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Opponent Testimony on

HB 2650 requiring each school district to establish an at-risk student accountability plan and to show academic improvement in certain student subgroups and students identified as eligible for at-risk programs, prohibiting the state board of education from revising curriculum standards

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Madam Chair, members of the committee, thank you for the opportunity to testify in opposition to HB 2650. This bill improperly usurps the role of the State Board of Education, is overbroad and is bad public policy that would have significant collateral damage. As parents and community members, we obviously want our students and our districts to succeed, but we don't think this bill is a productive way of addressing achievement for at-risk students.

This bill refers to proficiency and Levels 3 and 4 on the Kansas Assessment, but the legislature needs to accept Level 2 as proficient for the purposes of this bill and recognize other ways of measuring proficiency. We continue to watch the disconnect between the Department of Education's desire to set "moon shot" aspirational achievement goals and critics' refusal to give proper weight to additional information indicating that Level 2 is "proficient," including recent statements and data from KSDE. College readiness ACT scores fall within Level 2, data show large numbers of students within Level 2 are having post-secondary success, and NAEP has recognized Kansas as having the most rigorous cut scores in the nation. But because federal law requires states to have 2 categories below proficient, some refuse to acknowledge the additional data and continue to call students scoring in Level 2 failing. We also see inadequate acknowledgement that test scores are a very limited way of measuring student success for multiple reasons including the well-known but rarely mentioned fact that many students are not putting forth their best efforts on standardized tests that have no impact on their grades. We appreciate that in places this bill allows for additional

measures of achievement, but it too often ties dire consequences to Kansas Assessment scores.

We seek clarification about the longitudinal data discussed in this bill. As we have heard this committee discussing longitudinal data, there seems to be persisting confusion regarding cohort longitudinal data and student longitudinal data. This bill refers to students and to subgroups so we would like clarification on which type of data is being collected and how it is being used. As members of our schools' PTAs, site councils, and school boards we know our schools and districts are digging into student-level longitudinal data on a regular basis and working on finding ways to improve student achievement, but data at the state level appear to be different. We also understand the significant differences between student and cohort longitudinal data. Cohort data fail to parse out students moving into and out of the Kansas at-risk population. For example, a school may have two sixth graders, one of whom has been in the school and making progress since kindergarten whereas another sixth grader moved to the school just this year. In cohort data, those 6th graders look the same, whereas in student data, one gets counted in a longitudinal report and the other does not.

The punitive nature of this bill is inappropriate. If we could wave a magic wand and get our students who face the most significant obstacles to raise achievement, we would. We all recognize the importance of helping those students achieve, but as we learned with No Child Left Behind, punishing their schools is the wrong way to do it. Responsible policy-making requires a balance between expecting our schools to help their most struggling students and recognizing that schools cannot control for all of things affecting achievement. In cutting funding for schools that don't meet achievement goals and removing accreditation, this bill fails miserably at achieving that balance. How does it help struggling students to defund and remove accreditation from their schools? Too many people still fail to acknowledge that our schools faced massive cuts during the recession (Shawnee Mission School District alone cut \$10 million, \$10 million, and \$8 million cumulatively from its annual budget in three consecutive years), that those budget impacts were continued through the unconstitutional block grants and the slow phase-in of the Gannon funding which has also been undermined by a growing shortfall in SPED funding. We've also had a disruptive global pandemic. Funding matters, and the effects of chronic underfunding will take time to recover from. Additionally, we too often fail to recognize that the WestEd study commissioned by the legislature identified the level of funding required to maintain the status quo. To significantly raise achievement would require significantly higher funding. We realize that level of funding may be more

than our state is willing or able to afford, but we need to be honest about what we can reasonably expect to achieve with current funding levels.

This is the second bill this session that proposes to remove accreditation, and it takes no great leap to see that the next bill would establish vouchers for any student in a district without accreditation. It is also likely that the voucher bill would not require the schools receiving vouchers to accept and retain at-risk students nor would it impose the same accountability in this bill on those schools. We cannot fail to see this bill as yet another way to discredit and destabilize our public schools without actually solving the problem of at-risk student achievement.

With respect to Section 2 of this bill, we defer to those who provide education services, but we note that the bill appears to remove provisional at-risk programs. As we recall, districts sought the ability to utilize provisional programs as a way to innovate, and we think that innovation should be encouraged. We appreciate the removal of the five-year peer reviewed research requirement in the definition of “evidence-based instruction.”

Section 3 of this bill is a significant usurpation of the role of the State Board of Education with respect to determining accreditation and setting curriculum standards. We support the State Board’s model of working with districts to bring them into compliance. Pulling a district’s accreditation is a nuclear option that benefits no one. Removing accreditation would hurt students applying to colleges who would have to say their diploma is from an unaccredited school. Removing accreditation would destabilize communities and harm property values for homeowners. This bill’s approach reminds us of the approach during No Child Left Behind that was later rejected because of the harm it inflicted on communities. Prohibiting the SBOE from updating curriculum standards does not help students and puts the demand for data ahead of what’s best for students. The SBOE should retain all authority over establishing curriculum standards.

We also note this law does not apply to private schools. If the legislature deems this bill good policy, it should apply to private schools, too.

Thank you for your consideration of these and other issues relating to HB 2650.