Approved: _	2.27.09	
	Date	

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. on February 10, 2009, in Room 711 of the Docking State Office Building.

All members were present except:

Representative Steve Huebert - excused Representative Bill Otto - excused

Committee staff present:

Sharon Wenger, Principal Analyst, Kansas Legislative Research Department Theresa Kiernan, Senior Assistant Revisor, Office of the Revisor of Statutes Dale Dennis, Deputy Commissioner, Kansas State Department of Education Janet Henning, Committee Assistant

Conferees appearing before the committee:

Senator Jim Barnett

Representative Bob Brookens

Diane Gjerstad, Wichita Public Schools USD #259

Neil Guthrie, Special Education Director, USD #259

Dr. Terry Sader, Kansas Dyslexia Coalition

Jeanine Phillips, Executive Director, Fundamental Learning Center

Bert Moore, Superintendent, West Elk USD #272

Mark Tallman, Kansas Association of School Boards

Mark Desetti, Kansas National Education Association

Greg Markowitz, Superintendent, Chase County Schools

Bill Halvorsen, Chase County School board member

Cynthia Jacobsen, Children's Mercy Hospital and Clinics (Written testimony)

Angie Schreiber, School Board President, USD 253 (Written testimony)

Sharilyn Brull, parent (Written testimony)

Paula Morgan (Written testimony)

Michael Brown (Written testimony)

Bruce Givens, Special Education Director, Derby School USD #260 (Written testimony)

HB 2199 - Concerning school districts and students with dyslexia.

Sharon Wenger, Principal Analyst, Kansas Legislative Research Department, gave an overview of **HB 2199** and an explanation of the balloon amendment to Committee members. (Attachment 1)

Diane Gjerstad, Wichita Public Schools, spoke to Committee members as a proponent of <u>HB</u> <u>2199</u>. Ms. Gjerstad told Committee members one of the goals of this bill is effective research based teacher in-service. Professional Development is a key ingredient for schools to address the challenges of No Child Left Behind standards and the individual instructional needs of the students. Ms. Gjerstad reminded Committee members that the Governor's 2010 budget deletes all professional development funding for Kansas schools. She further stated that if the legislature truly wants Kansas teachers to be the best and most effective teachers for all students, then they should continue to fund Professional Development and to fund not just ten percent of the costs but fully fund the formula. (<u>Attachment 2</u>)

Neil Guthrie, Special Education Director, USD #259, spoke to Committee members as a proponent of **HB 2199.** Mr. Guthrie told Committee members that according to current research and the science of teaching reading, we must intervene early if we are to give children an opportunity to meet their hopes and dreams. Mr. Guthrie encouraged Committee members to support this bill as it is the right thing to do for struggling readers, their families, and the future of our communities. (Attachment 3)

Dr. Terry Sader, Chairman, Kansas Dyslexia Coalition, spoke to Committee members as a proponent of <u>HB 2199</u>. Dr. Sader told Committee members this bill provides appropriate policy guidance as the Kansas State Department of Education moves forward in developing its Multi-Tier System of Support (MTSS). He stated the bill requires schools:

CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. on February 10, 2009, in Room 711 of the Docking State Office Building.

- · to assess for reading deficiencies, including dyslexia, in kindergarten through the second grade;
- to provide research-based responses for specifically identified deficiencies, including dyslexia;
- to provide pre- and in-service training regarding reading deficiencies, including dyslexia, and regarding appropriate accommodations and interventions; and
- to report the results of these screenings, interventions, and on-going assessments.

Dr. Sader told Committee members this bill also requires that parent notification and information be provided. He stated that most of the required assessments, interventions, and training can be accommodated within existing funding and training structures and the Kansas State Department of Education's development of MTSS. (Attachment 4)

Jeanine Phillips, Executive Director, Fundamental Learning Center, spoke to Committee members as a proponent of <u>HB 2199</u>. Ms. Phillips told Committee members the bill addresses appropriate assessment, early intervention for children with dyslexia, and teacher preparation at both the in-service and pre-service levels in the state of Kansas. (<u>Attachment 5</u>)

Written testimony was received from Cynthia Jacobsen, Director Hearing and Speech, Children's Mercy Hospital and Clinics, in support of **HB 2199.** (Attachment 6)

Written testimony was received from Angie Schreiber, School Board President USD 253, in support of <u>HB 2199.</u> (Attachment 7) (Brochure - Emporia Public Schools, Annual Report to the Community - on file Emporia Public School District USD #253)

Written testimony was received from Sharilyn Brull, parent, in support of HB 2199. (Attachment 8)

Written testimony was received from Paula Renee Morgan, parent, in support of <u>HB 2199.</u> (Attachment 9)

Written testimony was received from Michael Brown, 16 year old student, in support of <u>HB 2199.</u> (Attachment 10)

A question and answer session followed the presentations.

