

MINUTES OF THE HOUSE K-12 EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on January 15, 2002 in Room 313-S of the Capitol.

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Jill Wolters, Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

The Chair spoke of the Committee rules to be enforced regarding conferees appearing before the Committee this session. A timing device would be used to allow them no more than ten minutes to summarize their testimony. He explained that this would give more time for any questions of the Committee.

The memorandum "No Child Left Behind" was distributed. (Attachment 1).

A memorandum regarding the teacher shortage was also distributed. (Attachment 2).

Introduced to the Committee was a new staff member, Jill Wolters, Revisor of Statutes.

Representative Tomlinson moved for the introduction of a bill that would add ammunition to the list of items prohibited in public schools. The motion was seconded by Representative Morrison and passed on a voice vote.

The meeting was adjourned at 9:45 a.m. The next meeting is scheduled for Wednesday, January 16, 2002.

STATE OF KANSAS

House of Representatives



THE CAPITOL

TOPEKA ADDRESS:

STATE CAPITOL—426-S
TOPEKA, KANSAS 66612-1504
(785) 296-7654

TOPEKA HOTLINE

DURING SESSION · 1-800-432-3924

BALDWIN CITY ADDRESS:

1201 NINTH ST., P.O. BOX 647
BALDWIN CITY, KANSAS 66006
(785) 594-3502

E-Mail: rmtanner@ink.org

CELLULAR PHONE (785) 979-7977

CHAIRMAN
COMMITTEE ON EDUCATION

VICE CHAIRMAN
ASSEMBLY ON FEDERAL ISSUES—
NATIONAL CONFERENCE OF STATE LEGISLATURES

OTHER COMMITTEES
BUDGET COMMITTEE ON EDUCATION LEGISLATURE
HIGHER EDUCATION
LEGISLATIVE EDUCATION PLANNING COMMITTEE
FISCAL OVERSIGHT
KANSAS READING AND LITERACY PARTNERSHIP
COUNCIL

ADVISORY BOARDS
TEACHER QUALITY ENHANCEMENT
NATURAL AND SCIENTIFIC AREAS

Ralph Tanner
Representative, Tenth District

January 8, 2002

MEMORANDUM

“No Child Left Behind”

The attached document was prepared by David Shreve, Senior Committee Director, Committee on Education, Labor, and Workforce Development, of the Assembly on Federal Issues, The National Conference of State Legislatures.

David has devoted himself to this bill through all of its versions, and has done great service to NCSL and to the legislatures of the several states.

Ralph Tanner, Vice Chair
AFI-NCSL

A handwritten signature in black ink, appearing to read 'R. Tanner', written over the typed name.

House Education Committee

Date: 1/15/02

Attachment # 1

H.R. 1 “NO CHILD LEFT BEHIND”

**A COMPARISON OF THE CONCERNS EXPRESSED BY THE
NATIONAL CONFERENCE OF STATE LEGISLATURES REGARDING THE
HOUSE AND SENATE VERSIONS OF THE REAUTHORIZATION OF THE
ELEMENTARY & SECONDARY EDUCATION ACT (ESEA) AND THE FINAL
CONFERENCE AGREEMENT OF THE UNITED STATES CONGRESS**

David L. Shreve; Senior Committee Director
Committee on Education, Labor & Workforce Development
Assembly on Federal Issues
The National Conference of State Legislatures
January 1, 2002

SUMMARY

President Bush proposed sweeping changes to the Elementary & Secondary Education Act (ESEA) within days of taking office. The President's proposal, "No Child Left Behind" envisioned:

- an assessment system based on the Texas model of annual **state** tests in reading and math for every child in Grades 3-8
- the "significant" **consolidation** of multiple categorical programs into focused block grants
- broad **flexibility** for school districts and states in the use of federal monies
- the expansion of both **private and public school choice** as alternatives to "failing" schools
- a system of **rewards and sanctions** for schools, districts and states which are unable to raise the academic performance of all groups and sub-groups of students within a prescribed period of time.

The House was charged with putting the President's broad, descriptive proposal into legislative language. Christened H.R. 1 to indicate the importance of this legislation, the House voted overwhelmingly to approve its version late May 2001.

The Senate version moved a little more slowly (partly due to the shift in the leadership brought on by Senator James Jefford's falling out with the Senate leadership over IDEA funding), with approval by the full Senate a month later.

