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MEMORANDUM

To: House Committee on K-12 Education Budget
From: Office of Revisor of Statutes
Date: February 15, 2022
Subject: House Bill 2690 – Bill Brief

House Bill 2690 generally establishes two state programs that would focus on the academic achievement of students. HB 2690 would establish the Every Child Can Read Act which focuses on third grade literacy initiatives and the Legislative Award for Excellence in Teaching which would provide schools that make certain student achievement gains with money to provide merit based bonuses to teachers. The bill also would require KSDE to prepare an annual summary report of certain student academic achievement outcomes to the governor and the legislature.

New Section 1

Section 1 of HB 2690 would provide a legislative statement of intent regarding the promotion of academic achievement in schools.

New Section 2

Section 2 would enact the Every Child Can Read act to promote third grade literacy initiatives. This section would require the board of education of each school district to provide opportunities for student to participate in targeted educational interventions. Literacy would be required to be attained through the science of reading, evidence-based reading instruction and necessary competencies to attain proficiency. Schools would be required to follow and use the framework of KSDE's dyslexia handbook. Each school district would be required to ensure that the competencies are achieved through literacy instruction in phonics, vocabulary development, reading fluency and reading comprehension.

Under the every child can read act, each school district would be required to measure student achievement through state assessments and through other universal screening and assessment tools that are approved by the local board or by KSDE. School districts would be

required to provide targeted and tiered interventions that are designed to match a student's individual needs through additional contact hours with the student which may include additional one-on-one instruction, small group instruction, tutoring or summer school. Additionally, school districts would be required to ensure that each third grade teacher communicates with the parents of each third grade student at least once each semester regarding the student's individual deficiencies and any recommended interventions for such student. Such teacher to parent communication must provide the parent with:

- A summary of the every child can read act and the goals of the act;
- The student's assessment data that pertains to literacy;
- Recommended interventions for the student; and
- How the school district tracks outcomes of those interventions.

HB 2690 would require each school district to annually report information regarding the school district's implementation of the every child can read act to the KSDE including:

- The school district's interventions and outcomes of those interventions;
- The number of third grade students in the district;
- The screening and assessment data that the district is using to evaluate student progress in literacy;
- The percentage of all students and student subgroups who are proficient, moving towards proficiency or deficient.

New Sections 3 through 11

Sections 3 through 11 would establish the Legislative Award for Excellence in Teaching program which would provide an opportunity for certain teachers to earn merit based bonuses for their performance. The KSDE would administer the program. The program would commence in school year 2025-2026 and would generally authorize the amount of funding that was provided under the high-density at-risk weighting to be used for program funding as the high-density at-risk weighting is currently set to expire on July 1, 2024. Awards would be authorized to be made on a biennial basis commencing with the 2025-2026 school year.

The program would provide that any school would be eligible to receive an award if the school has a student enrollment that is comprised of 35% or more free-lunch eligible students.

The program would be divided amongst two grade level groupings. Eligible schools that teach kindergarten or any of the grades one through three could receive an award to provide merit bonuses to teachers in those grade levels. Similarly, eligible schools that teach any of the grades four through twelve could receive an award to provide merit bonuses to teachers in those grade levels.

An eligible school would be authorized to receive an award if the school demonstrates improvement in certain student academic performance criteria. Once a school initially qualifies for an award, such school would be eligible to continue to earn a partial award amount for demonstrating continued academic performance. Sections 6 and 7 of the bill establish the academic performance requirements that a school must meet to receive an award.

K-3 Academic Performance Criteria (Section 6)

For an eligible school that teaches kindergarten and any of the grades one through three, to receive a full legislative award for excellence in teaching, the school must demonstrate one of the following performance criteria:

- Evidence of annual academic progress on the school's results from the statewide English language arts assessment over the preceding four school years. The school must show performance gains of 5% of all students or 5% of the students in a student subgroup moved to a higher performance level on such assessments over such period of time;
- Evidence of annual academic progress over the preceding four school years from a literacy screening assessment selected by the school and approved by KSDE as an appropriate tool to evaluate annual academic progress in literacy. The school must show performance gains of 5% of all students or 5% of the students in a student subgroup moved to a higher performance level on such assessments over such period of time;
- Evidence of annual academic progress over the preceding four school years from a statewide literacy screening assessment that is developed by the state board of education to evaluate annual academic progress in literacy. The school must show performance gains of 5% of all students or 5% of the students in a student

subgroup moved to a higher performance level on such assessments over such period of time; or

- Evidence that the school has maintained high academic achievement amongst all students or the students of a subgroup over the preceding four school years. Such school must show that it has maintained 90% proficiency on such assessments over period of time.

