

**Report of the  
2010 Commission  
to the  
2011 Kansas Legislature**

**CHAIRPERSON:** Rochelle Chronister

**VICE-CHAIRPERSON:** Dr. Ray Daniels

**LEGISLATIVE MEMBERS:** Senator Jean Schodorf; and Representatives Clay Aurand and Marti Crow

**NON-LEGISLATIVE MEMBERS:** Carolyn Campbell; Stephen Iliff; Dennis Jones; Emile McGill; Scott Frank, Legislative Post Auditor; and Dan Gibb, Attorney General's designee

**FORMER MEMBERS:** Former Representatives Kathe Decker and Sue Storm; Barbara Mackey; former Legislative Post Auditor Barb Hinton; and former Attorney General designees David Davies, Teri Canfield, and Lee Urban

**STUDY TOPICS**

The Commission is required to:

- Conduct ongoing monitoring of the school district finance act;
- Evaluate the school district finance act and determine if there is a fair and equitable relationship between the costs of the weighted components and assigned weightings;
- Determine if additional school district operations should be weighted;
- Review the amount of base state aid per pupil and determine if the amount should be adjusted;
- Evaluate the system of financial support, reform, and restructuring of public education in Kansas and in other states to ensure that the Kansas system is efficient and effective;
- Conduct hearings and receive and consider suggestions for improvements in the educational system from teachers, parents, the Kansas Department of Education, the State Board of Education, other governmental officers and agencies, and the general public; and
- Make recommendations it deems necessary to guide the Legislature to fulfill goals established by the Legislature in meeting its constitutional duties.

*December 2010*

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# 2010 Commission

## REPORT

### CONCLUSIONS AND RECOMMENDATIONS

Based on its extensive efforts to examine the educational funding system in Kansas, the 2010 Commission hereby submits the following as its final conclusions and recommendations:

#### **Education Funding**

The 2010 Commission concludes that the current school finance formula, when funded adequately, works well to ensure that students from all areas of Kansas have access to a suitable education. The formula serves to equalize among Kansas' 289 school districts whose assessed valuation (AV) per pupil ranges from a low of \$17,937 in Galena (excluding Fort Leavenworth, for which the AV per pupil is \$1,179) to a high of \$443,970 in Satanta. It also equalizes educational opportunities among students, based on their varying needs.

The Commission notes that, during the first few years following the Supreme Court's decision in *Montoy v. State*, the Legislature had begun infusing much-needed money into K-12 education in order to fund the formula adequately. The base state aid per pupil (BSAPP) had been increased from \$3,863 in the 2004-05 school year to \$4,400 in 2008-09, and it was planned to increase the BSAPP to the statutorily required level of \$4,492. Together with the existing at-risk, bilingual, vocational and other weightings for at-risk pupils, the formula was working well. With the economic downturn, however, the Legislature pulled much-needed funding from the educational system, by reducing the BSAPP from \$4,400 to \$4,012 – \$480 short of the statutorily-required BSAPP of \$4,492, for a total of \$319.7 million in K-12 education funding reductions as a result of the reduced BSAPP.

The result has been devastating to school districts, but ultimately the reduction will stunt the educational progress of Kansas' children – our most valuable resource. This is just when test scores were showing marked improvement over the past. Predictions are that the reduction in funding, which has resulted in fewer classroom professionals, soon will begin to drag the scores, which had shown significant signs of improvement, down once more.

Therefore, the 2010 Commission recommends the following:

- Beginning with school year 2011-12, the Legislature should fund the school finance formula with a BSAPP of \$4,492. The funding plan should include a three-year funding cycle, in addition to an annual cost of living adjustment.

#### **Early Childhood Education**

The Commission received a report from Harvard professor Dr. Jack Shonkoff on early brain development. Over the past several decades studies in the field of neuroscience and brain development have provided evidence that child development – especially from birth to five years of age – provide an individual with his or her foundation for future learning and societal productivity. A Kansas State Department of Education (KSDE) study sampling more than 400 four-year-old students indicated children served by numerous at-risk programs showed skills growth across the

school year, and those children who came into programs with lower-level skills overall had larger changes in their scores. Finally, research has shown scheduling- and curriculum-appropriate all-day kindergarten can boost academic performance and bring social benefits, especially when considering educationally disadvantaged children. The Commission also received other information that led Commission members to conclude it is vital to our state's success to educate children beginning in early childhood. Finally, a report from Jim Redmon, Executive Director of the Kansas Children's Cabinet, underscored to Commission members the importance of collaboration in early childhood education efforts. Mr. Redmon indicated that the Early Childhood Coordinating Council (ECCC) will become the Early Childhood Advisory Council (ECAC), with the new federal grant and guidelines; however, the comprehensive systems plan – developed over the past several years by the ECCC – will continue to be the guide for collaborative work. The resulting collaborative efforts have brought great success, as reflected in the success of the children they have served.

Therefore, the Commission recommends the following:

- The Legislature consider moving the Infant-Toddler special education program (*tiny-k*) to the KSDE. Currently administered by the Kansas Department of Health and Environment, moving it to the KSDE would allow for increased continuity of educational programming.
- The Legislature consider expanding funding for all-day kindergarten to include all children eligible to attend. Estimates in FY 2009 indicated it would take \$15.0 million every year for five years in order to fully fund all-day kindergarten. (Kindergarten students currently are funded as 0.5 full-time equivalent regardless of whether kindergarten is one-half day or a whole day.)
- The ECAC continue to encourage and assist with the excellent collaborative efforts begun by the ECCC.

### **Professional Development Issues**

The recent economic downturn has caused an interruption in what the Commission identified early on as a shortage of qualified educators. Nevertheless, Commission members believe that there are structural problems in the area of attracting, training, and retaining qualified educational professionals, including both teachers and principals. According to statistics presented by the KSDE, in 2007, 42 percent of Kansas teachers left the profession after only seven years of teaching. Furthermore, 51 percent of licensed personnel were over the age of 45, and 36 percent were over age 50. School officials reported factors contributing to these problems included: (a) The Kansas Public Employees Retirement System (KPERs) makes it difficult to rehire retired teachers; (b) Kansas is 37th in the nation in teacher salaries (not adjusted for regional cost differences) or 31st (adjusted); (c) fewer students are choosing teaching as a career, with 12 percent fewer students having gone into teaching over the past six years (as of 2008); (d) and there are inadequate professional development and mentoring programs. The KSDE information indicated that reasons teachers leave the profession include the following, among others: Isolation from their colleagues, assignments outside of their training area, lack of appreciation or respect, feeling discouraged and frustrated, feeling left out of decision making, poor school management, and not enough support.

Mindful of these reasons, the 2010 Commission wishes to highlight the difference that can be made when a principal is the strong educational leader of the school. Commission members saw

this phenomenon in action at the Baxter Springs School District.

In order to accomplish the changes that must be made, the Commission notes several findings of a July 2006 performance audit report from the Legislative Division of Post Audit entitled *K-12 Education: Reviewing Issues Related to Developing and Retaining Teachers and School Principals*. The report cited teacher-mentoring programs as one of the best strategies described in educational literature to retain new teachers. While only partially funded now, the KSDE indicated that the Teacher Mentor Program resulted in attrition rates for new teachers of approximately 10 percent in the years it was funded more fully. With respect to developing leadership academies for principals, the performance audit report's literature review indicated three "best practices" – (a) provide practical training, such as training on budgets, case studies, and problem solving; (b) include opportunities for peer support and leadership coaching, such as support groups and training with peer principals; and (c) offer development through a variety of providers, such as outside agencies, university personnel, or national conferences.

As a result of its conclusions, the Commission recommends the following:

- The Legislature should consider fully funding professional development and increase funding for the Mentor Teacher Program. Currently funded at zero, the 2006 and 2007 estimates for funding the Professional Development Aid Fund were \$4.0 million. Currently funded at \$1,450,000 the 2006 Commission recommendation was to add \$1.0 million to the Mentor Teacher Program. Fully funding it would cost an additional \$2,050,000. As indicated previously, these programs go specifically toward making positive changes in the schools.

#### **Other Issues Considered**

The Commission considers the following issues noteworthy:

- The Kansas Supreme Court has noted that an oversight commission should be in place reviewing the school finance formula and its funding. It should be noted that the 2010 Commission is ending on December 31, 2010. The Legislature may wish to consider establishing a new commission to serve in an oversight role to evaluate how the formula is being applied to ensure fair and equitable funding.
- The implementation of a standardized accounting system would be advantageous.
- The school district efficiency audits were extremely helpful to school districts. They were voluntary in nature, and gave districts the opportunity to compare their operations to those of peer school districts.
- Career and Technical Education should continue to be examined, to ensure that public education is, and remains to be, relevant to the real world. In this regard, a seamless transition needs to be ensured between K-12 and higher education (including college and technical school) for the purpose of career preparation.

