

Report of the Special Committee on Education to the 2024 Kansas Legislature

CHAIRPERSON: Representative Kristey Williams

VICE-CHAIRPERSON: Senator Molly Baumgardner

OTHER MEMBERS: Senators Chase Blasi, Renee Erickson, Beverly Gossage, and Dinah Sykes; and Representatives Susan Estes, Scott Hill, Mari-Lynn Poskin [10/9-10], Jerry Stogsdill, Adam Thomas, and Valdenia Winn

STUDY TOPIC

The Committee is directed to review topics pertaining to the K-12 education climate, special education, and technical and community college instruction and concurrent courses.

The Committee's review will consider:

- **Education climate.** The K-12 education climate from a teacher's perspective to better understand changes in teacher satisfaction and retention. Such review will include requirements for licensure and renewal, support structure for teachers, and comparative review of expectations and accountability in the classroom with changes in student expectations and accountability;
- **Education climate.** The challenges impacting K-12 public school students and the ability to graduate, from the student's perspective. Such review will include academic achievement data and changes over time, practices and policies impacting student mental health, and the influence of social media on a student's ability to focus and learn;
- **Special education.** State Board of Education guidelines and statutes concerning:
 - State Advisory Council for Special Education;
 - Constitutionality of statutes relating to certain service availability;

- Requirements to qualify for an individual education plan (IEP) and disciplinary policies and practices for students with IEPs; and
- Funding distribution, both state and federal level, and services and funds provided to students with IEPs in public and nonpublic schools;
- Technical and community college instruction and dual or concurrent courses: college courses and appointments:
 - Current statutes and State Board of Education guidelines that allow a student to take college classes while in high school;
 - Structure, responsibilities, and interaction of the Kansas Board of Regents, the Technical Education Authority (TEA), the Kansas Advisory Committee for Career and Technical Education (KACCTE), and the State Board of Education to ensure students are prepared to take college classes; and
 - Terms and professional requirements of appointees of the TEA and KACCTE;
- Technical and community college instruction and dual or concurrent courses: SB 155 courses. Approval process for 2012 SB 155 courses offered to high school students and the students' outcomes; and
- Technical and community college instruction and dual or concurrent courses: agreements, enrollment, and funding:
 - All funding streams for general and technical education classes in technical and community colleges;
 - Impacts on technical colleges following affiliation and merger agreements;
 - Impact of agreement of community college transfer with junior status to Kansas independent colleges versus no agreement in place with Regents universities; and
 - Dual and/or concurrent enrollment for general and technical education classes from technical and community colleges, with considerations including funding agreements (public and private high schools), marketing of courses, number of high school students served and other data regarding instruction provided, and funding interactions with the Kansas State Department of Education and individual school districts.

Special Committee on Education

REPORT

Conclusions and Recommendations

The Special Committee on Education recommends the 2024 Legislature:

- Reevaluate the special education excess cost statute regarding the formula for the calculation and distribution of funding. Also evaluate alternative funding sources, such as Medicaid;
- Consider amending statutes to establish a definition of “special education expenditures” for the purpose of determining special education excess cost;
- Consider a long-term review and update of special education statutes, including the special education funding formula, in the next iteration of the Kansas School Equity and Enhancement Act, which expires in 2027;
- Consider amending statutes to require the portion of a school district’s local option budget derived from special education state aid to be used for special education purposes, similar to requirements for at-risk local option budget funding;
- Examine and address issues of double funding for concurrent credit students;
- Examine statutes regarding the Technical Education Authority to ensure its board is composed of a diverse group of business and industry sectors;
- Further study the college and university instruction and training for perspective teachers regarding the identification of students with exceptionalities in the classroom;
- Consider alternatives for funding for the Mental Health Intervention Team Pilot Program in future iterations of the school finance formula;
- Revisit the language vetoed by the Governor in 2023 House Sub. for SB 113 with regards to which enrollment years districts can use for determination of State Foundation Aid;
- Establish a legislative oversight committee, review process, or change in statute to address topics including, but not limited to, ensuring the appropriate expenditures of at-risk and special education state aid;
- Explore ways teachers can be protected and better supported in the classroom with the necessary administrative support for day-to-day safety, health, leadership, instruction, and learning;
- Investigate what is required to have smaller student-to-teacher ratios and class sizes for kindergarten through grade 3;