While differences were apparent in the two versions of the legislation, agreement appeared workable and obstructed primarily by appropriations issues for Title 1 and IDEA funding. It was not until mid-summer that a report by the Congressional Research Service indicated that the standards in each bill for increasing student achievement known as Adequate Yearly Progress (AYP) were in essence politically unacceptable.

In late September, NCSL's position was that both pieces of legislation were potentially "irreparably flawed". This position was based on the AYP issues, the significant unfunded mandate in the testing requirement, inadequate IDEA funding, and a top-down federal intrusion into traditional state policy areas with the potential for adverse financial impact on state budgets.

The agreement that emerged from conference contains an untouched version of the state-testing requirement but nearly every other major provision is diluted, and in some cases, abandoned. The conference committee created a new and workable AYP standard, significantly increased funding to comply with the testing requirement, (while creating an appropriations "trigger" that would abrogate the testing requirement in years when appropriations were insufficient), and removed state sanctions from the mix. The end result is a bill far less egregious in impact on the states than would have been realized under the House or Senate bills.

**NCSL CONCERNS AS
RELAYED IN
CORRESPONDENCE DATED
MARCH 14, 2001 &
SEPTEMBER 26, 2001**

Consolidation: "NCSL strongly endorses a reasonable consolidation of similarly focused programs such as those in teacher training and technology so long as that consolidation does not serve as a backdoor effort to reduce funding."

Annual testing/Accountability: "The testing requirement at the heart of both bills is an egregious example of a top-down, one-size-fits-all federal reform. There is no compelling or convincing argument that an effective accountability system must include annual testing in multiple subjects. Evidence indicates otherwise. The most recent National Assessment of Educational Progress (NAEP) results rank the top ten states in reading and math in grades 4 and 8. In those four top ten listings, only one state appears that tests its students every year in grades 3-8. In other words, there is no correlation between annual testing and student performance on NAEP. A federal mandate for annual testing is a senseless preemption of successful state accountability systems that do not include annual testing."

"The requirement to use a standardized statewide testing instrument ignores successful state accountability systems that use a

**H.R. 1-"NO CHILD LEFT
BEHIND" The Reauthorization of
the Elementary & Secondary
Education Act
Effective FY 2002-2007**

Consolidation: Limited consolidation of :

1. Class size reduction and Eisenhower professional development funds. Block grants are targeted to local education agencies (LEAs) (95% of grant)
2. A handful of technology programs are combined into a state block grant.
3. Bilingual Education Act and Emergency Immigrant Education Program combined when appropriations trigger reaches \$650 million.

Not consolidated: Proposal to consolidate Safe & Drug Free Schools and 21st Century Community Learning Centers (after school) was rejected. However, state education agencies (SEAs) make after-school awards of sub-grants.

Annual testing/Accountability Requires states to implement annual reading and math assessments in grades 3-8. States will select/develop/design assessments of their choosing, but must be aligned with state academic standards and must allow student achievement to be comparable from year to year.

No waiver language included accommodating states with a combination of state and local testing or with high functioning state systems

combination of state and local testing. This combination model, suggested by the Improving America's Schools Act, is the standard used by many states complying with IASA since it passed in 1994. Currently 17 states require school districts to have local assessments as a part of their state assessment strategy. This allows local school districts to account for and assess local curriculum options in an overall state accountability system. Sacrificing a flexible but effective state system at the altar of this federal mandate is counterproductive."

Implementation: "The implementation of a sophisticated accountability system, even one that defers to existing states' practices, will take time. The 1994 federal mandate requiring the testing of all Title I eligible students was the first significant federal step toward widespread testing. The 1994 amendments give a good lesson in the time needed to implement compliance with federal law. In the six years since enactment, fewer than 20 states have completed enough of the accountability package application/negotiation to be considered compliant with the law. A three-year phase in for the implementation of any significant federal accountability requirements is unrealistic and should be reconsidered."