**Proposed Legislation:** The 2010 Commission has no authority to introduce legislation.

## BACKGROUND

With its impending termination on December 31, 2010, the 2010 Commission presents its final report. The importance of the 2010 Commission's assigned duties requires that the Commission deviate from the standard report format. It is essential to set out the history, the members' credentials, and the work of the Commission in order to understand the significance of the final recommendations. As such, the report will be divided into the following sections:

- *Montoy v. State*—The School Finance Litigation History That Led To the Commission's Creation
- The 2010 Commission—Its Duties and Members' Credentials
- Significant Work of the Commission—Major Activities Undertaken

### ***MONTROY V. STATE*—SCHOOL FINANCE LITIGATION HISTORY THAT LED TO THE COMMISSION'S CREATION**

During the regular and special legislative sessions of 2005 and in response to Supreme Court rulings in *Montoy*, the Legislature made several amendments to the School District Finance and Quality Performance Act (SDFQPA), enacted in 1992. The Legislature's actions with respect to *Montoy* provide the context for the work and recommendations of the 2010 Commission. Following is a brief history of *Montoy* and the Legislature's response.

In January 2003, the Kansas Supreme Court unanimously reversed the trial court's dismissal of *Montoy* and ordered that the case be retried. The Court stated the following:

We conclude that this case is sufficiently removed in time from our decision in *USD 229* so as to preclude summary application

of *USD 229* to dispose of the plaintiffs' claims. . . .

We do not believe that the plaintiffs' factual allegations are a sham, frivolous, or so unsubstantial that it would be futile to try the case we now consider. The issues raised in this case require the district court to determine either on the basis of uncontroverted facts or on facts determined by trial whether the school financing provisions complained of are now constitutional.

There is a point where the legislature's funding of education may be so low that regardless of what the State says about accreditation, it would be impossible to find that the legislature has made "suitable provision for finance of the educational interests of the state". . . . *USD 229* suggested base criteria for determining suitability. The district court must make a finding, after giving the plaintiffs the opportunity to substantiate their claims, that the legislature has provided suitable provisions for financing the educational interests of the State before judgment may be entered for the defendants regarding the plaintiffs' unsuitability claim.

On January 3, 2005, the Kansas Supreme Court rendered its opinion in *Montoy II*, in which it held that:

- The Legislature had failed to "make suitable provision for finance" of the public school system as required by the *Kansas Constitution*.
- As funded, the SDFQPA failed to provide adequate funding to middle- and large-sized districts with a high proportion of minority, at-risk, and special education students.
- Increased funding would be required.

The Court stated among the critical factors for the Legislature to consider in achieving a suitable formula for financing education were the equity with which the funds are distributed and the actual costs of education. Without giving specific directions, the Court directed the Legislature to cure the defects in the law by April 12, 2005.

During the regular session of 2005, the Legislature passed HB 2247 and SB 43, which accomplished the following:

- Increased the amount of the base state aid per pupil (BSAPP);
- Increased the at-risk and bilingual weightings;
- Increased the local option budget (LOB) authority;
- Increased funding for special education;
- Created additional local funding authority;
- Established the skills for success program;
- Directed the Legislative Division of Post Audit (LPA) to conduct a cost study; and
- Created a school district audit team within the LPA and created the 2010 Commission.

The Legislature also appropriated an additional \$142 million as state aid to school districts for school year 2005-06.

On June 3, 2005, the Supreme Court issued a supplemental opinion to its January decision citing a “continuing lack of constitutionally-adequate funding” and “inequity-producing local property tax measures,” the Court found that HB 2247 did not comply with its January order. The Court directed the Legislature to increase funding for school year 2005-06 by an additional \$285 million by July 1, 2005. The additional amount was equal to one-third of the

estimated \$853 million cost of implementing the recommendations of the 2002 Augenblick and Myers (A&M) study which the Court stated was “the only analysis resembling a legitimate cost study before us.”

The Court stated that funding beyond the 2005-06 school year would be contingent upon the results of the cost study conducted by the LPA. If the study was not completed or submitted in time for consideration by the 2006 Legislature, if it was “judicially or legislatively determined not to be a valid cost study,” or if legislation based upon “actual and necessary costs of providing a suitable system of finance and which equitably distributes the funding” was not enacted, the Court would consider, “among other remedies, ordering that, at a minimum, the remaining two-thirds (\$568 million) in increased funding based upon the A&M study be implemented for the 2006-2007 school year.” The Court stated that an inputs-only cost study, as required by HB 2247, was not sufficient. The cost study would have to include the determination of the costs of outcomes required by rules and regulations adopted by the State Board of Education, which require achievement of measurable standards of student proficiency.

The Court stated that the concept of “suitable provision for finance” encompasses many attributes. It must reflect a level of funding that meets the constitutional requirement that the Legislature provide for intellectual, educational, vocational, and scientific improvement by establishing and maintaining public schools. The Court found that the *Kansas Constitution* imposes a mandate that the state’s educational system cannot be static or regressive, but that it must be one which advances to a better quality or state.

The Court reiterated that among the critical factors to be considered in achieving a suitable formula for financing education were the equity with which the funds are distributed and the actual costs of education, including appropriate

levels of administrative costs. The Court found that the financing formula was based on former spending levels and political compromise when it should have been based upon actual costs to educate children. The failure to do any cost analysis distorted the low enrollment, special education, vocational, bilingual education, and at-risk pupil weighting factors.

In addition to finding inadequate the overall funding level provided under the law enacted during the 2005 regular legislative session, the Court ordered that four provisions not be allowed to become effective. Those provisions were:

- The unequalized increase in the LOB authority;
- The unequalized extraordinary declining enrollment weighting;
- The cost-of-living weighting; and
- The provision which would require certain districts to appear before the Joint Committee on State Building Construction in order to receive capital improvement state aid for bonds issued by the district.

The Court found these provisions had the potential to be disequalizing, benefitted only certain districts, or exacerbated wealth-based disparities among districts. In addition, the Court found the need for a district wealth-based cost of living levy demonstrates that the state was not meeting its duty to adequately fund education.

During the special session that was called in response to the Court's June 3, 2005, decision, the Legislature passed SB 3. The bill addressed the specific concerns of the Court with the LOB and the extraordinary declining enrollment by equalizing them and by authorizing more school districts to qualify for what is now called the declining enrollment pupil weighting.

SB 3 also increased the amount of BSAPP, increased the at-risk pupil weighting, created the at-risk education council, increased funding for special education, provided for capital outlay state aid, reinstated the correlation weighting (now called the high enrollment pupil weighting), allowed for the appointment of a legislative education counsel to represent the legislature in future school finance litigation, required the LPA to provide for an inputs-based cost study and an outcomes-based cost study and established a policy goal that at least 65 percent of the moneys provided by the state be used in the classroom or for instructional purposes. SB 3 also provided additional state aid in the amount of \$148.4 million.

On July 8, 2005, the Supreme Court ruled that SB 3 was in substantial compliance with its June 3, 2005, order and approved it for interim purposes.

During the 2006 Legislative Session, the Legislature passed a three-year school finance plan in SB 549 and on July 28, 2006, the Supreme Court issued its fifth ruling in the *Montoy* case, stating that the sole issue before the Court was whether the legislation passed in 2005 and 2006 complied with the previous orders of the Court. The Court held that the Legislature was in substantial compliance with the Court's prior orders by providing at least \$755.6 million additional money for the education system by school year 2008-09. On a vote of 4 to 2, the Court dismissed the appeal. The Court ruled that the Legislature had substantially complied with the Court's prior orders to correct flaws in the SDFQPA that was in place when *Montoy*, which challenged both the adequacy of the funding and the equity with which the funding was distributed among school districts, was filed in 1999. The Court found that the Legislature had responded to the Court's concerns and had undertaken the responsibility to consider actual costs by commissioning the LPA to conduct an extensive cost study; creating the 2010 Commission to conduct extensive monitoring



and oversight of the school finance system; and creating the school district audit team within the LPA to conduct performance audits and monitor school district funding as directed by the 2010 Commission. In addition, the Legislature enacted numerous provisions which were designed to improve reporting of costs, expenditures, and needs of school districts. The Court stated that these new components provided the fundamental framework for a cost-based funding scheme in which the Legislature will be regularly provided with the relevant, accurate information necessary to meet its constitutional obligation to provide and maintain a suitable system of financing of Kansas public schools.

The Court also lifted the stay it had placed on two provisions contained in the 2005 legislation: The cost of living weighting and the provision requiring districts with declining enrollment to appear before the Joint Committee on State Building Construction as condition to receive capital improvement state aid.

The Court stated that it had already ruled that the school finance formula that was in place prior to 2005 was unconstitutional on the basis of both adequacy and equity. The Court went on to state that the constitutionality of 2006 SB 549 was not before the Court; that it was new legislation, and any challenge to its constitutionality must be filed as a new action in the district court.

### **THE 2010 COMMISSION—ITS DUTIES AND MEMBERS' CREDENTIALS**

In *Montoy*, the Court noted the importance of the 1992 law's creation of the Kansas Committee on School District Finance and Quality Performance. The Committee was created to serve in an oversight role to ensure fair and equitable funding. However, the statute under which the Committee was established expired on June 30, 1994. Between that time and *Montoy*, the Court expressed concern that no oversight committee existed.

In order to address the Court's and Legislature's concern for ongoing oversight of the school finance system, 2005 SB 244 was introduced as part of a school finance package. The bill would have established the 2010 Commission. The provisions of SB 244 were included in the conference committee report to 2005 HB 2247. These provisions were codified in KSA 46-3401 and 46-3402.