- Examine how teachers are being compensated for concurrent credit courses to ensure equity;
- Further study how homeless students are being tracked within schools, what services are being provided to them within the school system, and whether those services are effective; and
- Review how the Legislature can better support families, students, and teachers for the best student outcomes.

Proposed Legislation: None.

BACKGROUND

The Special Committee on Education (Committee) was created by the Legislative Coordinating Council (LCC) to study issues regarding K-12 education climate, special education, technical and community college instruction, and concurrent courses.

The Committee was authorized by the LCC to meet for four days and met at the Statehouse on October 2, 3, 9, and 10, 2023.

COMMITTEE ACTIVITIES

October 2 Meeting

The Committee met to hear testimony and informational presentations regarding recent legislative action and funding of the K-12 system, how students are performing in the state, what challenges public schools are facing, and what innovative solutions are being used to address challenges to schools and students.

Overview of Recent Legislation

An Assistant Revisor of Statutes from the Office of Revisor of Statutes (Revisor's Office) provided an overview of education-related legislation that was passed within the past five years. The conferee focused primarily on legislation passed during the 2021, 2022, and 2023 Sessions.

A Senior Research Analyst from the Kansas Legislative Research Department (KLRD) presented a memorandum on recent changes to the rules and regulations promulgated by the Kansas

State Department of Education (KSDE) for the accreditation of public and participating private schools.

Representatives from KSDE provided testimony to the Committee on how the agency disseminates information on changes in law and how the agency generally communicates and engages with school districts to provide guidance and information.

A representative of the Kansas State High School Activities Association (KSHSAA) provided an overview to the Committee of how KSHSAA provides statutory guidance and updates to its member organization. Specific focus was given to how the organization was implementing provisions in 2023 House Sub. for SB 113 regarding participation in KSHSAA-regulated activities by students not attending member institutions.

State Funding to School Districts

An Assistant Revisor of Statutes from the Revisor's Office provided the Committee with an overview of the major findings in the Kansas Supreme Court *Gannon v. State* decisions and how they led to the current school finance formula.

A Fiscal Analyst from KLRD provided an overview of various documents that detail K-12 education spending by the State and how it has changed year over year.

State Assessments and Other Standardized Tests

A Senior Research Analyst from KLRD presented to the Committee on state assessment, ACT, and National Assessment of Educational

Progress (NAEP) scores for K-12 students from 2017 to 2022. The analyst also provided comparison test data for both the ACT and NAEP for neighboring states.

A representative of KSDE provided a further overview and breakdown of K-12 student test scores and addressed elements such as the rigor of the state assessments and how to interpret the various results.

Representatives of the Kansas Association of School Boards (KASB) and the Kansas Policy Institute (KPI) provided testimony on their respective organization's perspectives on state assessment, ACT, and NAEP results.

School Needs Assessment

An Assistant Revisor of Statutes from the Revisor's Office reviewed state statute regarding school needs assessments.

Representatives of KASB and KPI provided testimony to the Committee regarding their respective organization's perspectives on the school needs assessment and how it impacts student achievement.

Challenges Facing Schools

A representative of Unified School District (USD) 259 Wichita provided testimony on the challenges that district faces as an urban school district and how the district has gone about addressing those challenges.

A representative of Americans for Prosperity – Kansas discussed how they believe school choice programs could help address educational challenges faced by rural students living in poverty.

An Assistant Revisor of Statutes from the Revisor's Office provided an overview of state law regarding compulsory school attendance and the truancy process for students who do not meet compulsory attendance requirements.

