

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

September 11, 2002
State Department of Education

Members Present

Representative Jo Ann Pottorff, Chair
Senator Dwayne Umbarger, Vice Chair
Senator Lynn Jenkins
Senator Lana Oleen
Senator John Vratil
Representative Lisa Benlon
Representative Kathe Decker
Representative Bill Reardon
Representative Ralph Tanner
Representative Jonathan Wells

Members Absent

Senator Christine Downey
Senator Bob Lyon
Representative Barbara Ballard

Legislative Staff

Ben Barrett, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Paul West, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Jill Wolters, Revisor of Statutes Office

Members of the State Board of Education Present

Mr. I.B. "Sonny" Rundell, Chair
Mrs. Janet Waugh, Vice Chair
Dr. Steve E. Abrams

Mrs. Val DeFever
Mrs. Sue Gamble
Ms. Carol Rupe
Mr. Harold L. Voth
Dr. William Wagnon
Mr. Bruce H. Wyatt

State Department of Education Staff

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

Conferees

Michelle Exstrom, Policy Associate for the Education Department, National Conference of State Legislatures
David Shreve, Senior Committee Director–Committee on Education, Labor, and Workforce Development, National Conference of State Legislatures

The Committee met jointly with the State Board of Education for the purpose of discussing teacher professional development and the No Child Left Behind Act. Conferees were staff members from the National Conference of State Legislatures. The practice of meeting at least annually with the State Board began in 2001, following the statutory change made by the 2001 Legislature to expand the jurisdiction of the Legislative Educational Planning Committee to include elementary-secondary education.

Teacher Professional Development

Michelle Exstrom addressed teacher professional development and explained that Kansas is one of 12 states that will receive technical assistance in developing professional development policy from the National Conference of State Legislatures (NCSL) and the National Staff Development Council (NSDC) (Attachment 1). Funding for the project is from the Ford Foundation and assistance includes working with a panel of Kansas educators, staff members, and others in the area of professional development.

Ms. Exstrom said teacher professional development is increasingly important because new teachers who need professional development are being added to the workforce as the result of teacher retirements, student enrollment increases, and the recruitment of teachers in hard-to-fill areas. Further, research indicates that teacher quality has an important positive effect on student learning. One study cited by Ms. Exstrom indicates that teacher qualifications is second only to home and family in importance as an influence on student achievement. Another shows that low-performing students exhibit more dramatic

improvement with an effective teacher than with an ineffective teacher. Data based on scores on the National Assessment of Educational Progress (NAEP) show that higher student performance correlates with teachers who have a major or minor in the subjects they are teaching and for science teachers with those who received professional development in laboratory skills. Money spent on increasing teacher education has been shown to be more effective in increasing student achievement than increasing teacher experience, increasing teacher salaries, or lowering the pupil-teacher ratio.

Ms. Exstrom also discussed the importance of teacher mentoring programs and their effect on reducing teacher attrition. She said there is great variety among the states as to the extent and quality of teacher induction programs and that, while most teachers participate in professional development activities, most say they do not believe they are prepared to assess student performance and teach to new state standards. One state program described by Ms. Exstrom is the Beginning Teacher Support and Assessment Program (BTSA) in California, which provides intensive support from experienced teachers and an individual induction plan for new teachers. The cost of the program is \$3,375 for each beginning teacher per year, plus a \$2,000 in-kind district match. Ms. Exstrom acknowledged that revenue shortfalls in California may have placed the program in jeopardy, but noted that, under the program, retention rates for new teachers have exceeded 90 percent for two years. Another successful program is the Alabama Reading Initiative, which provides intensive summer training for teachers and monthly advanced training for reading specialists who spend part of their time coaching other teachers.

According to Ms. Exstrom, the professional development initiative supported by NCSL and NSDC is based on the following standards:

High quality professional development must be:

- Results driven;
- standards based;
- job embedded;
- content rich; and
- school focused.

Ms. Exstrom explained that the No Child Left Behind Act includes accountability standards for teachers and paraprofessionals and also provides grants to improve teacher quality. Under the Act, beginning with the 2002-03 school year, new teachers or teachers in a Title I program or school must be "highly qualified." By the 2005-06 school year, all teachers must be highly qualified. The Act defines "highly qualified" to mean that a teacher is fully licensed, has a baccalaureate degree, and has passed a state test demonstrating subject knowledge in teaching skills in reading, writing, and mathematics. Districts must use at least 5 percent of their Title I funds to help teachers become highly qualified. The Act replaces two prior programs (Eisenhower Professional Development Program Grants and the Class Size Reduction Program) with one formula grant program for activities intended to increase teaching quality, including professional development. The authorization for FY 2002 is \$2.85 billion nationwide, of which, at the state level, 95 percent goes to local

education agencies (school districts), 2.5 percent is for local partnerships, and 2.5 percent is for state activities. Ms. Exstrom suggested that policymakers in Kansas should determine the extent to which the federal money will be used for professional development activities. She said the NCSL/NSDC project is intended to assist policymakers in developing strategies in their state intended to enhance professional development activities.