The 2010 Commission has been charged with the duty to monitor the implementation and operation of school finance legislation and to ensure that the public school system is maintained in a manner that promotes constant and improved levels of measurable student achievement. Among the powers and duties of the Commission is the duty to make any recommendation it deems is necessary to guide the Legislature to fulfill goals established by the Legislature and in meeting the constitutional duties of the Legislature to: (a) Provide for intellectual, educational, vocational, and scientific improvement in public schools established and maintained by the state; and (b) make suitable provision for the finance of the educational interests of the state.

Significant thought went into choosing Commission members. Under the law, care was taken to assure that a wide array of educational concerns and legislative perspectives were considered when selecting members. As a result, the following members were selected to serve on this important Commission. They are listed based on the appointing authority prescribed in KSA 46-3401.

- *One member appointed by the speaker of the house of representatives*—Steve Iliff has been involved in education during most of his professional life. While serving in the U.S. Military (Coast Guard Reserve and Army Special Forces—Green Berets) he taught a number of skills to troops, such as basic demolitions, rappelling out of helicopters, scuba diving, survival, and courses at the Special Forces Romanian Language School.

Mr. Iliff is a founder of the Douglas County Christian School (now Veritas) and of the Cair Paravel-Latin School. He taught Latin at the Douglas County Christian School and to freshmen at the University of Kansas. He has taught at Cair Paravel for over 17 years—Latin, History, and English Grammar and Literature in the past—and he still teaches Ancient History and Literature. In addition, Mr. Iliff has been in public accounting since 1980, having begun his own accounting firm in 1987. He also is administrator of a pediatric group and urgent care clinic, and he does accounting and consulting for small businesses. Mr. Iliff received both his bachelor's degree in comparative literature (emphasis in Latin) and his master's in business administration from the University of Kansas. He became a Certified Public Accountant in 1982.

- *One member appointed by the president of the senate*—Kearny County Attorney Dennis C. Jones has served on the Commission since its inception. He served in the past as City Attorney for Deerfield and Lakin, and he was awarded the 2009 Lifetime Achievement Award by the Kansas County and District Attorneys Association. Mr. Jones was appointed by Governor Bill Graves to the Governor's Tax Equity Task Force, the Vision 21st Century Task Force, and the Financing for Results Committee. He also served as Chairman of Kansans for Local Control. Mr. Jones, himself a product of Kansas schools, has raised four sons in the Kansas public school system as well. He states he is "still fighting crime and social injustice, battling to protect and preserve our cherished rural way of life on a daily basis."
- *One member appointed by the minority leader of the house of representatives*—Two individuals have served in this position, as follows:

- Representative Marti Crow has served seven terms in the Kansas House of Representatives and will retire in January 2011. She served for twelve years (six terms) on the House Education Committee and for two years on the House Select Committee on School Finance, where she served as the Ranking Democrat during the 2006 Session. In 2005, Representative Crow drafted a "Protest," signed by a number of house members, outlining the problems with HB 2247, passed during the regular 2005 Session. She submitted an *amicus* brief to the Kansas Supreme Court in *Montoy* for consideration of the constitutionality of HB 2247. Representative Crow also served for five terms (ten legislative sessions) as the Agenda Chairman for the House Democrats. She also served on House subcommittees on KAN-ED, a proposal to connect all Kansas school districts and public libraries with a telecommunications backbone; introduced a bill to rewrite Kansas' special education law; introduced a bill to create a state postsecondary education savings program; and a bill to create the Kansas Children's Trust Fund from tobacco settlement funds. Raised in an Air Force family, Representative Crow attended schools in at least ten different localities before college, including high schools in Okinawa, Maryland and Missouri. She obtained a bachelor's degree in secondary education with honors from Baker University in Baldwin City. Representative Crow began her professional career as an educator. She taught Language Arts and American History in the Shawnee Mission School District from 1966 to 1968. She was elected to the Leavenworth USD 453 Board of Education in

1983, where she served for 13 years (four years as board president). Representative Crow is an attorney as well as an educator. She entered Washburn Law School in 1990, at the age of 46, to obtain her juris doctor. While at Washburn, she wrote an article that was published in the *Washburn Law Journal* in 1991 about the Kansas divorce code. She also served as an editor of the *Washburn Law Journal* in 1992. In December 1992, Representative Crow graduated *magna cum laude* and ranked fourth in her class. She was sworn into the Kansas Bar in April 1993. She served on the House Judiciary Committee for ten years, as well as on the House Corrections and Juvenile Justice Committee and the Joint Committee on Special Claims Against the State. Representative Crow has practiced law in Leavenworth, Kansas for 15 years with the firm of Crow & Associates. Prior to entering private practice, she worked for the Kansas Department of Revenue in the legal division and for the Kansas Department of Health and Environment in the Division of Environment.

- Former Representative Sue Storm left her post in the House when she was elected to the State Board of Education in 2008. Storm served in the Legislature for 12 years and on the House Education Committee during that time. She was the ranking minority member of the House Education Committee from 2006-08. In addition to serving on the 2010 Commission, Ms. Storm was appointed in 2008 by Governor Sebelius to serve on the Governor's P-20 Council. She also is a member of the Board of Directors of Friends of Johnson County Developmental

Supports, an organization which serves adults with developmental disabilities. She has been an educator her entire adult life, teaching in Shawnee Mission USD 512 from 1978 to 2006. Prior to 1978, she taught in a number of Kansas school districts. Ms. Storm graduated from William Jewell College in Liberty, Missouri, with a degree in English. She received her master's degree in special education from the University of Kansas.

- *One member appointed by the minority leader of the senate*—Carolyn L. Wims-Campbell currently is a member of the Kansas State Board of Education. She was thrice elected to the Topeka Public Schools Board of Education. She is a member of both the Topeka and the Kansas Alliance of Black School Educators. Ms. Wims-Campbell also is a member of the Kansas Quality Performance Accreditation system, Youth Friend Volunteer, and co-founder and former mentor for the Circle of Women at Topeka High School. She was a Kettering Foundation faculty member, regional vice president of the Kansas Association of School Boards, member of the Kansas Department of Education Teacher of the Year Selection Committee, and has served as both Vice President and President of the National Federation of Urban-Suburban School Districts.
- *The chairperson of the house education committee*—Representative Clay Aurand has served in the House of Representatives since 1995. A farmer and stockman by trade, he has been the Chairman of the House Education Committee for the past five years. In addition, Representative Aurand is Vice-chairman of the House Education Budget Committee and Chairman of the 2010 Special Committee on Education. Previously, Representative Aurand has held

the positions of House Majority Leader and Speaker Pro Tempore.

Prior to Representative Aurand's service on this Commission as Chairman of the House Education Committee, Former Representative Kathe (Lloyd) Decker held the position.

Representative Decker served in the Kansas Legislature from 1998 to 2006, leaving to run for Lt. Governor. During her tenure she chaired the K-12 Education Committee, Select Committee on School Finance, and Juvenile Justice and Corrections Oversight Committee. She also served on the Judiciary Committee, Higher Education Committee, and several budget committees. Representative Decker previously owned and operated the Cornerstone Appraisal business. She presently lives in Clay Center with her husband, Clint, and is working part-time for Kingdom Promotions and helping her husband in his ministry, Great Awakenings.

- *The chairperson of the senate education committee*—Senator Jean Kurtis Schodorf has represented District 25 (Wichita) in the Senate since 2001. She has served as Chairman of the Senate Education Committee, member of the Senate Ways and Means, Commerce, and Judiciary committees, and Chairman of the Arts and Cultural Resources Committee. Senator Schodorf attended Independence High School. She obtained her bachelor's and master's degrees at the University of New Mexico and a Ph.D. at Wichita State University. She is a speech-language pathologist.
- *One member appointed jointly by the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate* — Former Kansas Representative Rochelle Chronister has served as the Chairman of the 2010 Commission since its inception. She served in the House of Representatives

from 1979-95 and held several legislative leadership positions, including Chairman of the House Education Committee in 1995 (member for five years), Chairman of the House Appropriations Committee from 1993-95 (member for twelve years), and Chairman of the House Appropriations Subcommittee on Education for four years. Ms. Chronister also has been a member of the Greenbush Regional Educational Foundation Board (1999-present), Governor's Education Task Force (2003), and the Nedesha Board of Education (1970-79). She received a bachelor's degree in microbiology from the University of Kansas.

- *Two members appointed by the governor, of which one shall be a person licensed by the state board of education:*
  - Emile McGill has been an elementary school teacher, assistant principal, principal, coordinator, and director of early childhood services. She retired from the Wichita Public Schools System after 37 years. Ms. McGill has served on local, state, regional, and national educational committees. She has been a staff development trainer, worked with licensing before- and after-school programs, worked with community groups, and presented workshops for national groups. Ms. McGill received her bachelor's degree in education from neighboring Oklahoma's Langston University, and she received her master's degree in school administration from Wichita State University.
  - Prior to Ms. McGill's service on the Commission, Barbara Mackey held the position.
  - Ray Daniels has served as Vice-chairman of the 2010 Commission since its inception. Dr. Daniels has

been an educator during his entire career. Currently a senior associate with Cross & Joftus (a private firm that provides advice and assistance to education leaders), Dr. Daniels was the superintendent of the Kansas City, Kansas School District from 1998-2005. Prior to that he served in the district as an English teacher, assistant principal, Director of Personnel Services, and assistant superintendent. Dr. Daniels obtained his bachelor's degree from Kansas State University and his master's and Ph.D. degrees from the University of Kansas. He has also received numerous awards for his contributions to the field of education. These include Kansas Superintendent of the Year, Kansas City 2020 Leadership Award, and being inducted into the Mid-American Education Hall of Fame (all in 2005), and Kansas Parent-Teacher Association Educator of the Year (2004).