A Senior Research Analyst from KLRD presented information on the percentages of students who were chronically absent by school district from school year 2018 through school year 2022.

Initiatives to Improve Student Achievement

A representative of USD 329 Wabaunsee gave a presentation on the "Leader in Me" program that the district has incorporated into its coursework and the impact district leaders believe have occurred as a result.

The State Dyslexia Coordinator, KSDE, presented to the Committee on the topic of literacy, the impact struggling to read can have on a student, and what types of tools are available to identify reading issues among students.

An Assistant Revisor of Statutes from the Revisor's Office provided an overview of the Every Child Can Read Act enacted in 2022 Senate Sub. for HB 2567.

A KSDE representative presented an update on the Every Child Can Read Act and its implementation. An update was also provided on the Virtual Math Program.

A representative of the Office of the Governor presented an update on the Kansas Education Enrichment Program, developed using American Rescue Plan Act funds to offset learning loss.

The Commissioner of Education provided testimony on the accreditation process and a current report on the system. He discussed elements of the Board of Education's goals, how the accreditation process was constructed, common risk factors found among schools and students, and other similar topics.

October 3 Meeting

The Committee met to hear testimony and informational presentations regarding at-risk student funding and programs, challenges and opportunities facing K-12 teachers, parental rights, stakeholder-proposed solutions regarding student achievement, and the building needs assessment.

At-Risk Student Outcomes

An Assistant Revisor of Statutes from the Revisor's Office provided an overview of how at-risk state aid is determined in the school finance formula, permissible uses of those funds, and other statutory requirements on this funding, such as

reporting requirements for longitudinal data on students utilizing at-risk programs.

A Fiscal Analyst from KLRD provided documents showing at-risk state aid for the previous five school years and state assessment scores since 2018.

A KSDE representative reviewed the criteria under which a student is identified as being “at-risk,” how KSDE guidance on at-risk funding and expenditures has changed, and how the agency monitors and ensures school districts’ compliance with the law.

At-Risk Expenditure Audit

A representative of the Kansas Legislative Division of Post Audit presented the agency’s audit *Evaluating At-Risk Expenditures and Statutory Compliance*, released in July 2023.

Representatives of KSDE and KPI followed the audit presentation with each organization’s response to the audit.

At-Risk Programs

A representative of Jobs for America’s Graduates – Kansas (JAG-K) testified before the Committee on how the organization works with and supports at-risk students, how JAG-K staff track and monitor students in their programs, and the outcomes that their students have both in school and following graduation.

A representative of Graduation Alliance presented information on that organization’s adult learner program, which is run in partnership with USD 112 Central Plains (Ellsworth County), and the difficulties the organization has been having with regards to the KSDE audit process for adult learner programs.

A representative of SparkWheel, formerly known as Communities in Schools, presented an overview of how the organization helps at-risk students, how it is funded, and what outcomes and impacts the organization’s programs have had on participating students.

Opportunities and Challenges Facing Teachers

A representative of KASB discussed fallout from the COVID-19 pandemic, social media, and select actions of the Legislature as providing challenges to teachers in the classroom.

A private citizen, self-identified as a current K-12 teacher, provided testimony to the Committee on Diversity, Equity, and Inclusion (DEI) training in K-12 education and what she believes the Legislature should do to address it.

A representative of the Kansas School Board Resource Center provided testimony on the challenges Center staff heard in their discussions with current teachers and school board members.

Representatives of Emporia State University Teachers College reviewed the most recent Kansas Teacher Retention Survey and the significant results of the survey.

A representative of USD 305 Salina presented on the district’s struggles to hire licensed teaching staff and the initiatives and retention programs the district has created to address the issue.

A representative of the Kansas Association of American Educators presented the results of a teacher survey conducted of its membership over the summer.

Parental Rights

A representative of the Yes. Every Kid. Foundation provided testimony regarding school choice programs.

