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House Bill 2319 - Coalition of Innovative Districts Act February 19, 2013 Diane M. DeBacker, Commissioner of Education

My name is Diane DeBacker. I am Commissioner of Education for the State of Kansas and am here today at the request of Chairman Kelley to provide testimony on behalf of the State Department of Education on House Bill 2319. Thank you Chairman Kelley and members of the committee for the opportunity to visit with you about this bill.

The ability of school districts to meet the needs of their students in ways unique to their local communities is the essence of local control. For example, a district that wants to increase graduation requirements above and beyond the state minimum has the ability to do so without seeking permission from the Kansas State Department of Education (KSDE) or the State Board of Education. No waivers or special permission is needed other than approval from the local board of education. Local control is a concept and practice in Kansas that works well and serves our students and communities well.

House Bill 2319 appears to expand the concept of local control to a higher level by, as stated in (2) (e) (1), "Except as otherwise provided in sections 1 through 9, and amendments thereto, or as required by the board of education of the public innovative district, a public innovative district shall be exempt from all laws and rules and regulations that are applicable to school districts." The last part of this sentence, "exempt from all laws and rules and regulations that are applicable to school districts" seems to be in conflict with other portions of the bill. For example, in section (2) it states, "A public innovative district shall be subject to the special education for exceptional children act, the virtual school act, the school finance and quality performance accreditation act, . . ." The State Department of Education seeks clarification on the two statements that seem to be in opposition of each other and asks for examples of any other laws and rules and regulations which would be applicable and not included in the section (2).

As an example of the conflict, Quality Performance Accreditation, or QPA, includes the performance of students on state assessments as well as 11 quality criteria including such things as having a school improvement plan (criteria 1), 100% of teachers of core academic subjects fully certified for the positions they hold (criteria 5), curricula that allows each student to meet the Regent's qualified admission requirements (criteria 8); and criteria 11 of "local policies ensuring compliance with other accreditation regulations and state education laws". Given this, KSDE questions what a district gains from being a member of a public innovative district in terms of laws, rules and regulations that they do not already have the ability to do given the substantial local control available and the stipulations in the proposed bill.

The Kansas State Department of Education encourages innovation and provides flexibility whenever possible. An example of recent flexibility is the Department and the State Board's endorsement of the Kansas City, McPherson and Clifton-Clyde school districts in applying for a federal waiver from certain testing provisions in the No Child Left Behind Act. While the ability to grant the waiver was beyond the State Department and the State Board's authority, support and guidance for the districts as they sought the federal waiver was given in terms of letters of endorsement and conversations with federal officials as they considered the requests.

Many of you had the opportunity to visit the Walton Rural Life Center in the Newton school district a few weeks ago. I imagine that those of you who visited the school were as impressed as I was during my visit last year. The school's approach to teaching and learning is a model for all Kansas schools. I mention Walton because the district has not had to seek any state or federal waivers or special permission to do what they do so beautifully each and every day. The establishment of a public innovative district was not required for Walton and is not required for any district. What is required is vision, creativity, courage, dedication and support of local boards of education.

The Kansas State Department of Education respectfully requests additional thought and consideration be given to House Bill 2319 with attention to the specifics of what laws, rules and regulations would be included. It should also be noted that the State Board of Education has not discussed this bill at this time.

Thank you for the opportunity to present and for your dedication to Kansas education.