

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

November 12, 2003
Room 514-S—Statehouse (9:30 a.m. - 11:30 a.m.)
Office of the State Board of Education
120 E 10th Street (11:45 a.m. - Afternoon)

Members Present

Senator Dwayne Umbarger, Chair
Representative Kathe Decker, Vice Chair
Senator Bob Lyon
Senator John Vratil
Senator Mark Taddiken
Representative Barbara Ballard
Representative Carol Edward Beggs
Representative Bill Mason
Representative Eber Phelps
Representative Larry Powell
Representative Bill Reardon

Members Absent

Senator Christine Downey
Senator Lana Oleen

Members of the State Board of Education

Janet Waugh, Chair
Sue Gamble, Vice Chair
Dr. Steve Abrams
John W. Bacon
Connie Morris
Carol Rupe
Iris Van Meter
Dr. Bill Wagnon
Kenneth Willard
Bruce H. Wyatt

Legislative Committee Staff

Mary Galligan, 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 Board of Education Staff

Dr. Andy Tompkins, Commissioner of Education
Dale Dennis, Deputy Commissioner
Dr. Alexa Pochowski, Assistant Commissioner

Conferees

Senator Dick Bond, Co-Chair, Kansas Children's Campaign
Rochelle Chronister, Member, Kansas Children's Campaign
Pat Hurley, Member, Kansas Children's Campaign
Senator Tim Emert, Member, Kansas Children's Campaign
Melissa Ness, Chair, Kansas Children's Cabinet and Trust Fund
Joyce Cussimano, Executive Director, Kansas Children's Cabinet and Trust Fund

Morning Session Room 514-S-Statehouse

Implementation of 2003 SB 83

Dale Dennis, State Department of Education, discussed the implementation of 2003 SB 83, legislation which requires each school district, effective July 1, 2004, to prepare a profile of the school district budget. The profile is to be based on the school district's adopted budget and must include any information the State Department of Education specifies, including information about the governing body of the school district. The profile must be on file at the administrative offices of the district and be made available upon request. A statement that the profile is available must be published along with the required notice of the public hearing on the adopted budget. (A facsimile of a budget profile for school year 2003-04 is Attachment 1.)

In discussion following his presentation, Mr. Dennis acknowledged that the implementation date for the school district budget profiles is not until July 1, 2004, but the State Department of Education made publication of a profile optional several years ago and developed the capacity for school districts to generate and print a profile at the time they submit their approved budgets to the State Department of Education. For that reason, full implementation on a statewide basis was possible in a relatively short amount of time.

Mr. Dennis also distributed a facsimile of "Budget at a Glance," a condensed version of the profile (Attachment 2). Both documents contain Kansas State Department of Education Website information on school finance, building report cards, and other elementary-secondary statistics, including attendance, dropout rates, crime and violence reports, assessment results, and salary

information about personnel. Depending on the report, the information is available at the district or building level. At Representative Mason's suggestion, in future profiles, any item that shows a total expenditure also will show that expenditure on a per-pupil basis.

Both the profile and the budget at a glance are available on the State Department of Education's website. Mr. Dennis told the committee that school districts report very few people have requested copies of either document.

Out-of-State Students

Dale Dennis presented the results of a survey of contiguous states concerning laws, regulations, and other policies governing students enrolling in elementary-secondary schools in neighboring states. Impetus for the survey was concern during the 2003 Session about the number of students from border states who are being educated in Kansas school districts at Kansas' expense. (Information presented by Mr. Dennis is [Attachment 3](#).)

Mr. Dennis reported that Colorado has no law dealing with students attending school districts in another state. Missouri allows students to cross the state line to attend a Kansas school, subject to applicable Kansas law. Nebraska requires students who live on the Kansas-Nebraska border to get permission from their home school district to attend school in Kansas. Under certain conditions, the board of education of the sending Nebraska school district may, at its discretion, pay tuition to the Kansas school. Oklahoma counts students who attend school in Kansas for payment to the Oklahoma school district of residence, but does not pay any aid to the Kansas district in which the student is enrolled.