An Assistant Revisor of Statutes from the Revisor’s Office provided the Committee with an overview of state statutes regarding parental rights in certain situations such as non-academic surveys and the release of student data from K-12 schools.

A representative of Kansas Family Voice addressed the Committee on the organization’s support of parental rights and the importance of strong parental rights for a student’s education.

A KSDE representative reviewed the impacts of recent changes to statutes regarding nonacademic tests, questionnaires, surveys, and

exams and what guidance has been provided to school districts.

A representative of the Kansas National Education Association provided testimony on the organization's stance on parental rights and examples of parental rights policies already adopted by many school districts.

A private citizen provided testimony on social and emotional learning.

Proposed Solutions to Improve Student Achievement

A private citizen, self-identified as a professor of education with the University of Arkansas, but not speaking on behalf of the university, reviewed academic studies on various impacts that school choice programs have on student education and on public schools.

Representatives from KASB, KPI, KSDE, and USD 512 Shawnee Mission Public Schools provided testimony to the Committee on actions that could be taken to improve student achievement.

October 9 Meeting

The Committee met to hear testimony and informational presentations regarding special education.

Review of Special Education Statutes

An Assistant Revisor of Statutes with the Revisor's Office presented an overview of current federal and state statutes regarding special education services.

Implementing Special Education Law

A Fiscal Analyst from KLRD provided information regarding special education funding.

A representative of KSDE presented testimony on the guidance the agency provides to school districts, what assistance it provides to school districts, and how dispute resolution is handled between parents and a school district regarding special education. Such disagreements could include whether a student is eligible for an individual education plan (IEP), the contents of a

student's IEP, or the services being, or not being, provided to the student.

Excess Cost Calculations

A Senior Research Analyst from KLRD presented to the Committee on how the statutes require special education excess cost to be determined, how special education cooperatives and inter-locals impact excess cost calculations, and what the formula looks like when applied to individual school districts.

A representative of KSDE provided information on how special education excess costs are functionally calculated and how to understand the breakdown of school district revenues and expenditures.

A representative of KPI provided testimony on aspects of school funding that the organization believes should be counted toward the statutory funding limit for special education state aid.

Complaint Process and Litigation

An Assistant Revisor of Statutes with the Revisor's Office reviewed state and federal law pertaining to the special education complaint process and the holdings of recent court cases involving special education disputes.

Opportunities and Challenges for Students with Individual Education Plans

A representative of KSDE provided an overview on the current state of special education in Kansas and discussed current trends, challenges, and opportunities in the special education field.

A current school social worker and current school special education teacher testified to the Committee regarding what their jobs look like day to day and what challenges they each face in their schools.

Recommendations for Improving Special Education Statutes and Funding

Representatives of the following organizations presented testimony regarding their organization's recommendations for improving special education in the state:

- Infant Toddler Services of Johnson County;
- KASB;
- KPI;
- KSDE;
- Northwest Kansas Educational Service Center;
- USD 233 Olathe Public Schools; and
- A private citizen.

October 10 Meeting

The Committee met to hear testimony and informational presentations regarding higher education initiatives in K-12 education and recent closures of school attendance centers. The Committee also held discussion and made recommendations for the 2024 Legislature.

Science of Reading

A representative of the Kansas Board of Regents (KBOR) reviewed current actions being taken by KBOR and its member institutions regarding the teaching of structured literacy to prospective teachers.

Representatives of Emporia State University provided testimony on what curriculum and teaching methods the university uses to teach prospective teachers how to teach reading.

Higher Education Faculty Compensation

Representatives of the Kansas Association of Community Colleges (KACC), KBOR, and Manhattan Area Technical College, provided testimony regarding the typical compensation received by faculty members at their respective institutions and how that compensation is determined. Specific attention was given to how that compensation differed or was impacted by state-sponsored concurrent credit enrollment with K-12 students.