Testing costs: "Funding to assist states in the development and administration of the annual state testing requirements is inadequate to successfully implement this mandate. Although some estimates of the cost of testing are excessive, we also recognize that the appropriation request is inadequate. The Senate estimated that it would cost \$880 million per year for three years for states to comply. During committee debate, members indicated that states would be expected to pick up half of those costs. The committee authorization was reduced to \$370 million per year, leaving a **three year unfunded mandate in excess of \$1 billion dollars.** These initial and ongoing costs will be shifted to the states with the justification that they are merely a "condition of grant" rather than their accurate depiction as another costly federal mandate."

that fail to meet the letter of the law. States with comprehensive testing systems whose assessment systems may comply with the "spirit" but not the letter of H.R. 1 testing requirement: Delaware, Rhode Island, Maryland, North Carolina, Texas, Missouri, Vermont, Louisiana, Kansas, Indiana, Massachusetts, Pennsylvania, Wyoming, Virginia, Oregon, Washington, Kentucky. It is unclear as to whether the regulatory process will grant the U.S. Secretary waiver authority in this area. Publicly, the administration is sticking to "annual testing in grades 3-8-no exceptions".

Implementation: States will have until the 2005-2006 school year to develop and administer the assessments required under H.R. 1.

Testing costs: After an initial offer of a one-time \$370 million testing appropriation, the Congress relented. Testing is authorized at \$490 million/year for the life of the new law with an appropriations "trigger" included to ensure sufficient federal resources are available to the states to comply with the annual reading and math testing requirement. A state may defer the commencement or suspend the administration of the annual assessments for one year for each year that appropriations levels do not reach the set amount. But, a state must continue to comply with current law (IASA) by testing in reading and math in one year of each period grades 3-5, 6-9 and 10-12. Appropriations trigger points for compliance are as follows:

- \$370 million for FY 2002

Adequate yearly progress (AYP): Both Senate and House bills indicate a level of adequate yearly progress that would, by Congressional Research Service estimates, classify over 90% of our nation's schools as "failing". We acknowledge that many of our schools need to improve, but we know in our hearts that more than 10% are currently doing a good job of educating our students. Neither version offers an acceptable alternative threshold for AYP.

- \$380 million for FY 2003
- \$390 million for FY 2004
- \$400 million for FY 2005-2007

\$3 million distributed to each state off the top, with remainder divided proportionately according to school age population.¹

Adequate yearly progress (AYP): AYP was introduced in the 1994 Improving America's Schools ACT (IASA) but applied only to disadvantaged (Title I) eligible students. Under H.R. 1, a state's definition of AYP must be expanded to apply to all students. States must define AYP so that all students are expected to perform at the "proficient" level within 12 years, making progress in equal increments during that period.

States establish starting point for proficiency goals but may set the "bar" based upon the lowest-achieving demographic sub-group or the lowest achieving schools in the state, whichever is higher.

To avoid over-identification of schools as failing when students are making significant progress, a "safe-harbor" is allowed if student subgroups make a 10% reduction in the number not proficient. Example: Hispanic students are 30% proficient and achieve a 7% increase in number of proficient students within that group (a 10% reduction in the number -70%- not proficient) then they would be considered to have made adequate yearly progress.

States must also include one additional indicator of success; graduation rates for secondary schools and one of the state's choosing for elementary schools. Additional indicators can not to be included in determining "success or failure" in complying with federal AYP.

Sanctions: Schools that do not meet state defined AYP goals for 2 *consecutive years* will be identified as needing improvement and will be eligible for technical assistance. LEAs must offer public school choice (unless prohibited by state law) to all students and must provide transportation for choice by using up to 5% of their Title 1, Part A funds.

Failure to meet AYP goals for 3 *consecutive years* requires adding supplemental tutoring

Data collection and reporting: “This requirement would compel states to collect longitudinal data on students beginning in the third grade and to report on the performance of all students and sub-groups of students annually. The provision ignores the price of hardware, software and maintenance by again shifting the costs to the states. As we reported in previous correspondence, the costs of complying are substantial. For example, in the late 1980s, Texas appropriated \$12 million for hardware costs for its Public Education Information Management System (PEIMS) and has subsequently appropriated about \$3 million/year for maintenance of its education data system. The majority of states (38 or more) do not have a sophisticated statewide data system with the capacity to process and store this enormous amount of information. Our members are also concerned about the use and potential misuse of sensitive data collected about our children.”

years requires adding supplemental tutoring services for disadvantaged students in a failing school. LEAs must use up to 5% of Title I Part funds for supplemental educational services.

Failure to meet AYP for 4 consecutive years, requires LEA to take corrective action by replacing staff and/or implementing a new curriculum, in addition to the consequences indicated above.