If a student comes from another state to enroll, Colorado authorizes tuition to be charged. (In 2002, 15 students from Kansas were charged tuition by Colorado school districts.) Missouri requires non-resident students to pay tuition. Nebraska school districts may admit residents of another state and collect tuition at a rate determined by the local board. Oklahoma school districts may provide an education to non-residents, pursuant to a contract. Such students are not counted in the district's enrollment nor does the district receive Oklahoma state aid for them.

Information on the number of students attending Kansas schools who are residents of other states is as follows:

School Year 2002-03	614
School Year 2001-02	675
School Year 2000-01	681
School Year 1999-00	627
School Year 1998-99	551

Kansas Children's Campaign

Senator Dick Bond, Chair of the Kansas Children's Campaign, and members Rochelle Chronister, Pat Hurley, and Senator Tim Emert met with the committee to describe various facets of the Campaign ([Attachments 4 and 5](#)). Senator Bond informed the committee that the Campaign, begun in October 2001, is a non-partisan network with the goal of improving lives of children and families in Kansas. The Campaign is an initiative of Kansas Action for Children, which is a private, nonprofit, citizen-based corporation. The Campaign has identified the following three goals:

- Early Childcare and Education;
- Parent and Family Support Services; and
- Out-of-School Programs.

Ms. Chronister elaborated on a major initiative of the Campaign, which is increased support for Smart Start Kansas. She explained that Smart Start focuses attention on young children, at the time in their lives when the greatest brain development is occurring. The fact that Smart Start is a framework within which local communities can develop their own programs means that each of the seven Smart Start projects in Kansas is different and geared to local needs. However, according to Ms. Chronister, the need in Kansas is not being met with the current level of funding, which has been around \$3.0 million per year. North Carolina, by contrast, annually funds its Smart Start Program in the range of \$200.0 million. (Ms. Chronister said the funding total may include some early-childhood programs other than Smart Start.) As a result in Kansas, only 13,136 children are served by Smart Start programs, of the 189,000 children who are eligible.

Ms. Chronister told the committee that one positive result from additional funding for early-childhood programs is lower turnover rates for childcare workers. She said that as education levels and pay increase, turnover is reduced, the result being that children have the advantage of a constant presence in their lives. Other benefits of early-childhood programs include lower expenditures for special education, as the result of early identification of children with problems.

Pat Hurley addressed the question of why the private sector would be interested in early-childhood intervention programs. The reasons, he said, primarily have to do with preparation of an educated workforce to meet business needs and the fact that in ten years, 85 percent of the workforce will be working parents. This means that a large number of children will be cared for by providers other than their parents and if those childcare facilities and programs are substandard, the future workforce will not be developing skills workers need to succeed. He cited statistics to support his position, including the fact that many childcare centers in Kansas meet only minimum standards and an estimated one in three children enter kindergarten without skills to succeed.

He told the committee that investments by business in early childhood programs increase in the short term 400 percent, as measured by improvements in attendance, turnover, productivity, and commitment to the job. Investments increase by 700 percent in the long term, as measured by less reliance on social services, higher salaries, lower crime rates, and fewer referrals to special education. He concluded that the Children's Campaign seeks to mobilize the private sector to invest in and promote the Campaign's activities and said civic groups in the Kansas City area already have identified high-quality childcare programs as a community goal.

Senator Emert discussed the Campaign's strategy for funding its recommendations, with the emphasis on increased funding for Kansas Smart Start. The Campaign recommends that funding for Smart Start be increased from around \$3.0 million per year to \$10.0 million, with funding to come from tobacco money transferred to the Children's Initiatives Fund (CIF). Because available funding from the CIF already is committed, the recommendation would entail a reexamination of currently-funded projects to determine if they actually meet the criteria envisioned when the CIF was created in 1999. The intention of the Children's Campaign would be that CIF funding for programs that should be funded from the State General Fund would terminate, thus freeing money for programs that more legitimately should be funded from tobacco money, such as Smart Start.