Bert Moore, Superintendent/Director of Special Education, West Elk USD #282, spoke to Committee members in opposition of HB 2199. Mr. Moore told Committee members that the bill targets a "constitutional" condition for screening and diagnosis. He stated that more research needs to be done in order to provide school districts with additional research-based interventions to meet the needs of all students regardless of their presenting condition. He also stated that placing one condition for screening and diagnosis above other conditions is not keeping with the intent of federal or state regulations. (Attachment 11)

Mark Tallman, Kansas Association of School Boards, spoke to Committee members in opposition of HB 2199. Mr. Tallman told Committee members that their organization believes this bill is unnecessary. He stated there is already a law in place requiring schools to bring all students to proficiency in reading, it is called No Child Left Behind Act. There are already procedures in place for parents to request services for students with dyslexia and other reading or learning disorders, through the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act. Mr. Tallman further advised the State Board already requires an early reading diagnostic test in grades kindergarten through two, and individual districts have their own procedures in place to identify students with reading difficulties. Mr. Tallman urged legislators to carefully consider the consequences and precedent of requiring districts to accept, without discretion, any health care provider's diagnosis of a disability. It was suggested the financial impact would be significant which is especially relevant at a time when the state is poised to reduce its funding for special education. (Attachment 12)

Written testimony was received from Bruce Givens, Special Education Director, Derby School and in opposition to <u>HB 2199.</u> (Attachment 13)

CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. on February 10, 2009, in Room 711 of the Docking State Office Building.

Mark Desetti, Kansas National Education Association, spoke to Committee members as neutral on <u>HB</u> <u>2199</u>. Mr. Desetti stated that passage of this bill is a good idea but without appropriate funding to implement its requirements, it is at best a hollow gesture. He further stated that implementation of these requirements should be contingent upon the appropriation of state funds for the purpose of meeting the requirements. (Attachment 14)

Dale Dennis, Deputy Commissioner, Kansas State Department of Education, distributed a Kansas State Department of Education report regarding <u>HR 6021</u> (from 2008 session) to all Committee members. (<u>Attachment 15</u>)

A question and answer session followed the presentations.

Chairman Aurand closed the hearing on HB 2199.

HB 2101 - School districts; supplemental general state aid for certain districts.

Sharon Wenger, Principal Analyst, Kansas Legislative Research Department, gave an overview of <u>HB</u> **2101** to Committee members.

Written testimony was received from Senator Jim Barnett as a proponent of **HB 2101.** (Attachment 16)

Representative Bob Brookens spoke to Committee members as a proponent of <u>HB 2101</u>.

Representative Brookens told Committee members that HB 2101 was introduced in response to the difficulties faced by the Chase County USD #284. He explained it is basically a consolidated countywide district. He further advised the Chase County schools receive no matching Local Option Budget (LOB) funding and it has already unified its county schools. Rep. Brookens stated <u>HB 2101</u> was created to assist all schools similarly situated with Chase County of which there are five: Chase County, Sheridan County, Trego County, Graham County, and Scott County. He advised the districts have done what has been asked of them in the way of unification. (Attachment 17)

Bill Halvorsen, member of Chase County USD 284 Board of Education, spoke to Committee members as a proponent of <u>HB 2101</u>. Mr. Halvorsen told Committee members their district, like most in the state, depend upon the LOB to finance operations. Originally, it provided funds for educational "extras" because the base aid funded essential needs. However, as time passed, the LOB was needed to fund basic operations, including salaries, as the base aid became inadequate. The taxpayers of the district have been generous and have allowed the district an LOB funded entirely from local taxes, without state assistance. Mr. Halvorsen stated that without the locally funded LOB, the district would no longer be able to conduct operations. (Attachment 18)

Greg Markowitz, Superintendent, Chase County Schools USD 284, spoke to Committee members as a proponent of HB 2101. Mr. Markowitz told Committee members this bill would not require the Legislature to allocate more funds for public education. It would simply allow USD #274 to get an equitable share of whatever the Legislature decides is possible and economically prudent in regards to state assistance for the Supplemental General Fund. Mr. Markowitz stated that if approved, HB 2101 would allow the USD #284 Board of Education to reallocate a compensate amount of the local tax base to repair and modernize aging and by necessity ignored attendance centers that are getting more and more expensive in a time when there is less and less funding to do so. (Attachment 19)

A question and answer session followed the presentation.