No Child Left Behind Act

David Shreve traced the history of the reauthorization of the Elementary and Secondary Education Act (popularly called the “No Child Left Behind Act”) and identified the following major provisions ([Attachment 2](#)):

- **Consolidation.** The number of individual programs under the former Elementary and Secondary Education Act was reduced from 55 to 45. For example, several technology programs have been consolidated into a single block grant, the Eisenhower Professional Development Program has been combined with the Class Size Reduction Program, and the Bilingual Education Act and the Emergency Immigrant Education Program have been combined. Although changes have been made to the 21st Century Community Learning Centers Program (after school grants), proposals to combine the program with the Safe and Drug Free Schools Program were rejected.
- **Annual Testing and Accountability.** By school year 2005-06, states must implement annual reading and math assessments in grades three through eight. Students in grades ten through twelve must be tested once. By the 2007-08 school year, students must take a science assessment at least once in grades three through five, six through nine, and ten through twelve. States also must assess the English proficiency of English-as-a-Second Language students each year, beginning in the 2002-03 school year. States may design their own assessments, which must be aligned with state academic standards and must allow student achievement to be comparable from year to year. The Act itself does not allow for waivers for existing state assessment systems that fail to meet the letter of law or that feature a combination of state and local testing. However, Mr. Shreve said that rules and regulations being drafted to implement the Act may allow for some flexibility for those states with testing systems that comply with the “spirit” of the law.
- **Testing Costs.** Federal funding for testing activities is \$490 million a year. An important feature of the Act is a “trigger” which allows states to suspend annual assessments for one year in years when the appropriations levels do not reach the following amounts:
 - FY 2002–\$370 million. (The actual appropriation is \$380 million.)
 - FY 2003–\$380 million.

- FY 2003–\$390 million.
- FY 2005-2007–\$400 million.

Each state will receive \$3 million in federal funding for tests, with the remainder of the appropriation allocated on the basis of school age population.

- **Adequate Yearly Progress (AYP).** The policy of classifying schools based on adequate yearly progress, which was part of the Improving America's Schools Act of 1994, is expanded to apply to all students, not just to Title I students. "Adequate yearly progress" is defined to mean that all students must perform at the "proficient" level within 12 years, with progress being made in equal increments during the period. Improvement must be measured separately for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. Proficiency goals are set by the states, pursuant to a state plan. Adequate yearly progress is deemed to be made when there is a 10 percent reduction in the percentage of students who are not proficient. States must select one additional indicator of success for elementary schools and must include graduation rates as a success indicator for secondary schools.
- **Sanctions.** The following applies to Title I schools and builds on the current Improved America's Schools Act (IASA). In other words, a Title I school that already is identified as failing under the IASA would retain its current classification and face consequences under the No Child Left Behind Act in the next school year. Since about 90 percent of all schools nationwide receive Title I funds, these sanctions apply to most schools. In addition, states must develop parallel systems of sanctions for *all* public schools. The Title I sanctions are:
 - Failure to meet federally defined AYP goals for two consecutive years will be identified as needing improvement and will entitle school for technical assistance. Local district must offer public school choice to all students in school and must provide transportation to chosen school by using up to 5 percent Title I, Part A funds.
 - Failure to meet AYP goals for three consecutive years requires adding supplemental tutoring services for disadvantaged students in a failing school. States would determine criteria for eligible providers. Local district must use up to 5 percent of Title I Part A funds for supplemental educational services.
 - Failure to meet AYP goals for four consecutive years requires local district to take corrective action by replacing staff, implementing a new

curriculum, or both. (This action is in addition to other sanctions listed above.)

- A state that fails to meet deadlines imposed under the Act could lose 25 percent of its federal funding allocated for administering the Act.

- **Teacher Quality.** Local districts must ensure that all teachers hired with Title I funds must meet the teaching requirements of the state in which they are teaching. Each state education agency must submit a plan to the U.S. Secretary of Education to ensure that all teachers in the state are “highly qualified” by the end of the 2005-06 school year. The plan must include measurable objectives for each district and school for increasing the percentage of “highly qualified” teachers and for increasing the availability of quality professional development. No later than three years after enactment of the Act, all teacher aides hired under Title I compensatory education funds must have completed at least two years of postsecondary education, obtained an associates degree, or have met a “rigorous standard” of quality established at the local level.

According to Mr. Shreve, it is likely that between 60 percent and 80 percent of schools will be deemed to be failing to meet annual yearly progress. When asked what legislators should be doing in the early stages of implementing the Act, Mr. Shreve responded by saying that they should continue to be available to work with NCSL, the state’s Congressional delegation, the State Department of Education, and with others in order to influence the interpretation and implementation of the Act.

Mr. Shreve discussed the Individual’s With Disabilities Act (IDEA), expressing concern about the implications of the teacher quality standards contained in the No Child Left Behind Act and about the failure of the federal government to honor its commitment to fund, for disabled children, 40 percent of the average per-pupil expenditure for regular children. Mr. Shreve called the 25-year-old commitment “the most important priority for the nation’s legislatures” and said the \$10 billion unfunded federal mandate is the “single most intractable education issue we face as we attempt to improve the performance of our state systems.” He elaborated on the commitment by explaining that the current level of federal funding amounts to about 17 percent of the cost of educating regular children. If the additional costs of educating disabled children are taken into account, federal funding represents only 10 to 12 percent of total costs.

The meeting concluded with a presentation by Dr. Alexa Pochowski on implementation of the No Child Left Behind Act in Kansas. Dr. Pochowski compared federal and Kansas law, noting differences and similarities. She also presented Kansas data showing differences in achievement between regular and disadvantaged students and differences on the basis of ethnicity. In the comparisons, regular students scored better on math and reading tests than disadvantaged and white students did better than African American and

Hispanic students. Dr. Pochowski told the Committee that implementation of the federal law can build on much of what Kansas already has in place.

The meeting was adjourned.

Prepared by Carolyn Rampey

Approved by Committee on:

October 11, 2002