Kansas Children's Cabinet and Trust Fund

Melissa Ness and Joyce Cussimanio discussed in more detail the Smart Start Initiative promoted by the Cabinet ([Attachment 6](#)). Ms. Ness described the history of legislation and policy leading up to the establishment of the Cabinet and the dedication of tobacco settlement payments to programs for children. She said that the Cabinet identified the Smart Start program as its top priority because it is an early-intervention program, is supported by research, lends itself to evaluation, and is a grass-roots effort that engages the broader community.

Ms. Cussimanio elaborated on the benefits of better childcare programs and reinforced earlier testimony as to the importance of lower turnover for childcare workers.

Following presentations about the Children's Campaign and the Children's Cabinet, conferees responded to questions from committee members. Mr. Hurley responded to a question from Senator Umbarger about whether businesses are contributing to the goals of the Campaign. Mr. Hurley said that nationwide and in Kansas, some businesses have their own childcare programs for employees, in recognition of the importance to workers of good care for their children.

Representative Mason asked Ms. Chronister which programs currently funded from the CIF would the Campaign recommend be unfunded in order to generate additional funds for Smart Start. Ms. Chronister responded that there is no specific list, but suggested that juvenile justice programs are examples of programs that ought to be funded from the State General Fund. Ms. Ness added that the position of the Cabinet is that programs funded from the CIF should be those that have been subjected to rigorous evaluation. Senator Vratil observed that the conferees are requesting an additional \$7.0 million for Smart Start, but are not suggesting where cuts in existing programs funded from the CIF should come. He asked Ms. Ness if the alternative conferees support is a revenue increase and Ms. Ness responded that the conferees are not suggesting a tax increase, but a shift in funding from programs that do not perform, as determined by evaluations. Senator Vratil persisted that the recommendation for an increase in funding for Smart Start should be accompanied by a proposal as to which programs would be unfunded.

Joint Meeting with the State Board of Education

Committee members met at the Office of the State Board of Education for the purpose of a joint meeting with State Board members. The session began with a presentation by Dr. Alexa Pochowski, who discussed implementation of the No Child Left Behind Act ([Attachment 7](#)). She pointed out that the numbers of students who are disadvantaged, disabled, who are minority-group members, or who speak English as a second language are increasing. These trends have implications for the No Child Act because the Act requires adequate yearly progress by targeted subgroups.

Dr. Pochowski said that achievement is improving in all areas on the basis of state assessments and that Kansas consistently ranks in the top ten states on the basis of the National Assessment of Education Performance (NAEP). Nevertheless, even though the achievement gap is narrowing, there are gaps in the performance of certain subgroups that are targeted by the No Child legislation.

With regard to staff, Dr. Pochowski said the percentage of highly qualified educators is high, but the number of people entering the field is declining and the attrition rate for educators in the first five years of practice is high. Teaching requirements imposed by the No Child Act include:

- All teachers of core academic subjects in Title I schools who hired after the first day of 2002-03 must be highly qualified.

- By the end of 2005-06, all teachers of core academics must be highly qualified by demonstrating competence in all academic subjects taught.
- Information on teacher qualifications in Title I schools must be reported to parents and included on building, districts, and state report cards.

Dr. Pochowski told the committee teachers in Kansas must possess one of the following in order to be considered competent in their teaching assignment or content area:

- Must have passed a content test;
- Must be endorsed in content area;
- Must have a major or its equivalent (30 hours);
- Must have an advanced degree in a content area;
- Must have National Board certification; or
- Must have 100 points on the Kansas rubric, a combination of points based on experience, content coursework, awards, and other items. (The rubric is serving as a model for the nation.)