Concurrent Enrollment

A representative of KSDE reviewed the role KSDE plays in concurrent and dual credit courses in K-12 schools. The conferee also discussed the career pathway and other elements associated with concurrent credit courses.

Representatives of KACC, KBOR, and Manhattan Area Technical College provided testimony regarding concurrent credit enrollment statewide and in their specific institutions. Conferees also addressed related topics, including credit transfer for concurrent credit students and trends they are seeing among students choosing whether to participate in concurrent credit courses.

Career and Technical Education

A Senior Assistant Revisor of Statutes with the Revisor’s Office provided an overview of the statutes that provide for state-funded career and technical education and for the establishment of the Technical Education Authority (TEA).

Representatives of the KACC and Manhattan Area Technical College provided testimony on the impact the TEA has on their institutions’ programming and their concerns regarding its ability to quickly adapt and be forward thinking.

A representative of KBOR described how the TEA has been implemented, how its membership is derived, and how it assists the agency in its work.

Diploma Plus

A representative of KBOR provided the Committee with an introduction to the Diploma Plus initiative that will be included in the agency’s FY 2025 budget.

Attendance Center Closures

An Assistant Revisor of Statutes from the Revisor’s Office summarized state statutes regarding the disorganization of school districts and the transference of land between school districts.

A representative of USD 112 Central Plains provided testimony regarding the decision by the

USD 112 school board to close the attendance center for grades 7–12 in Wilson.

Private citizens of USD 112, both supporting and opposing the school district disorganization question, provided their perspectives on the issue and what they believed needed to change.

A representative of USD 113 Prairie Hills presented testimony on the school district’s decision to close an attendance center in Wetmore.

A representative of USD 335 North Jackson presented testimony on how the decision by USD 113 has impacted that district in the number of students seeking to transfer in and how that has impacted the district’s finances.

CONCLUSIONS AND RECOMMENDATIONS

Following the conclusion of all testimony, the Committee discussed the issues heard over the four days of meetings. No formal recommendations were adopted during the discussion, but draft recommendations were distributed to Committee members via email for formal adoption following the discussion.

The recommendations made by the Committee to the 2024 Legislature are as follows:

- Reevaluate the special education excess cost statute regarding the formula for the calculation and distribution of funding. Also evaluate alternative funding sources, such as Medicaid;
- Consider amending statutes to establish a definition of “special education expenditures” for the purpose of determining special education excess cost;
- Consider a long-term review and update of special education statutes, including the special education funding formula, in the next iteration of the Kansas School Equity and Enhancement Act, which expires in 2027;
- Consider amending statutes to require the portion of a school district’s local option

budget derived from special education state aid to be used for special education purposes, similar to requirements for at-risk local option budget funding;

- Examine and address issues of double funding for concurrent credit students;
- Examine statutes regarding the TEA to ensure its board is composed of a diverse group of representatives of business and industry sectors;
- Further study the college and university instruction and training for prospective teachers regarding the identification of students with exceptionalities in the classroom;
- Consider alternatives for funding for the Mental Health Intervention Team Pilot Program in future iterations of the school finance formula;
- Revisit the language vetoed by the Governor in 2023 House Sub. for SB 113 with regard to which enrollment years districts can use for determination of State Foundation Aid;
- Establish a legislative oversight committee, review process, or change in statute address topics including, but not limited to, ensuring the appropriate expenditures of at-risk and special education state aid;
- Explore ways that teachers can be protected and better supported in the classroom with the necessary administrative support for day-to-day safety, health, leadership, instruction, and learning;
- Investigate what is required to have smaller student-to-teacher ratios and class sizes for kindergarten through grade 3;

- Examine how teachers are being compensated for concurrent credit courses to ensure equity;
- Further study how homeless students are being tracked within schools, what services are being provided to them within the school system, and whether those services are effective; and
- Review how the Legislature can better support families, students, and teachers for the best student outcomes.