- *The legislative post auditor, or the designee thereof*—Scott Frank currently serves as the Legislative Post Auditor. Prior to this, he was the LPA's Manager of School Audits, the audit team created by the 2005 legislation in response to *Montoy*. Mr. Frank is a product of Kansas schools, having attended Manhattan High School, Kansas State University (bachelor's degree in business administration) and the University of Kansas (master's degree in human resource management). Mr. Frank succeeded Barbara Hinton as a member of the Commission. Ms. Hinton retired as Legislative Post Auditor in 2010.
- *The attorney general, or the designee thereof*—Four Attorney General designees have served on the Commission since its inception. They are David Davies, Lee Urban, Teri Canfield, and Dan Gibb.

## SIGNIFICANT WORK OF THE COMMISSION—MAJOR ACTIVITIES UNDERTAKEN

The entire body of work the 2010 Commission undertook is too voluminous to summarize in one report. Please refer to the Commission's final reports to the 2007, 2008, 2009, and 2010 Legislatures for a more complete summary. It is noteworthy, however, to highlight two areas of work accomplished. These are the Commission's extensive visits to school districts and regional cooperatives across Kansas, and the performance audits requested and received by the Commission, under its role as director of the school district audit team within the Division of Legislative Post Audit. These are described below.

### Visits to Schools Across the State

The 2010 Commission visited a wide variety of school districts.

The district with the highest percentage of students eligible for free and reduced-price lunches was the Kansas City, Kansas, district, with 76 percent free and reduced-price lunch eligible students in the 2006-07 school year growing to nearly 88 percent in the 2010-11 school year. The Wichita school district had the second highest percent of free and reduced-priced students, with 66 percent in 2006-07, growing to nearly 74 percent in the 2010-11 school year.

The Olathe school district has the lowest percentage of free and reduced-price lunch students with nearly 17 percent in 2006-07 and 26 percent in 2010-11.

In southeast Kansas, both Galena and Baxter Springs districts had sizeable free and reduced-price lunch students, with Galena growing from 62 percent in 2006-07 to 72 percent in 2010-11; Baxter Springs went from 54 percent to 63 percent in the same school years.

In addition to the districts with growing free and reduced-price lunch populations, all the districts visited have seen growing English Language Learner (ELL) populations. The small district of Lakin in western Kansas, with a full-time enrollment of only 622 students in the 2009-10 school year, went from a 25 percent ELL population in 2007-08 to over 29 percent in 2009-10. The next largest ELL population was in Kansas City, Kansas, which grew from 26 percent to over 29 percent in the same school years. The district with the smallest percentage of ELL students was Galena with less than one percent of its population. As might be expected, Wichita's ELL population is growing from nearly 16 percent of students in 2007-08 to over 17 percent in 2009-10. Following is a report of what members learned during their extensive visits.

**Olathe USD**—The Olathe schools provide an alternative day program for students in grades eleven or twelve who are at risk of dropping out of high school. Eligible students can gain credit toward graduation from the program and eventually may transition back to their home schools. In addition, the Choices program is offered for students ages 13-18 who are on House Arrest, Intensive Supervision Probation, or in Juvenile Authority custody through the Department of Corrections. Eligible students may attend the program until the end of the semester in which house arrest or supervision ends. The Hope alternative day program is for students in grades 7-12 who have been suspended long-term or expelled from the Olathe district schools. Eligible students are recommended by the district long-term suspension or expulsion hearing committee to apply for admission to Hope. Students may attend Hope only until the completion of their suspension. In general, students may attend Hope only one time. The district does provide other alternative schools for special education students and other students at risk of dropping out of school.

With respect to special education services, the Olathe district provided 2,863 students with disabilities, or 12 percent of the student population, with services, during the 2005-06 school year. In addition, the district provided services to 834 gifted students, or 4 percent of the student population, and had 45 private school students in special education services for the same time period. Challenges that the Olathe district is facing with providing special education services include:

- Funding the rising costs of special education;
- Recruitment and retention of highly qualified special education staff;
- Reduction of paperwork with regard to the individual education plan (IEP) requirements;
- Disproportionate representation of minorities in special education and under-representation of diverse populations in gifted education; and
- Incongruence between the Individuals with Disabilities Education Act (IDEA) which focuses on individual student progress and the No Child Left Behind Act which focuses on group accountability. These are both federal requirements.

The Commission visited classrooms and spoke with staff and students at Olathe North High School, Oregon Trail Junior High School, and Westview Elementary.

**Shawnee Mission USD**—The Commission traveled to Shawnee Mission North High School and Rosehill Elementary and visited with students and staff of the special education classrooms, ELL classrooms, and programs targeted for at-risk students. Commission members heard about the district's need for additional funding and the request for continuation of the Non-Proficient, At-Risk funding.

**Kansas City, Kansas USD**—The 2010 Commission visited Eugene Ware Elementary

School and received a brief description of the demographics of the school. After the initial meeting, the Commission members and staff were provided time to visit all of the classrooms and were encouraged to interact with the students and staff. Eugene Ware provides its students with animated literacy, guided reading or Read 180, (reading intervention program) and Math Investigations as well as requiring all fourth and fifth grades to take classes in music.

The second school in this district that the Commission visited was Central Middle School. Central Middle School has experienced a large increase in the number of ELL students, from 32 percent in 1999 to 53 percent in 2002 and 64 percent in 2004. Adjustments were made in the way the small learning communities were organized in order to meet the needs of the students. More interpreters have been needed to communicate with parents who do not speak English. More teachers have been earning ELL endorsement.

Central also has a large population of students (95.15 percent) on free and reduced-priced lunch. Factors that impact instruction have included students who enter middle school who are below grade level in reading and math, lack parent involvement, and have poor daily attendance. The First Things First program implemented at Central contains seven critical features designed to improve the quality of instruction, set high standards of expectations, and build relationships between the school and community. In order to accomplish these goals, Central structured the staff and students into small learning communities called “houses.” The students remain with the same house for the three years that they are in middle school. The houses are grade level houses, with two house coordinators, and are staffed with approximately nine to ten teachers. Special education students are in regular classes with collaboration to give support. Some students do receive support services in reading through a Resource Room. After receiving this information, Commission

members and staff toured the classrooms and spoke with students and teachers.

The Commission’s final stop in this district was Wyandotte High School. Wyandotte High also has implemented the First Things First Program and the school is divided into the Business Academy, Health Careers/Life Sciences Community, Hospitality Community, Humanities/Liberal Arts Community, Performing Arts Community, and Visual Arts and Technology Community. Each student entering Wyandotte High applies to one of the schools and remains in that school for the four years they attend. Students, with permission, are allowed to change their chosen field of study. The Commission and staff visited each one of the communities or academies in Wyandotte High School.

**Lakin USD**—Commission members took a tour of the Lakin Elementary School. Lakin Elementary School has approximately 260 full-time equivalent (FTE) students. Approximately one-third of the student population is Hispanic and about 30 percent are enrolled in English as a Second Language (ESL). Class size at the school averages 15-16 students per class, which reportedly is a number the community seems committed to maintaining rather than larger classes.

Commission members also visited Lakin Middle and High Schools. Lakin Middle School was built anticipating 900 students districtwide; however, because of a loss of 15-20 students per year, the district population is down to about 600 presently.

Because of difficulties locating and retaining some teachers, Lakin USD was successful in hiring a high school Spanish teacher from Spain and a chemistry teacher from India. Commission members visited special education classrooms, which included students with a variety of special education needs. Because of a shortage of special education teachers, it had not been possible to separate the various special needs students into

separate classrooms. Because a home economics teacher could not be found, home economics could be offered only via interactive television at the present time. The salary budgeted for a home economics teacher was being used for a math teacher.

The Lakin USD has several distinctions. Among them is that it was the first school district to offer the Read 180 west of Wichita. This is the district's third year offering Read 180.

The Commission also heard from a number of representatives of area districts and education organizations, including Garden City USD 457, Holcomb USD 363, Deerfield USD 216, Lakin USD 215, Ulysses USD 214, Ingalls USD 477, Syracuse USD 494, Southwest Plains Regional Service Center, and High Plains Educational Cooperative. The Commission then received the report of the At-Risk Education Council, which supported the current method of determining at-risk funding.

**Wichita USD**—Wichita USD's high school reform initiative, "Professional Learning Communities," was presented. The 2010 Commission members then visited Wichita North High School, Levy Special Day School, and Jackson Elementary School. The high school students acted as guides to a variety of classrooms. Wichita North High School has 1,780 students and 100 teachers. Forty-six percent of the School's population is Hispanic and 75 percent of the total population receive either free or reduced-price lunches. Reforms over the past few years have led to an increase in the graduation rate from 48 percent to 82 percent.