(Vouchers for private school choice were dropped early on in the legislative process.) For schools already identified as failing under current law (IASA), H.R. 1 requires the individual schools to retain their current classification and face consequences in the next school year, (SY 2002-2003). Schools in “school improvement” status would have to offer public school choice while schools in the 2nd year of school improvement or corrective action would have to offer supplemental services no later than the beginning of SY (School Year) 2002-2003.

State Sanctions: NO sanctions for states. NO loss of SEA federal administrative funds for failure to meet AYP targets.

Data collection and reporting: No change in conference and no funds set-aside for hardware/software costs. There may be flexibility in applying federal testing funds to the development and administration of data systems. The testing of students and the reporting of student data is considered a “condition of grant” for receiving Title I funds. States must comply in order to continue to receive federal compensatory education funds.

Teacher quality: “Legislators recognize and support the importance of having qualified teachers in every classroom and to that end have initiated efforts to address teacher preparation, licensure, induction and professional development. Requiring states to have a certified teacher in every classroom within three years ignores the logistics of hiring over 2.2 million new teachers needed in the next decade. Pressuring states to comply before they are able could lead to policymakers diluting the certification process. We could end up with more teachers who are “certified” but not necessarily more who are qualified. A state’s performance toward this goal should be measured against its own progress and states should retain authority to establish specific criteria for teacher licensing and alternative certification.”

Governance: “ This legislation continues the tradition of federal meddling in the governance of state K-12 education systems. ESEA remains the only major federal program in which a sub-state agency is specifically identified as the recipient of federal funds. Both pieces of legislation directly endow state education agencies with unprecedented authority to receive federal funds directly, to administer federally funded programs without consultation with elected state officials and to make commitments that will, in both the short and long terms, impact overall state policy and state budgets. As but one example, the Senate bill mandates that the state education agency will administer the 21st Century Community Learning Centers. But many states with

Teacher quality: LEAs must ensure that all teachers hired with Title 1 (federal compensatory education program) funds must meet the teaching requirements of the state in which they are teaching.

Each SEA must develop and submit a plan to the U.S. Secretary of Education to ensure that all teachers teaching within the state are “highly qualified by the end of the 2005-2006 school year. The plan must establish measurable annual objectives for each LEA and school for increasing the percentage of “highly qualified” teachers and for increasing the availability of quality professional development.

No apparent sanctions for failure to comply.

Secretary may establish panel to study strategies for increasing *mobility* and employment opportunities for high quality teachers.

Teacher aides: No later than 3 years after enactment all teacher aides (those hired under Title I compensatory education funds) must have completed at least 2 years of post-secondary education, obtained an associates degree or met a “rigorous” standard of quality established at the local level.

Governance: H.R. 1 continues federal tradition of using “SEA” and “state” interchangeably. Tremendous authority, including the receipt of federal funds, is accorded the state education agencies in this legislation. Legislators may want to investigate the state constitutional and statutory treatment of federal funds designated to be received by a “state” or state agency.

afterschool programs have put state resources (as well as TANF resources) for afterschool programs in human service agencies, not state education agencies. Picking winners and losers in internal state affairs is not an appropriate role for the federal government.

Current federal legislation for education programs specifically identifies *state education agencies* as the recipient of federal dollars sent to the states. No other federal program circumvents the states budgetary process by sending funds directly to a state or sub-state *agency*. All federal funds, even those targeted for specific purposes, should go to the states for legislative appropriation. If Congress wants to hold states more accountable for the funds spent within the states, it should stop endowing sub-states entities with an independent source of revenue.”

The National Education Goals Panel: “NCSL policy explicitly supports continuation of the Goals Panel. Neither piece of legislation addresses the continuation of this effective intergovernmental effort.”

IDEA Funding: “Meeting the 25-year-old federal commitment to fund 40% of average per-pupil expenditures (APPE) remains the most important legislative priority for the nation’s legislatures. For the current fiscal year, this \$10 billion unfunded federal mandate remains the single most intractable education issue we face as we attempt to improve the performance of our state systems.”

School Construction: “The nation’s legislators see federal involvement in the financing of school facilities as one of the least intrusive ways of providing federal help for states and localities. NCSL policy identifies school facilities as a part of the “nation’s infrastructure” and asks for *federal assistance in a form that respects states constitutional authority over education policy*. NCSL has supported changing the tax code to relax arbitrage restrictions and to expand the definition of private activity bonds. We also

The National Education Goals Panel: The National Education Goals Panel is now defunct.