For an eligible school that teaches kindergarten and any of the grades one through three that has previously received an award pursuant to the above criteria, such school would qualify for a second partial award if the school demonstrates one of the following:

- Evidence of continuing annual academic progress on the school's results from the statewide English language arts assessment for the school years following the time the reported data to qualify for an award. The school must show performance gains of 1% of all students or 1% of the students in a student subgroup moved to a higher performance level on such assessments over such period of time;
- Evidence of continuing annual academic progress for the school years following the time the reported data to qualify for an award from a literacy screening assessment selected by the school and approved by KSDE as an appropriate tool to evaluate annual academic progress in literacy. The school must show performance gains of 1% of all students or 1% of the students in a student subgroup moved to a higher performance level on such assessments over such period of time; or
- Evidence of annual academic progress for the school years following the time the reported data to qualify for an award from a statewide literacy screening assessment that is developed by the state board of education to evaluate annual academic progress in literacy. The school must show performance gains of 1% of all students or 1% of the students in a student subgroup moved to a higher performance level on such assessments over such period of time.

HB 2690 would authorize KSDE to provide awards to eligible schools even if the school does not teach all the grade levels or produce its own data to meet one of the performance outcomes to qualify for an award. Under this provision, a school that played a major role in

meeting the required academic performance criteria could also be provided an award if the school district selects its to be combined with another school's performance outcome demonstration. A school district would be authorized to combine two or more eligible schools for the purpose of the awards if there is a sufficient nexus between the schools supporting such combination such as having a majority of one eligible school matriculate to the next grade level in the eligible school that demonstrates the sufficient performance outcome.

Grade 4 through 12 Academic Performance Criteria (Section 7)

For an eligible school that teaches any of the grades four through twelve, to receive a full legislative award for excellence in teaching the school must demonstrate that it meets two separate performance criteria as follows:

1. One Statewide Assessment Criteria:

- Evidence of annual academic progress on the school's results from the statewide English language arts assessment and math assessment over the preceding four school years. The school must show performance gains of 5% of all students or 5% of the students in a student subgroup moved to a higher performance level on such assessments over such period of time; or
- Evidence that the school has maintained high academic achievement amongst all students or the students of a subgroup over the preceding four school years. Such school must show that it has maintained 90% proficiency on such statewide assessments over period of time; and

2. One Additional Performance Criteria:

- Evidence of annual academic progress on the school's results on the ACT or pre-ACT college entrance exam over the preceding four school years. A school must show that the academic progress was continuously achieved for all students for any student subgroup;
- Evidence of annual increases to the number of technical certificates awarded to students over the preceding four school years;
- Evidence of annual increases to the number of students who completed and passed advance placement courses over the preceding four school years;

- Evidence of annual increases to the number of students who completed and passed with a grade of C or better any dual or concurrent enrollment courses over the preceding four school years; or
- Evidence of annual increases to student participation in extracurricular activities combined with annual increases to the grade point average of students participating in such extracurricular activities. The school must demonstrate that the school increased extracurricular activity participation by 5% amongst all student or 5% of the students of a subgroup over the preceding four years combined with a grade point average increase for such reported group.

For an eligible school that teaches any of the grades four through twelve and has previously received an award pursuant to the above criteria, the school would receive a partial legislative award for excellence in teaching by demonstrating that the school meets two separate performance criteria as follows:

1. One Statewide Assessment Criteria:

- Evidence of continuing annual academic progress on the school's results from the statewide English language arts assessment and math assessment over the school years from the time in which the school last qualified for an award. The school must show performance gains of 1% of all students or 1% of the students in a student subgroup moved to a higher performance level on such assessments over such period of time; and

2. One Additional Performance Criteria:

- Evidence of annual academic progress on the school's results on the ACT or pre-ACT college entrance exam over the preceding school years. A school must show that the academic progress was continuously achieved for all students for any student subgroup;
- Evidence of annual increases to the number of technical certificates awarded to students over the preceding school years;
- Evidence of annual increases to the number of students who completed and passed advance placement courses over the preceding school years;

- Evidence of annual increases to the number of students who completed and passed with a grade of C or better any dual or concurrent enrollment courses over the preceding school years;
- Evidence of annual increases to student participation in extracurricular activities combined with annual increases to the grade point average of students participating in such extracurricular activities. The school must demonstrate that the school increased extracurricular activity participation by 5% amongst all student or 5% of the students of a subgroup over the preceding school years combined with a grade point average increase for such reported group.