A visit to the Levy Special Day School highlighted the district's special education issues. The Wichita USD has approximately 8,600 special education students, an increase of approximately 25 percent over the past seven years. District staff discussed current challenges in special education, including pressure to

integrate special education students into regular classrooms, transitioning special education students to the community after age 21, and increased funding demands for special education due to increased student population.

The 2010 Commission members visited Jackson Elementary School for the last tour in this district. This school had 484 students and five special education programs. Fifty-seven percent of the student body is African-American and there are many different languages represented. Seventy percent of the student body is eligible for free or reduced-price lunches. The school's principal discussed the high rate of teacher turnover and the fact the school did not meet annual yearly progress (AYP) last year.

**Galena USD**—Galena USD encompasses 13 square miles—a relatively small school district. Current enrollment is 744 students. The district implemented all-day kindergarten several years ago. About 10 percent of the student population is considered special education. About 10 percent of the student population is transient. About 65 percent of students receive free or reduced-price lunches. Even though Galena USD is a rural school district, it has no major transportation problems.

The Galena USD started a reading program this school year using new school finance dollars to hire a reading specialist with the goal of getting new students up to the appropriate reading level by second grade. Galena USD also has 35 out-of-state students for which the district receives Kansas state aid but no state aid from the students' state of residence, Missouri. With the third and fourth year of additional state aid under the new finance formula, the district plans to hire another counselor.

Galena USD has not had many problems hiring or retaining teachers. This is attributable, in part, to paying higher teacher salaries than Missouri. Because of the district's small size and low property values—due in large part to



abandoned lead and zinc mines that have led to collapsing of buildings—poverty is one of the greatest problems faced by the district. The Commission also heard presentations on various programs as well as descriptions of future needs.

**Baxter Springs USD**—Baxter Springs High School was a Blue Ribbon School in 2005. Forty-four percent of the district student population received free or reduced-price lunches, the proportion of which has grown considerably over the past several years.

Baxter Springs USD staff chose to highlight its innovative high school programs for the Commission: Of the 241 students in the Baxter Springs High School, about 20 percent are considered at-risk students. Two years prior, the School District undertook a program to improve students' achievement levels through a variety of programs. One involved providing a laptop computer to every high school student. There were some restrictions on the computers' use but, in general, the students could use the computers for all school-related homework and research. In addition, students took practice state assessment tests repeatedly. Rewards to students for improving test scores include receiving two extra days off at a year's end. Achievement scores have skyrocketed in the past two years.

Commission members noted how much difference it makes when a principal is the educational leader of the school.

*Southeast Kansas Education Service Center (Greenbush)*—The Commission members took a tour of the Greenbush facility. Greenbush receives no user fees. Its funding comes from contracts to provide services to USD's and educators across the state. Greenbush has a five-member board comprised of representatives from the five USD's creating Greenbush in 1976. Greenbush has about 100 employees.

Dr. Victoria White, Interim Chairperson of Special Service and Leadership Studies at Pittsburg State University, presented information on recruiting and retaining special education teachers. Dr. White said the challenge is getting students into the special education field. She advocated development of innovative methods of recruitment, including: signing bonuses, housing, financial support for hours required for licensure, repayment of student loans, competitive salary schedules, and recruitment of students to special education at the sophomore and junior levels. She said that this school year started with 100 special education vacancies across the state. The Commission members then received information on Greenbush's Virtual Prescriptive Learning Program.

The Commission also heard comments regarding education finance from local superintendents. Comments and recommendations regarding school funding issues included the following:

- Ensure at-risk funds continue, which is the method schools are using to fund all-day kindergarten. If at-risk funds go away, full funding for all-day kindergarten will be needed.
- Funding for a director of curriculum and assessment is absolutely necessary.
- Reviewing and changing the high-density formula is critical. This funding is flawed in its distribution method. A more appropriate plan would include a linear transition.
- Stable state aid is important. This should be ensured even after the current three-year school finance plan ends.
- Because Kansas now has research completed that determines what a quality education costs, the state should continue to fund based on this research and not based upon fund availability.

- Multi-year funding should continue to include cost-of-living increase estimates; however, KPERs increases should be separately determined and included in available funding.
- School funding problems in the state include a growing reliance on local option budgets.
- Additional funding now provided for at-risk, special education, and bilingual students should stay in the funding formula.

Superintendents reported that the additional state aid dollars have been used in a number of ways, including those listed below:

- Reducing class size;
- Limiting fees to parents;
- Expanding after-school programs; and
- Expanding other programs, such as music.

The Commission also traveled to USD 250 Pittsburg and viewed programs at Meadowlark Elementary School.

**Geary County USD**—The enrollment for USD 475 on September 20, 2006, was 6,378 students in grades K-12. Approximately 52 percent of the District's students live in families with a member in the military service. Over half of the students from military families newly entering the district are two years behind grade level. About 1,000 students are on IEP's for disabilities. The district has 108 FTE licensed staff with a 25 percent annual turn over rate. This is the district's first year offering all-day kindergarten. For the 2005-06 school year, the district made AYP.

District staff told Commission members one of the greatest challenges to the district is the phenomenal growth in the community because of the expected increase in military personnel over the next few years. District staff expect an 8,000 to 10,000 increase in the student population

by the year 2011. Over 2,000 housing units currently are under construction, in addition to 1,451 lots slated for future housing construction. The community's assessed valuation increased over 31 percent between 2004 and 2006. The mill levy increased seven mills in the current year due to a school bond levy passed in 2005. In spite of these challenges, this district was one of the 17 districts cited in the 2006 Standard and Poor's Report of Highly Resource-Effective School Districts.

Staff conducted a tour of district facilities, highlighting the following programs. Senator Roger Reitz and Representative Barbara Craft joined Commission members on the district tour. Several programs were highlighted on the tour and are described below.

The Pre-Kindergarten Pilot Program, funded with tobacco settlement funds, is one of only seven such pilot programs in Kansas. It is in its first year of operation. The pilot program is operated as a partnership between USD 475 and Fort Riley's Child Youth Services. It serves 32 children on a full-day basis. All but one of the 32 children are eligible for free or reduced-price lunches. Seventy-five percent of the children are from military families, 35 percent are ESL learners, and 30 percent are on IEP's. This pilot uses a literacy-based program entitled "Success for All." This pilot program is similar to four-year old at-risk programs; however, four-year old programs are only one-half day in length. Because this is one of the State's seven pilot pre-kindergarten programs funded with tobacco settlement moneys, it is evaluated through a Children's Cabinet contract with the University of Kansas and Rutgers University. District staff are not yet privy to the results of this evaluation.

The district cooperates with community agencies to provide a Pre-Natal Program. Cooperation is done through the Junction City, Geary County Health Department (GCHD) through their Maternal & Infant (M&I) Program.

This is accomplished primarily through a Smart Start Kansas (SSK) of Geary County grant awarded to USD 475. This grant provides funding for one nurse, a school district employee, with an office at the GCHD. This nurse teaches prenatal classes to expectant mothers and administers a screening instrument which takes about 15 minutes and predicts with 92 percent accuracy if a child could be exposed to child abuse within the first 12 months of life. Based on findings from the screening, connections are made with appropriate agencies such as: the Women, Infants, and Children nutrition program, Parents As Teachers, or M&I, thereby improving birth outcomes for mothers and babies. The SSK nurse and a GCHD nurse also have collaborated on ensuring children's immunizations are current, thus the district has one of the highest immunization completion percentages for children 12-35 months of age. District staff also collaborate on the Teen Pregnancy Case Management Program through the SSK grant with the Parents As Teachers component doing prenatal to 36 months monthly in home visits using the "Born To Learn" curriculum. The district also collaborates with a local gynecologist whose office makes referrals to its nursing program.

A variety of programs assist students who have fallen behind academically.

- The District operates "Project Second Chance" at the middle and high school levels. This is an alternative program, operating during the school day, for students who do not meet promotion requirements. Students are given an opportunity to earn their way back to grade level in a setting with a 10:1 student/teacher ratio.
  - Before and after school tutoring is offered Monday through Friday.
  - An after-school program is offered for suspended students falling behind academically. It is available every school day between 3:15 p.m. and 6:15 p.m.
  - Other programs also are operated.
- Other issues and comments from USD 475 Geary County staff include the following:
- Locating special education teachers is very difficult. Between 45 and 50 candidates are interviewed every year for 25 special education teacher positions.
  - District staff indicated it is difficult for special education teacher candidates coming to Kansas from out of state to meet the licensure requirements of the KSDE.
  - Teacher salaries remain low, in part, to allow the district to provide all-day kindergarten.
  - The district levies a 25 percent local option budget. Last year the district passed a \$33.0 million bond levy which will be used to construct new attendance centers.
  - The second enrollment count date on February 20 has helped fund new teaching positions to assist with the additional student load from the military build up. The district brought 44 new teachers in two years ago to train them early, increasing preparedness for new students.
  - The district has a 16:1 student/teacher ratio, but it is slowly moving to 20:1 and the middle and high schools are already at a 25:1 ratio.
  - There are about 30 different languages spoken in the district. District staff engage parents via aides who speak the parents' native language. Between 50 and 60 teachers in the district have the ELL endorsement.
  - There are many at-risk students in the district especially among the military population. This requires additional social workers and counselors in the district. For many of the district's military families, they are experiencing the third and fourth deployments with an accompanied great

risk of death, placing a great deal of stress on family members.