IDEA Funding: The Harkin-Hagel Amendment, which would have gradually (over 8 years) increased federal special education appropriations to 40% of APPE, was rejected by the House Conferees. Those voting against the proposal: Petri (Wisconsin), Hilleary (Tennessee), Boehner (Ohio), Graham (South Carolina), Roukema (New Jersey), Castle (Delaware), McKeon (California), Isakson (Georgia).ⁱⁱ

School Construction: No new programs for federal assistance for school construction/renovation.

The Qualified Zone Academy Bond (QZAB), a federal tax credit for investors in public school construction, will expire as of December 31, 2001.

This past spring, tax legislation (Economic Growth and Tax Relief Reconciliation Act of 2001, EGTRRA- H.R. 1836) relaxed

endorse the concept of using federal appropriations to seed fund a state revolving loan program, as has been done for drinking water and wastewater treatment facilities. Each of these approaches will address differing fiscal conditions in different state while protecting all states' constitutional and statutory authority.”

provisions regulating arbitrage for public school construction and contained provisions to expand the definition of Private Activity Bonds to include public schools and to create a new category of bond caps specifically for schools. The impact of these changes is yet to be evaluated.

H.R. 1 does include language to assist state and localities that support facilities financing of charter schools. The Secretary may award matching incentive grants to states that support charter facilities with per-pupil expenditure funds.ⁱⁱⁱ

Other FY 2002 appropriations notes:

Overall funding for U.S. Department of Education:

FY 2002: \$40 billion-an increases of \$5.4 billion or +16%

Title I- Compensatory education programs:

FY 2002: \$11.2 billion –an increase of \$2.6 billion or +30%

ⁱ Trigger for FY 2002 was exceeded in FY 2002 Labor/HHS appropriation bill.

ⁱⁱ FY 2002 appropriations include an increase of **\$896 million** to bring federal approps in IDEA to \$8.3 billion- an increase of 12% but significantly less than 20% of APPE-or in other words-less than half of the 40% APPE federal commitment.

ⁱⁱⁱ FY 2002 Labor/HHS approps zeros out the Emergency School Construction grant program begun in FY 2001.

TOPEKA ADDRESS:
STATE CAPITOL—426-S
TOPEKA, KANSAS 66612-1504
(785) 296-7654
TOPEKA HOTLINE
DURING SESSION - 1-800-432-3924
BALDWIN CITY ADDRESS:
1201 NINTH ST., P.O. BOX 647
BALDWIN CITY, KANSAS 66006
(785) 594-3502
E-Mail: rmtanner@ink.org
CELLULAR PHONE (785) 979-7977

STATE OF KANSAS

House of Representatives



THE CAPITOL

Ralph Tanner
Representative, Tenth District

MEMORANDUM

A VISION FOR KANSAS

The Teacher Shortage – Is it Real?
Ralph Tanner

This paper will comment on the much-touted teacher shortage, and offer some questions and opinion of a countervailing nature.

For the past two years, as the month of August played down and school bells were ready to ring, the lack of teachers to fill vacancies was given much attention. Kansas City, Kansas, schools were lifted up as the district under greatest need, and the news was that some 80 classes were not appropriately staffed. Since then, a great “hue and cry” has gone up and a crisis has been declared by the BOE, United School Administrators, the KASB, and the KNEA.

An inquiry into the crisis was had by the Legislative Educational Planning Committee, and a report was submitted by Commissioner Dennis showing the areas of teaching where vacancies were being experienced. As was expected, 175 of the vacant spots were in special education. It should be noted, however, that there are more than enough special education persons to fill those spots, but the certificate holders do not want to teach in special education.

In a recent essay published on e-mail in *The Education Gadfly*, education news and analysis from the Thomas B. Fordham Foundation, Chester E. (Checker) Finn, Jr., a former deputy secretary in the U. S. Department of Education, commented editorially, “The most striking thing about the U. S. teacher “shortage” is the extent to which it has mostly been induced by rules, customs and practices that could be changed with a flick of the policymaker’s wrists. But instead of changing the rules, we proclaim a crisis. One senses that some see their interests advanced by this.”