Chairman Aurand closed the hearing on HB 2101.

The meeting was adjourned at 10:47 a.m. The next meeting is scheduled for February 11, 2009.

HOUSE BILL No. 2199

By Committee on Education

2-2

AN ACT concerning school districts; establishing the early literacy protocol for Kansas schools.

10 11 12

13

14

15

16

17

18

21

26

27

30 31

32 33

34

38 39

40

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act:

- (a) "State board" means the state board of education;
- (b) "dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write or spell, despite conventional instruction, adequate intelligence and sociocultural opportunity;
- (c) "related disorders" includes, but is not limited to, disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia and developmental spelling disability; and
- (d) "multi tier system of supports" means a coherent continuum of evidence based, system wide practices to support a rapid response to academic and behavioral needs, with frequent data based monitoring for instructional decision making to empower each Kansus student to achieve high standards.
- Sec. 2. (a) Students enrolled in kindergarten and grades one and two in accredited schools in this state shall be screened for reading deficiencies, including related disorders and dyslexia, at appropriate times in accordance with a program approved by the state board.
- (b) In accordance with the program approved by the state board, the board of education of each school district shall provide for appropriate research-based intervention.
- (c) A diagnosis of dyslexia by a child psychologist or medical doctor shall be accepted by the school district. The school district shall conduct an evaluation of the student to determine whether the student meets the definition of section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794, as in effect on the effective date of this act, or is eligible for special education services.
- (d) The state board shall adopt any rules and regulations necessary to administer this section.
- 41 to administer this section.
 42 Sec. 3. (a) The state board shall develop recommendations for school districts for:

(1) Administering reading instruments to diagnose student reading development and comprehension;

(2) training educators in administering the reading instruments; and

(3) applying the results of the reading instruments to the instructional program.

(b) The state board shall adopt a list of reading instruments that a school district may use to diagnose student reading development and

comprehension.

(c) A district level committee may adopt a list of reading instruments for use in the district in addition to the reading instruments on the commissioner's list. Each reading instrument adopted by the state board or a district level committee must be based on scientific research concerning reading skills development, reading comprehension and dyslexia. A list of reading instruments adopted under this subsection must provide for diagnosing the reading development and comprehension of students who are English language learners.

(d) Each school district shall administer to pupils in kindergarten and grades one and two, a reading instrument on the list adopted by the state board or by the district-level committee. The district shall administer the reading instrument in accordance with the state board's recommenda-

21 tions under subsection (a)(1).

(e) Each school district shall:

(1) Report to the state board and the board of the district the results of the reading instruments; and

(2) report, in writing, to a student's parent or guardian the student's results on the reading instrument.

(f) The results of reading instruments administered under this section may not be used for purposes of evaluation of licensed personnel pursuant to K.S.A. 72-9001 et seq., and amendments thereto, or district accountability under the quality performance accreditation standards required by rules and regulations established by the state board.

(g) A school district shall notify the parent or guardian of each student in kindergarten or grades one or two who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The district shall implement a reading instruction program commensurate with the student's reading deficiencies and shall determine the form, content and timing of that program whether or not the student has an individualized education plan. The admission, review and dismissal committee of a student who participates in a district's special education program and who does not perform satisfactorily on a reading instrument under this section shall determine the manner in which the student will participate in an appropriate reading instruction program that is based on scientific research concerning reading comprehension. The

district

reading deficiencies, including related disorders and dyslexia.

If any student in kindergarten or grades one or two

section, the district

1	district shall implement an on-going assessment and progress-monitoring
2	of reading gains for students assessed with dyslexia. The district shall
3	provide for the teacher training and preparation necessary to implement
4	the on-going assessment and progress-monitoring tools for students as-
5	sessed with dyslexia.
6	(h) The school district shall make a good faith effort to ensure that
7	the notice required under this section is provided either in person or by
8	regular mail and that the notice is clear and easy to understand and is
9	written in English and in the parent or guardian's native language.
10	(i) Each district shall provide the appropriate reading instruction pro-
11	gram required under subsection (g) beginning in school year 2009-2010
12	and each school year thereafter.
13	Sec. 4. This act shall take effect and be in force from and after its
14	publication in the statute book.

reading difficulties, related disorders and dyslexia.

reading difficulties, related disorders and dyslexia.