- Because there are 38 students in the 8th grade, another eighth grade teacher is needed.

**Salina USD**—In the 2005-06 school year, the district had an enrollment of 7,399 students. The district did not make AYP in the 2005-06 school year because two student groups did not meet the proficiency goals in reading. Those groups were students with disabilities and ELL students. The following programs were highlighted by USD staff.

*English as a Second Language Program*—In addition to nine ESL teachers, the district has 31 classroom teachers with ESL endorsements and 15 who have completed training but do not yet have the endorsement. The district serves students speaking six different languages. The elementary ESL program is a “pull out” program with students leaving their regular classroom to work with an ESL teacher 30 minutes per day. In middle and high school, there are classes in core subjects designed for ESL students.

*At-Risk Programs*—The Salina USD provides a variety of at-risk programs. At the elementary level, district staff provide additional instruction and intensive programs for students identified as at-risk (below grade level in reading or math). Six at-risk reading teachers work with students through one-on-one instruction. Pre- and post-assessments are given and monitoring of student progress is continued throughout the year. Programs at the middle schools include double dip math (two sessions of math for added support), math labs, intensive reading classes, and reading coaches. High schools students have math labs and intensive reading classes and a program entitled “Performance Based Diploma” where students have an alternative way to take courses. This program is a combination of small group and computer-assisted instruction so students can work at their own pace.

*Special Education Programs*—A visit to South High School highlighted the district’s special education program for students who are severely mentally disabled. This program is staff intensive with some students needing nursing services to allow them to attend school. Staff told of their concern with students aged 18-21. Because it is becoming so difficult for parents to find placements in the community for adult children, parents rely on the district to maintain programming to the maximum age of 21. District staff expressed several concerns regarding special education:

- Attracting and retaining staff;
- Increasing the number of teachers on waivers;
- Increasing staffing needs;
- Increasing the number of students identified as autistic;
- Changing aspects of Medicaid resulting in decreased funding; and
- Increasing work load for staff.

Commission members spoke with one long-term (over 27 years) special education teacher who just last year had a lift device installed in her room to enable her to lift students to a changing table. Before last year, she bore the responsibility for lifting adult students with no mechanical assistance.

USD 305 Salina staff also noted the following: Additional school finance funding is being used for at-risk programs, summer programs, the Performance Based Diploma Program, paying a bilingual social worker, implementing the School within a School Program, hiring an at-risk program director, and ESL program improvements.

**Colby USD**—USD 315 has approximately 1,000 students. The district is accredited by

the North Central Association Commission on Accreditation and School Improvement (NCA). The district has a charter school—Thomas County Academy (TCA)—which has 18 students (two are virtual students) in grades five through eight. This is the second year of the charter school’s operation. The district had no problem gaining approval from the KSDE to operate the charter school because the school’s program is achievement based and self contained. The charter school was opened using grant funds. The district has all-day kindergarten. The district has only three ESL students. The district uses a student credentialing process to track each student’s progress, report that progress to each designed student’s parents, and describe the interventions that will be implemented to bring the student to a proficient level. For the 2005-06 school year, this district made AYP.

*Elementary Programs*—District staff highlighted programs targeting students’ reading difficulties, particularly those students with dyslexia. Programs are designed to meet the needs of individual students. In addition, strategies to improve reading skills are built into all subjects, including social sciences, music, and other subject areas. Students separated within class periods have rotations which place students with similar reading levels, even when they come from different grades, together to practice reading. State assessment scores are reported on a student’s report card, as well as each student in the district having a “credentialing form” which clearly describes the student’s score on assessment tests and interventions described regarding how to assist failing students to become proficient.

Particular challenges to the district include problems with the KSDE’s teacher certification process, particularly middle level science teachers, as well as no levy for capital outlay. Some school finance issues and points were noted. District business office staff indicated the additional school finance funding was used primarily for staff salaries. Supplemental

general funds are used for building repairs because the district does not have a capital outlay mill levy. Additional at-risk funding is used for before- and after-school programs. The vocational education weighting in the school finance formula allows the district to maintain vocational education programs. Because of the small number of students in the auto mechanics class, the district dropped the class and students attend Northwest Technical College for auto mechanics instruction.

*Colby Charter School Tour*—Colby USD designed Thomas County Academy (TCA) to provide a unique and comfortable learning environment for students between fifth and ninth grades. The purpose of TCA is to satisfy core curriculum requirements by use of non-traditional teaching methods. For each subject, students are given a checklist of the state requirements to be covered over the course of the semester. Two full-time teachers and the students cooperatively create projects and assignments to fulfill state mandates. TCA students participate in elective courses and athletics with the main school body. Students voluntarily decide to attend the charter school for a variety of reasons. Primary reasons cited by the classroom teacher were:

- Parents and students wanted a small classroom atmosphere;
- Parents believed their child was more likely to “fall through the cracks” in a traditional classroom setting; and
- Parents wanted an alternative environment because the student was struggling in core curriculum classes.

The primary difference between TCA and the traditional Colby school system is that the teacher is given a significant amount of flexibility to personalize core subject matter to a student’s personal interests. The teacher cited numerous examples of how she was able to take a seemingly uninteresting subject and

transform the content so the student remained engaged. Another key difference is the physical classroom environment. Students do not sit at desks; they are either working on laptops in a beanbag, recliner, or sitting at one of the three group tables working on homework.

Commission members made several positive observations regarding TCA:

- The energy of the teacher. The group was impressed at how she was able to tap into the creativity and personal interests of the students.
- The classroom cultivated a unique group learning environment that developed practical skills for students to take into the workplace.
- The classroom size fostered strong friendships. The teacher noted that it is common for students in TCA, on their own initiative, to volunteer for community events as a group.
- The use of cutting edge video technology improved the learning environment. One of the students working on a history project said, "We are more excited about learning because we get to use video technology to be creative." The technology fostered a remarkable group environment, allowed students to improve communication skills, and created a platform for students to get excited about presenting core subject matter to others.
- With personalized curriculum, students often went above and beyond State requirements.

The following challenges were noted for TCA:

- One primary question and concern was performance by TCA students on state standardized tests. An administrator commented that TCA students were on par

with the main student body, but because the school was only in its second year of operation, it was too early to make a conclusive determination.

- There were questions about how the students socially integrated into the high school from the intimate group setting. The teacher said the transition went well because TCA students were participating concurrently in elective courses with the main student body.
- Administrators discussed challenges with physical expansion of the building to grow the TCA. Administrators expressed concerns that local bond issues had failed in the past and the district is currently in need of increased capital outlay funds to match current and future expenditures on school improvements.
- One administrator expressed concerns about charter school funding. Specifically noting that federal funding was only adequate for a time period, but they would need support from the state or non-profit organizations to continue to grow TCA.
- The teacher and administrators also commented they were receiving support from national charter school organizations, but would like to see reform in Kansas law so that it was more charter school friendly.

*Colby High School (CHS)*—Commission members met with the high school principal and vocational counselor to tour the facility. CHS is currently a class 4A school, but given the declining population, may be classified as 3A within the next few years. CHS has a very low ELL population. A total of two students are classified as ELL's this calendar year. They are ELL's because they are foreign exchange students. CHS is regionally known for its high quality music and arts programs. With support from the community, it has expanded the theater

capacity for plays, musicals, forensics, and community events. CHS also is expanding in the area of technology. CHS has a dedicated technology center covering a variety of applied science areas—from electrical engineering to website design.

Positive observations included the following:

- CHS has a very well organized career and vocational program. CHS matches students with local business for semester internships.
- CHS is seeing positive results and turnaround with at-risk students. The principal cited early intervention and high-quality teachers as the primary basis for success with at-risk students.
- CHS works with local community colleges and vocational schools to establish college transfer credit and a cooperative environment so the students have an easier transition into their next level of education.
- CHS has a very good understanding of its special education needs and has an open line of communication with the middle school to ensure students with special needs experience a smooth transition into CHS.
- CHS has very strong arts, music, and applied sciences and technology programs.
- Teacher retention and recruitment is the primary concern for CHS. Given the rural location, state teacher requirements, and state pay for new and veteran teachers, CHS is having difficulty competing for and retaining teachers.

### **Legislative Post Audit Assignments**

At the same time 2005 HB 2247 created the 2010 Commission, the bill created the school district audit team within the LPA to conduct

performance audits and monitor school district funding as directed by the 2010 Commission. The Commission directed the school district audit team to conduct a number of audits to assist it in analyzing how the system was working and the LPA also conducted additional relevant audits. Among all these audits were the following, listed by subject matter.

*Early Childhood Education*—A performance audit entitled *Children’s Programs: Reviewing Whether They Are Coordinated to Avoid Duplication and Maximize the Use of Resources* assisted in providing a foundation for the Commission’s review of early childhood education in Kansas. (This audit was requested by the Legislative Post Audit Committee.)