Finn continues, “Almost everyone who has looked at the ‘teacher shortage’ has noticed that it’s spotty, not universal. It’s concentrated in certain subjects (*e.g.*, math, science, special ed), in certain kinds of communities (inner cities, rural towns), and in certain parts of the country (sun-

CHAIRMAN
COMMITTEE ON EDUCATION

VICE CHAIRMAN
ASSEMBLY ON FEDERAL ISSUES—
NATIONAL CONFERENCE OF STATE LEGISLATURES

OTHER COMMITTEES
BUDGET COMMITTEE ON EDUCATION/LEGISLATURE
HIGHER EDUCATION
LEGISLATIVE EDUCATION PLANNING COMMITTEE
FISCAL OVERSIGHT
KANSAS READING AND LITERACY PARTNERSHIP
COUNCIL

ADVISORY BOARDS
TEACHER QUALITY ENHANCEMENT
NATURAL AND SCIENTIFIC AREAS

House Education Committee

Date: 4/15/02

Attachment # 2

The Teacher Shortage – Is It Real? – Page Two

belt states with rapid enrollment increases and those that are swelling their ranks as part of a class-size reduction strategy).

In a memorandum supplied by Deputy Commissioner Dennis, the impending shortage at August 1, 2001, generally at least two weeks before the beginning of school, looked like this:

Counseling (not a teaching position)	23
Music	42
Special Education	175
Other (non-specific)	171.9
Business	18.5
Foreign Language	20.3
Math*	26.5
Science*	7.5
Technology	4.2
Industrial Technology	10
Vocational	12.5
Total	512.4

None of the figures listed above are alarming, and little of the data are new. These figures are relatively the same as in earlier years, and, when the percentage of openings is compared to the total number of teaching positions in the state, the vacancy rate is below two percent. Surprises in the data listed are the few vacancies that are shown in math and science. Nationally, these disciplines and that of special education are most often listed as the most difficult to fill. There is not a shortage of teachers with a special education designation. There are special education certificated teachers who choose not to teach in this specialty area. Reasons for their unwillingness to teach in the field are probably highly diverse.

What has changed in terms of the employment pool is the decline in applicants for each advertised opening. One superintendent indicated her surprise that she had fewer than ten applicants for an opening in the elementary school this year, compared to the trend a few years ago when she had twice that number.

Practices in the education field have created conditions adverse to the ability of school districts to fill teaching posts. Beginning in the 1920's, John Dewey began to articulate a philosophical position which continues with great vigor to the present time, and, by and large, is peculiar to teaching in public K-12 schools only. In fact, there is no profession that is more stringently controlled, in terms of an ability to innovate or change with new societal demands, than the teaching profession. Reasons for that intransigent stance are many, but some of them are (1) the entrenched positions of trade unionism in the teaching profession, (2) an inability or unwillingness of members of faculties of colleges of education to review their practices with an eye towards opening them to criticism and possible change, (3) an attitude among faculties and administrations

2-2
1-1

The Teacher Shortage – Is It Real – Page Three

of colleges and universities in schools outside of the education college which largely ignores what is happening there, and (4) the entrenched position among state departments of education of NCATE (a national accreditation body for colleges of education) philosophy which should be described as unwilling or unable to innovate or attempt to change the approaches to teacher training which have been in vogue for decades. In Kansas, the standards of NCATE are the state standards for teacher certification. The two are identical.

State Boards of Education have also been in the grip of the professional educators, and either cannot or will not try anything different. Some of the bizarre policies and practices in state education agencies relative to teaching make what appear to me to make precious little sense. In that regard, I rejoin Dr. Finn in my comments. Again, I refer to his essay cited above:

Uniform salary schedules. There is no justification, except as a trade union regulation, to pay the same salaries to people in high-demand subjects (e.g., high school science and math), as to those in high-supply fields like middle school social studies. It is insane to pay teachers in tough schools and challenging assignments the same as those in pleasant low-risk settings. It's nuts to give identical compensation to outstanding and inept teachers, to hard workers and clock watchers. Yet we do all of those things in public education. If instead we developed a rational, market-sensitive compensation system for educators, shortages would wither.

Certification: Today we make the public school teaching force pass through the eye of the state-certification needle. Yet private and charter schools don't do that, nor do colleges and universities. Though there's mounting evidence that traditional certification has little bearing on classroom effectiveness, we still require it – and the education school training that is its universal prerequisite.

