Department of Education, described the State Department's approval process for teacher education programs (Attachment 24). The 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. Ms. Gage says the length of time is comparable to other states.

Jerrad Tautz, Vice President and Director of the Kansas and Missouri Campuses of the University of Phoenix, 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, he told the Committee that the University of Phoenix has encountered no barriers or difficulties in the approval process used by the State Board of Education.

Joint Transition Council

Dr. Robert Masters, Kansas Board of Regents, presented information on the Secondary-Postsecondary Transition Council, an initiative of the Kansas Board of Regents and the State Board of Education which is intended to ensure a smooth transition for students from high school to postsecondary education ([Attachment 25](#)). The Council is comprised of representatives of school districts, postsecondary institutions, state education agencies, and educational associations. Current activities include the articulation of common content that ensures students are college or work ready, the development and implementation of a state student level data system, the development and dissemination of shared secondary and postsecondary goals, and the development and implementation of "Access with Success" with a focus on concurrent enrollment, qualified admissions, and developmental education.

Dr. Alexa Posny, Assistant Commissioner, State Department of Education, presented information on student achievement, state and national high school and postsecondary education attainment rates, and the development of a student-tracking database by the State Department ([Attachments 26 and 27](#)).

Joint Meeting with the 2010 Commission

For the afternoon portion of the meeting on December 13, the Committee was joined by members of the 2010 Commission for the purpose of hearing items of mutual interest.

Report from Standard and Poor's

Michael Stewart, Jason Kingston, and Paul Gazzo, members of the Performance Evaluation Services section of Standard and Poor's, met with the Committee to review the report on School District Efficiency ([Attachment 28](#)). 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 with 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 will be issued January 2006 and will include baselines which can be used to measure the effectiveness of all districts in the state.

The four districts which are being studied in depth 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.

Report on the Six 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 at 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 school in Wichita.

Pam Klenda, Principal of Roosevelt Elementary School in McPherson, told the Committee that her school emphasizes making parents feel welcome in the building; close connections with parents; a genuine commitment to academics, particularly reading, writing, and mathematics; preparation for assessments; and motivation. Ms. Klenda said the culture in the school is for students to do their best.

Deb Gustafson, Principal of Ware Elementary School in Geary County, told the Committee that her school spends a lot of federal grant money on professional development. She said that at-risk students get special help in the form of “pre-teaching” in order to help them be ready to learn. Each at-risk student is visited once a week in the summer by a teacher who spends a few minutes reading to the student and then leaves a book. Parental involvement is high, as evidenced by conferences which are attended by 97 percent of the parents.

Mark Whitemer, Principal, IXL Elementary School in Arkansas City, told the Committee that his school promotes family involvement and has “interventions” in the areas of reading, writing, and math for students who need additional help. He stressed the importance of professional development for his staff.

Jamie Carlisle, Principal of Baxter Springs High School in Baxter Springs, said the key to motivating high school students is time: time is a management tool which can be given to students or taken away, in the form of extra classes for students who score unsatisfactorily on student assessments. For exemplary students, there is the opportunity to exit early from programs.

Based on testimony before the Committee, several common characteristics of the Blue Ribbon schools are 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 of Blue Ribbon schools told the Committee that, in order to create a better environment in their school, they had to get rid of teachers who were unqualified or unmotivated.

The meeting was adjourned.

Prepared by Carolyn Rampey

Approved by Committee on:

January 3, 2006
(date)