New Section 4. Every institution accredited by the state board of education pursuant to K.S.A. 72-1371 through 71-1374, and amendments thereto, shall incorporate within its teacher preparation program a course of study which develops the understanding of reading deficiencies including dyslexia and other related disorders, teaches research-based intervention strategies and progress-monitoring.



House Education Representative Aurand, Chair

H.B. 2199 - Early Literacy Protocol

Presented by: Diane Gjerstad Wichita Public Schools

February 10, 2009

Mr. Chairman, members of the Committee:

Prior to the legislative session representatives from the Kansas Coalition on Dyslexia met with Wichita Public Schools to discuss support of a bill to include the following concepts:

- Literacy screening grades K through 2
- · Parent notification of the student's reading ability
- Appropriate research based interventions
- Research based teacher pre-service and in-service literacy programs

This bill is the result of our conversation to put into place a statewide Early Literacy Protocol. We believe it is in every student's best interest to have teachers who have been well-trained in the components of reading – from evaluation, progress monitoring, and interventions. We want our Colleges of Education to train our pre-service teachers in the latest research based literacy strategies. We want parents to understand their child's struggle and assist the school's effort – because we know our first teachers are our parents. In basketball terms, we want a 'deeper bench' for literacy assessment and intervention.

Mr. Chairman, I would point out one of the goals of this bill is effective, research based teacher in-service. Professional Development is a key ingredient for schools to address the challenges of No Child Left Behind standards and the individual instructional needs of our students. The Governor's 2010 budget deletes all professional development funding for Kansas schools. If the legislature truly wants our teachers to be the best and most effective teachers for all students, then we need to continue to fund Professional Development and to fund not just 10% of our costs but fully fund the formula.

Mr. Chairman, this bill provides a framework for Early Literacy for our schools and Colleges of Education to help us all move forward together to help all students achieve the critical skill of reading.

House Education Committee
Date 2-10-09
Attachment # 3



House Education Representative Aurand, Chair

H. B. 2199 – Early Literacy Protocol

Presented by: Neil Guthrie Wichita Public Schools

Mr. Chairman, members of the Committee:

The current research and the science of teaching reading tells us as educators we must intervene early if we are to give children an opportunity to meet their hopes and dreams. The early literacy protocol establishes the following:

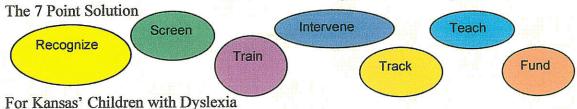
- Universal screening for reading deficiencies
- Parent notification of their child's needs as a result of screening instruments
- Research-based intervention targeted on individual's deficits
- Progress monitoring of each child's progress within the interventions
- Appropriate referral and evaluation for students whose reading does not improve as expected for entitlement under Section 504 or Special Education
- Research based teacher pre-service and in-service literacy programs

These established procedures allow for a safety net to screen and intervene at the most critical time to prevent the long term negative impact of reading disorders.

We support this bill because it is the right thing to do for struggling readers, their families and the future of our communities.

		n Committe	ee
Date c	2-10	-07	
Attachm	ent#_	3	

The Kansas Coalition for Dyslexia Legislation



House Education Committee Hearing
HB 2199
Feb. 10, 2009

Last year the Kansas Coalition for Dyslexia Legislation brought to you our concerns over educational opportunities for Kansas children with dyslexia. We would like to thank all of those who were on this Committee and in the House last year for your unanimous vote for House Resolution 6021 recommending our issues to the State Board of Education.

I am here today, on behalf of the Coalition, to support House Bill 2199. This 'early literacy protocol' redresses many of those problems we brought to you last year. HB 2199 provides appropriate policy guidance as the KSDE moves forward in developing its Multi-Tier System of Support. This bill is a policy guide that enables the KSDE to respond within the context of MTSS to those concerns you expressed in last year's House Resolution 6021.

HB 2199 is the result of close consultation with the Wichita school district and other entities. Last year, many of you asked us to cooperate and coordinate with other interested parties and we have taken your advice to heart. In consequence, we have a bill that addresses the concerns we all have for early childhood literacy since we all know that after the second grade it becomes much more difficult to respond to learning differences successfully.