There's also mounting evidence that people who lack traditional certification – such as those in the Teach for America program – can be as effective as those with it, yet we are stingy with those alternate pathways into the classroom and grudging toward people who follow them. In most places [including Kansas] they must still take the Mickey-Mouse courses, though they may have longer in which to do so.

Personnel Management: In most communities, those running public schools-their principals- have little say over who teaches in them. Due to seniority systems, bumping rights, union contracts, and centralized personnel offices, the principal has scant control over who is assigned to the school, who leaves, how much they are paid, how to reward excellence, or how to cope with incompetence. No effective modern organization operates this way. It's a hold-over from old style industrial management and government civil-service procedures. But industry and government are moving beyond it. Only the public schools remain mired in it.

This writer has been a member of the Kansas legislature for seven years, and, before that, spent 35 years in the field of education. Six of those were in the public schools as a teacher (three in elementary and three in senior high school), and the other years were spent as a college/university professor, academic dean, and president. The extent of my course-work in the field of teacher education was two courses; one in tests and measurements, and one in educational and psychological statistics. I cannot qualify as a teacher today in Kansas public schools because I don't have the necessary prerequisites in teacher education courses. In essence, there are those who insist that I could not possibly manage a classroom because I am not properly prepared. This sort of nonsense continues to create a very difficult position for education in our state – and,

indeed, across the nation.

In those seven years in the House of Representatives, as a member of the education committee, I have asked for the re-invention of schools. The State Board of Education appears to be incapable of thinking of solutions for our problems other than to ask for more money. Since 1992, the state has put billions of dollars into the public schools, but precious little gain has been made in some of the critical areas in which we are deficient. While Kansas' students who are college-bound score slightly above the national average on the ACT, there are gross discrepancies between the performance of our students of ethnically diverse backgrounds and students from racially white families. The school's response to this discrepancy is most frequently a plea that kids from poor socio-economic backgrounds are from a setting beyond the reach of the school. Yet, since the days of Lyndon Johnson, we have maintained what are called Title I schools, with scarcely anything to show for the effort or the money that has been invested in them.

William Bennett, former Secretary of Education at the national level, recently spoke to the issue of what children should know. Citing George Orwell, he said, "... it is often the first duty of intelligent men to restate the obvious." NCATE seems to be as much interested in having teachers be an agent for social change as in their imparting information that adds to a child's body of knowledge.

This writer believes that the most grievous sort of racism exists in the low expectations that schools appear to be perpetuating among children from poor economic circumstances. It seems almost as if we are content with not challenging kids who are content with marginal performance.

A significant change in the deployment of professional staff would do much for easing any teacher shortage – now or for the future. Several models have been developed, with one seeming to have the greatest promise being the Milken Family Foundation's Teacher Advancement Program. There is need in this state to establish pilot programs following this or other models to determine whether there are better ways to utilize and compensate teachers. The health-care system could not afford to deploy physicians in the way in which school boards deploy teachers. If teachers are the professionals, and if each classroom must have such a professional, then we are probably not going to find our way out of the wilderness that public school education has become. If the training that pedagogical courses offer is essential for every teacher, we are losing the opportunity for subject matter specialists to be properly educated. There is not time in a college four year degree program for mastery of high school subject matter and the pedagogical course now devised. A master teacher should be available to every classroom teacher for consultation on prescribed approaches for intervention for every child under his/her charge. Every teacher does not need to be a diagnostician. After prescribed plans are devised (e. g., an IEP), a teacher, a paraprofessional, or a volunteer tutor can and should be used to accomplish the goals for that student. It requires only a little thought for a plan of deployment of professional staff that is much more economically feasible and might provide substantially more money in the salary structure of the professional staff than is now the case. Economies in teacher salaries with a new deployment

system will contribute to higher teacher salaries, overall.

And so, rather than have the state BOE pronounce a teacher shortage and raise impossible demands for funding with which to address that shortage, let me urge some bold thinking on possible solutions, touching at least on new directions for professional staff utilization, changes in the way we certify or license teaching, and a discovery of a significant improvement of the public schools.

Good public policy demands a greater degree of strategic planning and implementation than has been evidenced by the BOE in the recent past. If there is a failure in this regard, it could be that increasing pressure on the public schools will force much broader options for choice among the parents of the state. The Board has failed to make a case for a teacher shortage. The failure is in the way we train and deploy the professional staff.