Teacher Appraisal Process at the Local School

HB 2690 would require an eligible school who wishes to receive a legislative award for excellence in teaching to establish a teacher appraisal process to identify those teachers who are deserving of merit-based bonuses through the award program. Such teacher appraisal process must be open to all licensed teachers of an eligible school. The appraisal process must be exclusively based on teacher performance standards that evaluate whether the teacher:

- Exemplifies and promotes excellence in academic achievement through creative, consistent and meaningful ways;
- Inspires and maintains high academic achievement standards and expectations through thoughtful and relevant lessons and instruction; and
- Encourages and models attitudes and behaviors to promote academic success and well-being.

The principal at each eligible school would be person who is designated to oversee the teacher appraisal process and determine which teachers are deserving of an award. Any teacher at an eligible school would be authorized to apply with the school's principal for consideration to receive a merit-based bonus under the program. Only the principal would be authorized to determine the teachers who are eligible for the award pursuant to the teacher performance standards of the school.

If a selected teacher's school qualifies for a full legislative award for excellence in teaching, each such teacher would receive a merit-based bonus of \$5,000. If a selected teacher's school qualifies for a partial legislative award for excellence in teaching, each such teacher

would receive a merit-based bonus of \$2,500. Each selected teacher would be authorized to receive an award subject to the maximum allocation of award moneys that is authorized for the eligible school by the KSDE.

Funding and Award Allocations

Commencing in school year 2025-2026, and biennially thereafter, the KSDE would be required to authorize school districts to apply for the legislative award for excellence in teaching. Awards would be released following the school year in which such applications were submitted. The KSDE would determine whether the eligible school has met all the requirements for receipt of an award.

Section 10 of HB 2690 establishes the legislative award for excellence in teaching fund in the state treasury for the purpose of making awards to schools. Beginning in fiscal year 2025, and in each fiscal year thereafter, this fund would receive moneys from the state general fund as demand transfers in an amount equal to the total amount school districts would have received in such year pursuant to the high-density at-risk weighting if the weighting continued to be applied as though such weighting was not expired. Payments from the fund would be authorized for the purpose of providing awards pursuant to the program.

During each biennial award cycle, the KSDE would be required to make half of the total amount of moneys that are available in the fund to those schools that teach kindergarten and any of the grades one through three and make half of such moneys available to those schools that teach any of the grades four through twelve. From such available moneys, KSDE would then be required to determine the maximum allocation that each school could receive if every eligible school qualified for an award. The maximum allocation would be based upon the total enrollment of each school that could qualify for the award.

Any school that qualifies for an award may only use such moneys for the purpose of providing merit-based bonuses to teachers and would be required to return any moneys that are not used for such purpose.

Reports

The KSDE would be required to provide information on the legislative award for excellence in teaching through a website link. Such information must include general program information, how schools can apply for awards, the schools that have received awards, the

number of teachers who applied and the number of teachers who qualified, the amount of award moneys provided to each eligible school and the achievement criteria demonstrated by the school.

Section 12

Section 12 of HB 2690 would amend K.S.A. 72-5178 to require the KSDE to prepare and submit to the governor and the legislature a summary report regarding student achievement. Such written summary report would be required to provide:

- A statewide summary of the performance accountability reports and longitudinal achievement reports that are prepared by KSDE that includes:
 - Achievement results from ELA and math assessments over the preceding five years for all students and student subgroups to show whether there are statewide trends in academic achievement or learning loss;
 - A comparison to any other evaluation metric used by the state board of education such as college and career readiness or graduation rates;
 - A comparison to other educational assessments such as NAEP;
 - An analysis of trends in student achievement and a review of conditions that are impacting outcomes;
 - A review of the academic interventions that school districts are using to improve student performance, whether the state board has any recommendations regarding interventions and the estimated achievement gains to be expected of such interventions; and
 - A summary of the performance levels and the scale and cut scores for the statewide assessments.
- A student-focused longitudinal achievement report that provides achievement gains or losses for certain student cohort groups. Such report shall begin with the students who are entering third grade and the students who are entering eighth grade in school year 2022-2023 and shall summarize the longitudinal achievement of such students over a three-year period. KSDE would be required to repeat such report every three years for such grade levels. Such longitudinal report must provide:

- A summary of the improvement or learning loss that is occurring within such cohorts;
- An analysis of the evaluations and metrics that are used to measure the year-over-year achievement of such student cohorts;
- A review of the academic interventions that school districts are using to improve student performance, whether the state board has any recommendations regarding interventions and the estimated achievement gains to be expected of such interventions; and
- The achievement results from the ELA and math assessments and any other assessment data such as the NAEP, ACT and pre-ACT for such student cohort groups.