HB 2199 requires schools to assess for reading deficiencies, including dyslexia, in kindergarten through the second grade; to provide researched-based responses for specifically identified deficiencies, including dyslexia; to provide pre- and in-service training regarding reading deficiencies, including dyslexia, and regarding appropriate accommodations and interventions; and to report the results these screenings, interventions and on-going assessments. The bill also requires parent notification and information be provided. Our Colleges of Education are also charged with the responsibility for developing curriculum consistent with the expectations established by this bill.

The Kansas Coalition for Dyslexia Legislation, along with the Wichita school district, ask you to support this bill. Most of the required assessments, interventions and training can be accommodated within existing funding and training structures and the KSDE's development of MTSS. Let's move forward with this for the sake of our children's education and the future of Kansas.

Terry Sader, Ph.D., Chair

House Education Committee
325 S. Grand Mere Ct. * Wichita, KS 67230 * 31 Date 2 - 10 - 0 9

ksdyslexia@cox.net Attachment # 4

HOUSE RESOLUTION No. 6021

A RESOLUTION urging the State Board of Education to study dyslexia.

WHEREAS, the State Board of Education has made a strong commitment for all students to learn and perform well in school, which requires a focus on early literacy programs and appropriate diagnostic screening, including the screening of language processing; and

WHEREAS, The Kansas Legislature has made a strong commitment to help children with disabilities, including dyslexia, and is determined that all children with disabilities, including dyslexia, be provided help and support within Kansas schools; and

WHEREAS, Federal law requires each school district to comply with appropriate teacher training to meet the needs of children with disabilities, including dyslexia, as required in the Individuals with Disabilities Education Act; and

WHEREAS, Federal law requires each school district to implement appropriate activities to ensure children with disabilities, including dyslexia, are appropriately screened at an early age, and where appropriate, identified as a child with dyslexia; and

Be it resolved by the House of Representatives of the State of Kansas: That the State Board of Education will endeavor to:

Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and

Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed; and

Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional components to instruct children with disabilities, including dyslexia, is addressed; and

Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia; and

Report to the Kansas Legislature at the beginning of the 2009 Legislative Session on the progress made in achieving these objectives.

House Resolution No. 6021 was sponsored by Committee on Education.

I hereby certify that the above RESOLUTION originated in the HOUSE, and was adopted by that body

· · · · · · · · · · · · · · · · · · ·	
Speake	er of the House.
Chief Cler	k of the House.

Legislative Testimony in Support of HB2199

Testimony Presented Before the
Kansas House Education Committee
February 10, 2009
By
Jeanine Phillips
Executive Director, Fundamental Learning Center

HB2199 – AN ACT concerning school districts; establishing the early literacy protocol for Kansas Schools.

Honorable Chair Clay Aurand and Vice Chair Deena Horst and Members of the Committee:

Good morning. My name is Jeanine Phillips. I am Executive Director and Co-Founder of a not-for-profit literacy institute in Wichita, Kansas, Fundamental Learning Center. The Center was opened in 2001 with a mission to serve children with significant reading, spelling, and writing difficulties, including children with dyslexia. The mission specifically addresses the importance of teaching children utilizing research validated literacy instruction, as well as educating parents and teachers with the same intention and resolve.

It is a great honor for me to again provide testimony on behalf of thousands of children with dyslexia in Kansas. However instead of offering information as a result of lack of attention to the seriousness of dyslexia during the early years of education, I'm here to support HB2199, a Bill that addresses appropriate assessment, early intervention for children with dyslexia, and teacher preparation at both the in-service and pre-service levels in the State of Kansas.

Many parents have traveled to Topeka from all areas in Kansas this morning to support the need for the implementation of HB2199. They are here with the hope that we are all ready and willing to do the "right thing" for their children who are dyslexic. Their children are failing in academic environments, not because they can't learn to read, but because we as educators don't understand the importance of implementing appropriate instructional techniques and approaches with integrity, allowing all children an opportunity to learn to read. I speak for these parents and the many others who were not able to travel to Topeka today. Why? - Because I had a child who was diagnosed with profound dyslexia in 1992. I had a degree in Elem. Ed., I received from a state university, and I had no idea how to teach him to read. My husband and I procured a licensed child psychologist who confirmed our child's state of suffering in the first grade as well as his diagnosis of dyslexia. Despite the diagnosis, the public education system refused to accept or acknowledge the diagnosis. Dyslexia myths were the

House Education Committee
Date 2-10-09
Attachment # 5

norm in 1992. