

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 1:36 p.m. on March 16, 2004 in Room 123-S of the Capitol.

All members were present except:

Senator Bill Buntin (excused)
Senator John Vratil (excused)
Senator Lana Oleen (excused)

Committee staff present:

Debra Hollon, Legislative Research
Theresa Kiernan, Office of the Revisor of Statutes
Judy Steinlicht, Committee Secretary

Conferees appearing before the committee:

Dr. Mary Cohen, Regional Representative, U.S. Department of Education

Others attending:

See Attached List

Update and Discussion on No Child Left Behind Act

Dr. Mary Cohen, Regional Representative, U.S. Department of Education came to discuss changes in the No Child Left Behind Act and answer any questions.

Dr. Cohen told the committee that one of the first changes was to special education. Originally the district could take off one-half percent of the most severely developmentally distressed children and after hearing so often that it wasn't enough, it was changed to one percent. Another change was for the limited English proficiency students. The first year they are in an American school, they do not have to be counted in the testing for that school. As these students became proficient, they were moved out of the group so the proficiency of that group never changed. Now the students can stay in that group so that the group can show improvement.

Dr. Cohen said changes were recently made regarding high quality teachers. Regulations have been eased up a little so that rural schools and areas having difficulty filling positions will have an easier time.

(Attachment 1)

Dr. Cohen heard in her travels that Kansas has been significantly been cut on their Title I money in the amount of approximately \$4 million. The last Title I adjustment was done based on the 1990 census and the 2000 census was the next census used to adjust the Title I allocations. The 2001-02 state per pupil funding also figures into that formula. Dr. Cohen provided a report showing the estimated amount that Kansas will receive from Title I funding, but stressed these figures were not final. Also included is a summary of key provisions for Title I regulations. (Attachment 2) Dr. Cohen said the decrease in Title I money had nothing to do with NCLB.

Another incorrect concept is that NCLB is an unfunded mandate. Kansas received \$162,766,045 in 2002, \$182,998,783 in 2003 and is estimated to receive \$178,248,263 in 2004. The reason 2004 is estimated is that the fiscal year is not over. The reason for the reduction in 2004 is that some programs have come to an end and the loss of Title I population.

Still another concern is that the act was perceived as "one size fits all". Every state had an accountability plan. There were some components that had to be in each plan, but for the most part states chose what tests they wanted to give and what their proficiency level should be and at what rate they wanted to improve. One thing that is common to each plan is the Reading and Math, National Assessment of Education Progress (NAEP) tests. (Attachment 3)

Dr. Cohen shared some positive comments that she received in her travels. In Nebraska, she was told that they never discussed in the past what they should be doing to increase children's educational proficiency. Now it is discussed in every single meeting. Formerly, all of the information received from

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the district office was put in a drawer; now it is looked at very carefully and analyzed to see how the curriculum, delivery system and approach can be adjusted to make all children more proficient. Blue Valley Board of Education has commissioned an academic audit to be sure that they are teaching every child the very best that is possible. A board member from Missouri said that NCLB has given them the ammunition to do things that they previously found impossible or hard to do. Dr. Cohen is hearing more positive comments all the time and believes that people are beginning to see the good things about NCLB.

Dr. Cohen believes that Kansas has the very best Federal programs manager, Judy Miller, who was present in the Committee to assist in answering questions. Dr. Cohen believes that Kansas is far ahead of the curve. Kansas will soon have their testing on line and this will get the results and analysis back to the schools in 24 hours. Dr. Cohen knows of no other school that has testing on line. Kansas is ahead on technology with virtual schools and technological delivery of education.

During discussion, Dr. Cohen, advised that some paras are exempt from getting a 2 year associates degree. Those are paras that work in health areas assisting developmentally disabled children and paras that are interpreters. Those that actually deliver instruction need the 2 year associates degree or the equivalent, but they do have an option to be tested at a cost of approximately \$40.

Dr. Cohen was questioned about the concern of being labeled a "failing school" under NCLB. Dr. Cohen said that the word "failing" appears nowhere in the law. Dr. Cohen believes to get some schools to do their job, accountability has to be a part of NCLB. Education some of our children is no longer good enough, every child must be educated. Dr. Cohen agrees that 100% proficiency for every child may not be reached, but she does believe that every child will do better than they would have done and she believes that we must try.

It was questioned whether using the 2000 census figures for Title I distribution was appropriate. Since the year 2000, the economy has been in a downturn and the percentage of students qualifying for free and reduced price lunches has increased dramatically since the year 2000. Senator Downey provided information showing the percentage of students living in poverty using the 2000 census and the percentage based on free and reduced price lunches. She urged that a different set of data not be used to distribute Title I funds. (Attachment 4) Figures prepared by the Kansas State Department of Education were also given to Dr. Cohen estimating the amount of dollars that it is felt is needed to fully implement NCLB. (Attachment 5) Dr. Cohen said she would give these figures to the U.S. Department of Education. Dr. Cohen promised she would write in her report that the states need financial help to fully implement NCLB.

Meeting adjourned 2:30 p.m. The next meeting is scheduled for March 17, 2004.