The No Child requirements for paraprofessionals is that those who work in Title I schools must have an associates degree, two years of college, or pass a test of their ability to help others learn reading, math, and writing.

Dr. Pochowski said the State Board has several concerns with the No Child legislation. First, the law requires 100 percent proficiency, a goal that may be impossible to attain. Dr. Pochowski pointed out that the Act makes no exception to the proficiency requirement, even though some children with disabilities may never be able to attain proficiency. Second, the Act uses only a single measure of improvement and progress (state assessments) rather than multiple measures that may be more appropriate. The Act also would penalize a school that fails to meet only one measure out of 44. In addition, there are concerns that federal funding is for the provision of technical assistance to Title I schools only and will not be available to help all schools affected by the Act's requirements.

Dr. Pochowski also reviewed action relating to the Individuals with Disabilities Education Act, which likely will not be reauthorized by Congress until spring of 2004. She said both the House and Senate versions of the bill include a focus on student achievement over legalistic procedural compliance; the goal of reducing paperwork; promotion of full incorporation of special education into the general curriculum; alignment of special education with the No Child Act; and allowance for new approaches to determining learning disabilities.

In discussion following Dr. Pochowski's presentation, State Board member Bill Wagon pointed out that a school being placed on the No Child "on improvement" list is not as serious as failing to attain State Board accreditation, but the public likely is going to not understand the difference.

Discussion Groups

State Board and committee members divided into small groups to discuss and report on the following questions:

- What concerns do you have with the No Child Left Behind Act and what changes do you think need to be made?
- Based on our achievement results, what suggestions do you have for continuing to make improvements in helping all students learn well?

Many general comments were made, ranging from concerns about the lack of federal funding, rigid proficiency requirements, the fact that one low-achieving subgroup could affect a school's overall rating, and limited funding for professional development. There was agreement that early childhood programs are beneficial and that educators need access to high quality professional development programs. There was some discussion about the consequences to a state if a decision were made not to implement the No Child Act and to suffer the loss of significant amounts of federal funding.

State Board of Education FY 2005 Budget Request

State Board members Bruce Wyatt and Sue Gamble presented the State Board's FY 2005 budget request. Major items are the following:

- **Increase in Base State Aid Per Pupil (BSAPP).** The State Department proposes to increase BSAPP by \$100 (from the allotment rate of \$3,863 to \$3,963, or \$73 over the statutory rate of \$3,890), at an additional cost of \$58,026,000 from the State General Fund. The total request for general state aid in FY 2005 would be \$1,840,822,000.
- **Fund Special Education at 90 Percent Rate.** An additional \$25,000,000 from the State General Fund is requested to fund special education excess costs at the 90 percent rate in FY 2005, for a total appropriation of \$276,016,845. In addition, the State Board requests authority to pilot a program to include special education funding in BSAPP and eliminate categorical aid.
- **K-3 Reading and Mathematics Literacy (New Program).** An appropriation of \$14,000,000 from the State General Fund is requested to initiate a program intended to increase reading and math achievement for students in grades K-3. Expenditures would be for professional development, extended learning time, and the implementation of research-based reading programs. Funding would equate to \$114 per student in grades K-3.
- **Professional Support for Schools On Improvement.** A State General Fund appropriation of \$2,500,000 is requested to provide professional support and assistance to each school on improvement. Funding would be for one professional support person onsite no less than one day per week.
- **Four-Year-Old At-Risk Evaluation.** A request of \$100,000 is made to fund increased staffing, training, and evaluation of the program.

Concluding Remarks

Mrs. Waugh and Senator Umbarger, chairs of the State Board and the committee, respectively, spoke in support of the practice in recent years of the State Board and the committee to devote at least part of one day during the interim to a joint meeting. Each agreed that the meetings are beneficial and ought to be continued and perhaps expanded to include more frequent contact during the Session.

The meeting was adjourned.

Prepared by Carolyn Rampey

Approved by Committee on:

November 19, 2003

(date)