*Leadership academies, professional development, and teacher retention*—A July 2006 performance audit report *K-12 Education: Reviewing Issues Related to Developing and Retaining Teachers and School Principals*, noted the following:

- The report cited mentoring programs as one of the best strategies described in educational literature to retain new teachers.
- The literature review indicated three “best practices” for developing leadership — (a) provide practical training, such as training on budgets, case studies, and problem solving; (b) include opportunities for peer support and leadership coaching, such as support groups and training with peer principals; and (c) offer development through a variety of providers, such as outside agencies, university personnel, or national conferences.
- One of the overarching best practices for teacher professional development is the commitment of adequate resources to professional development by earmarking funds for training, paying advanced education training costs, and offering

more time for job-imbedded professional development.

School finance and other money-related issues were addressed in a number of performance audits, including these:

- Elementary and Secondary Education in Kansas: Estimating the Costs of K-12 Education Using Two Approaches states, in part, that LPA "... found a strong association between the amounts districts spend and the outcomes they achieve ... a 1.0% increase in district performance outcomes was associated with a 0.83% increase in spending – almost a one-to-one relationship...." (This audit was authorized by statute.)
- K-12 Education: Reviewing Free-Lunch Student Counts Used as the Basis for At-Risk Funding, Part I, found that approximately 17 percent of free-lunch students in its statewide, random sample were ineligible for free lunches.
- Comparing the Centralization of School District Accounting in Different States described the goal of developing and implementing a centralized accounting system for use by all school districts as a long-term concern of legislators who expressed difficulty in meaningfully comparing expenditures across Kansas school districts. (This audit was authorized by the Legislative Post Audit Committee.)
- Reviewing the Potential for Cost Savings from Reorganization of Kansas School Districts developed two scenarios for reorganizing districts and estimated the cost savings of each scenario.
- Reviewing Issues Related to the Cost of the Health Care Benefits Provided by School Districts identified opportunities for school districts to decrease health insurance costs by joining pools. The audit concluded a statewide pool could cost an estimated

\$431-\$471 a month for employee-only coverage, depending on the plan design, and most of the districts reviewed would not appear to benefit from joining a statewide pool.

Several performance audits (The Cost of Vocational Education Programs; Alternative Models for Organizing Middle School and High Schools; The Research on Charter School Performance; Staff Recruitment and Retention Strategies Used by Kansas School Districts; and Issues Related to Virtual Schools) were helpful in the Commission's analyses.

## CONCLUSIONS AND RECOMMENDATIONS

Based on its extensive efforts to examine the educational funding system in Kansas, the 2010 Commission hereby submits the following as its final conclusions and recommendations:

### Education Funding

The 2010 Commission concludes that the current school finance formula, when funded adequately, works well to ensure that students from all areas of Kansas have access to a suitable education. The formula serves to equalize among Kansas' 289 school districts whose assessed valuation (AV) per pupil ranges from a low of \$17,937 in Galena (excluding Fort Leavenworth, for which the AV per pupil is \$1,179) to a high of \$443,970 in Satanta. It also equalizes educational opportunities among students, based on their varying needs. Median household income ranges in Kansas from a low of approximately \$25,245 in Woodson County to an estimated high of \$72,006 in Johnson County. Poverty levels among the school districts (measured as a percent of full-time equivalent students receiving assistance from the federal free or reduced-price lunch program) range from 5.0 percent in the Blue Valley School District to 89.0 percent in the Kansas City School District. Statewide, 46 percent of Kansas students receive free or reduced-price lunches.



The Commission notes that, during the first few years following the Kansas Supreme Court's decision in *Montoy*, the Legislature had begun infusing much-needed money into K-12 education in order to fund the formula adequately. The base state aid per pupil (BSAPP) had been increased from \$3,863 in the 2004-05 school year to \$4,400 in 2008-09, and it was planned to increase the BSAPP to the statutorily required level of \$4,492. Together with the existing at-risk, bilingual, vocational, and other weightings for at-risk pupils, the formula was working well. With the economic downturn, however, the Legislature pulled much-needed funding from the educational system, by reducing the BSAPP from \$4,400 to \$4,012 – \$480 short of the statutorily required BSAPP of \$4,492, for a total of \$319.7 million in K-12 education funding reductions as a result of the reduced BSAPP.

The result has been devastating to school districts, but ultimately the reduction will stunt the educational progress of Kansas' children – our most valuable resource. This is just when test scores were showing marked improvement over the past. Statewide, Annual Yearly Progress (AYP - the testing measure used to measure success for the program No Child Left Behind or NCLB) for mathematics has remained at or above approximately the 80 percent mark during years 2007-10 – at least a full 20 percentage points above what it was only a few years previously in 2003. While slightly less dramatic, the AYP for reading has increased over the same time period by more than 16 percent in 2007 to 20 percent in 2010. Although the gap has been closing between the NCLB-required AYP levels and those achieved by Kansas students, Kansas continued to score more highly than required during those years. According to the Kansas Department of Education's Kansas Report Card, student achievement in mathematics, reading, and science has increased for ten years in a row, and student achievement for subgroups has continued to increase, with Hispanics showing

a four percent gain in science. Finally, while it is true that Kansas' 2009 National Assessment of Educational Progress (NAEP) mathematics and reading scores showed no significant change from 2007 scores, a deeper look at the scores indicates that various subgroups, such as free lunch eligible Hispanic students, have improved, as well as becoming a larger proportion of the total student population. This seems to indicate that the programs Kansas school districts have implemented to assist with at-risk and bilingual students, for example, are working. However, predictions are that the reduction in funding, which has resulted in fewer classroom professionals, soon will begin to drag the scores down once more.

Therefore, the 2010 Commission recommends the following:

- Beginning with school year 2011-12, the Legislature should fund the school finance formula with a BSAPP of \$4,492. The funding plan should include a three-year funding cycle, in addition to an annual cost of living adjustment.

### **Early Childhood Education**

The Commission received a report from Harvard professor Dr. Jack Shonkoff on early brain development. Over the past several decades studies in the field of neuroscience and brain development have provided evidence that child development – especially from birth to five years of age – provide an individual with his or her foundation for future learning and societal productivity. What Dr. Shonkoff termed “early preventive intervention” is more efficient and would produce more positive outcomes than later remedial intervention. In fact, he reported, the creation of new neural connections related to language development peaks in the first year of a baby's life, and those related to higher cognitive function peak shortly thereafter. Dr. Shonkoff indicated further that learning is optimal around the age of four.

A KSDE study sampling more than 400 four-year-old students indicated children served by numerous at-risk programs showed skills growth across the school year, and those children who came into programs with lower-level skills overall had larger changes in their scores. Finally, research has shown scheduling- and curriculum-appropriate all-day kindergarten can boost academic performance and bring social benefits, especially when considering educationally disadvantaged children. All-day kindergartners score higher on standardized tests and have fewer grade retentions and higher attendance rates, and all-day kindergarten has a significant impact on classroom behavior. District officials recognize the importance of all-day kindergarten because it has been offered even without state funding. The Commission also received other information that led Commission members to conclude it is vital to our state's success to educate children beginning in early childhood.

A report from Jim Redmon, Executive Director of the Kansas Children's Cabinet, underscored to Commission members the importance of collaboration in early childhood education efforts. Mr. Redmon indicated that the Early Childhood Coordinating Council (ECCC) will become the Early Childhood Advisory Council (ECAC) with the new federal grant and guidelines; however, the comprehensive systems plan – developed over the past several years by the ECCC – will continue to be the guide for collaborative work. Some examples of the successful collaboration fostered by the ECCC over the years include (a) the Kansas City, Kansas School District collaborating with community childcare centers and (b) Pilot Demonstration Learning Projects led by Head Start programs in Coffeyville, Liberal, and Rossville. These collaborative efforts have brought great success, as reflected in the success of the children they have served.

Therefore, the Commission recommends the following:

- The Legislature consider moving the Infant-Toddler special education program (*tiny-k*) to the KSDE. Currently administered by the Kansas Department of Health and Environment, moving it to KSDE would allow for increased continuity of educational programming.
- The Legislature consider expanding funding for all-day kindergarten to include all children eligible to attend. Estimates in FY 2009 indicated it would take \$15.0 million every year for five years in order to fully fund all-day kindergarten. (Kindergarten students currently are funded as 0.5 full-time equivalent regardless of whether kindergarten is one-half day or a whole day.)
- The ECAC continue to encourage and assist with the excellent collaborative efforts begun by the ECCC.

#### **Professional Development Issues**

The recent economic downturn has caused an interruption in what the Commission identified early on as a shortage of qualified educators. Nevertheless, Commission members believe that there are structural problems in the area of attracting, training, and retaining qualified educational professionals, including both teachers and principals. According to statistics presented by the KSDE in 2007, 42 percent of Kansas teachers leave the profession after only seven years of teaching. Furthermore, 51 percent of licensed personnel were over the age of 45 and 36 percent were over age 50. School officials reported factors contributing to these problems included: (a) the Kansas Public Employees Retirement System (KPERS) makes it difficult to rehire retired teachers; (b) Kansas is 37th in the nation in teacher salaries (not adjusted for regional cost differences) or 31st (adjusted); (c) fewer students are choosing teaching as a career, with 12 percent fewer students having gone into teaching over the past six years (as of

2008); (d) and there are inadequate professional development and mentoring programs. The KSDE information indicated that reasons teachers leave teaching include the following, among many others: Isolation from their colleagues, assignments outside of their training area, lack of appreciation or respect, feeling discouraged and frustrated, feeling left out of the decision making, poor school management, and not enough support.

Mindful of these reasons, the 2010 Commission wishes to highlight the difference that can be made when a principal is the strong educational leader of the school. Commission members saw this phenomenon in action at the Baxter Springs School District.

In order to accomplish the changes that must be made, the Commission notes several findings of a July 2006 performance audit report from LPA entitled *K-12 Education: Reviewing Issues Related to Developing and Retaining Teachers and School Principals*. The report cited teacher mentoring programs as one of the best strategies described in educational literature to retain new teachers. While only partially funded now, KSDE indicated that the Teacher Mentor Program resulted in attrition rates for new teachers of approximately 10 percent in the years it was funded more fully. With respect to developing leadership academies for principals, the performance audit report's literature review indicated three "best practices" – (a) provide practical training, such as training on budgets, case studies, and problem solving; (b) include opportunities for peer support and leadership coaching, such as support groups and training with peer principals; and (c) offer development through a variety of providers, such as outside agencies, university personnel, or national conferences.

As a result of its conclusions, the Commission recommends the following:

- The Legislature should consider fully funding professional development and increase funding for the Mentor Teacher Program. Currently funded at zero, the 2006 and 2007 estimates for funding the Professional Development Aid Fund were \$4.0 million. Currently funded at \$1,450,000 the 2006 Commission recommendation was to add \$1.0 million to the Mentor Teacher Program. Fully funding it would cost an additional \$2,050,000. As indicated previously, these programs go specifically toward making positive changes in the schools.

#### **Other Issues Considered**

The Commission considers the following issues noteworthy:

- The Kansas Supreme Court has noted that an oversight commission should be in place reviewing the school finance formula and its funding. It should be noted that the 2010 Commission is ending on December 31, 2010. The Legislature may wish to consider establishing a new commission to serve in an oversight role to evaluate how the formula is being applied, in order to ensure fair and equitable funding.
- The implementation of a standardized accounting system would be advantageous.
- The school district efficiency audits were extremely helpful to school districts. They were voluntary in nature, and they gave districts the opportunity to compare their operations to those of peer school districts.
- Career and Technical Education should continue to be examined, in order to ensure that public education is and remains to be relevant to the real world. In this regard, a seamless transition needs to be ensured between K-12 and higher education (including college and technical school) for the purpose of career preparation.

# MINORITY REPORT

## Minority Report to the Legislature

December 2010

by Stephen R Iliff CPA, MBA

2010 Commission member

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### Introduction

We have some very fine examples of dedicated and very good principals and teachers in the State of Kansas. But sadly there are some very poor ones that are causing our students to lag behind. Education in Kansas, as in the rest of the United States, is basically a monopoly controlled by very powerful unions and other vested interests. There has been a growing movement to take back the schools from these vested interests and focus more on student progress and the necessary competition, parental choice and efficient management required to help students achieve better results. This movement is represented by Michelle Rhee, former chancellor of Washington DC schools and Joel Klein former chancellor of the New York City School System as well as others across the country. But there is powerful resistance to any significant change. We should be paying for achievement of students rather than tenure of teachers. With compulsory education laws, every student is forced to go to their local school and cannot escape unless they come from a wealthy family, choose to make huge financial sacrifices or the parents have chosen the very difficult but rewarding choice of homeschooling. The greater the tax burden the more difficult it becomes for parents to have options. Kansas must take stronger action and be more creative than just asking for more money in a time of economic hardship.

### Constitution

The legislature must take back control of the schools from the Supreme Court.

### Funding and Accounting

There should be no increase in funding until a uniform accounting system has been put in place and is functioning. See my previous minority reports. A four

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billion dollar educational business really ought to have standardized accounting that could be used by management, legislators and data miners of all sorts.

### **Mayoral (Governor) Control of the Schools**

The Governor should consider taking over the schools of Kansas just like the Mayor of New York did. Appoint a chancellor like Joel Klein or Michelle Rhee and begin giving control over to principals and holding them accountable for their results. See Joel Klein's article in the *Wall Street Journal* on Dec 4, 2010 entitled "What I Learned at the Education Barricades." New York has over 1.1 million students compared to 400,000 in Kansas.

### **Pension Plans**

The legislature must be honest with the taxpayers and the public servants. Kansas can't afford a defined benefit plan. In fact, no business, private or public can afford a defined benefit plan. It assumes too much on the future. For the last three years with increasing frequency, *Forbes Magazine* and the *Wall Street Journal* have described cities, counties and States that are either bankrupt or on the verge of bankruptcy because of public pension plans. The education community is by far the largest part of this problem.

#### ***The options are as follows:***

- A. Convert the plan to a defined contribution plan like all other business. This is an absolute must.
- B. Cease all cost of living increases on current pensions until they are fully funded.
- C. Raise the retirement age.
- D. Increase the rate at which employees fund the system.
- E. Decrease the promised payout.

### **Public Employee Unions have a stranglehold on our schools. It is harming the students.**

#### **Ban Public Employee Unions<sup>1</sup>**

According to Karlgaard, "they [public employee unions] have driven our states and municipalities to the edge of bankruptcy and have damaged public school performance and student prospects in the time of heated global competition for smart industries and educated workers."

#### **Eliminate Tenure: it is harmful to students.**

Good teachers don't need it and bad teachers shouldn't have it. The *New Yorker Magazine* recently ran an article entitled "The Rubber Room" by Steven Brill on August 31, 2009. "The Rubber Room" is an exposé on teachers' unions,

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<sup>1</sup> Rich Karlgaard, *Forbes Magazine*, January 17, 2011

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specifically the one in New York City, and the difficulties they have created for principals and education leaders to remove poor teachers and keep the best teachers. It looks specifically at New York City schools which are now being managed by Mayor Bloomberg under a semi-dictatorship, but the results have shown enough positive trends that he has been given another 4 years. Bloomberg hired Joel Klein, who was a former Assistant Attorney General for the Clinton Administration, to be the school chancellor.

**Pay for Performance (Merit Pay) for the best teachers.** Included in this idea should be differential pay for districts in urban centers and any hard-to-find position that is essential to the mission.

**Allow professionals who are not certified to teach subjects they may be competent to teach.**

Currently there are many highly qualified and competent individuals in private industry who would love to teach but are prevented from applying because they don't have the right education courses on their resumé. CPA's can teach at the college level but not at the high school level.

**Do not increase wages for Master's degrees unless it really improves the teaching.**

Teachers should get paid on results, not based on their educational attainments.

**Provide differential pay for science, math and hard-to-place teachers**

**Principals must have more sovereignty and be held fully responsible for performance of their teachers and staff.**

**Set up a leadership academy modeled on the one in New York City.**

This is a great academy set up by very sharp business leaders. It decentralizes the districts and empowers people (principals) at the most local level.

**Give principals power to decide what teachers they keep.**

<http://www.nycleadershipacademy.org/> When you go to this website you will find an article from the New York Daily News that describes the new empowerment given to principals of schools:

Here's how it worked. Since Bloomberg and Klein took over, the city has aggressively shifted powers that used to belong to central school administration to individual principals. This includes power over budget, staffing, curriculum and schedules. The change, launched in 28 schools in 2004, grew to include all 1,467 schools within the next three years. No other city has moved as far, as fast.

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As a result, principals in New York City's empowered schools now control, on average, 86% percent of their budgets, compared to the 6% that I measured in an earlier 2001 study, when I sampled 66 of the city's schools.<sup>2</sup>

Read more: [http://www.nydailynews.com/opinions/2009/06/07/2009-06-07\\_at\\_the\\_head\\_of\\_the\\_class\\_.html#ixzz0Z8gFpIRL](http://www.nydailynews.com/opinions/2009/06/07/2009-06-07_at_the_head_of_the_class_.html#ixzz0Z8gFpIRL)

### ***Increased competition and choice***

Jeb Bush recently stated in an Article in the *Wall Street Journal*:

Choice is the catalytic converter here, accelerating the benefits of other education reforms. Almost 300,000 students opt for one of these alternatives, and research from the Manhattan Institute, Cornell and Harvard shows that Florida's public schools have improved in the face of competition provided by the many school-choice programs.

Florida's experience busts the myth that poverty, language barriers, absent parents and broken homes explain failure in school. It is simply not true. Our experience also proves that leadership, courage and an unwavering commitment to reform—not demographics or demagoguery—will determine our destiny as a nation.<sup>3</sup>

On the 25th anniversary of the release of *A Nation at Risk*, the nonpartisan organization Strong American Schools released a report card of our nation's progress since the initial report. The organization's analysis said:

"While the national conversation about education would never be the same, stunningly few of the Commission's recommendations actually have been enacted. "Now is not the time for more educational research or reports or commissions. We have enough commonsense ideas, backed by decades of research, to significantly improve American schools. The missing ingredient isn't even educational at all. It's political. Too often, state and local leaders have tried to enact reforms of the kind recommended in *A Nation at Risk* only to be stymied by organized special interests and political inertia. Without vigorous national leadership to improve education, states and local school systems simply cannot overcome the obstacles to making the big changes necessary to significantly improve our nation's K-12 schools."

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<sup>2</sup> William Ouchi, *New York Daily News*, 6/5/09.

<sup>3</sup> "Accountability Is Working in Florida's Schools," *Wall Street Journal*, Jan 2, 2011.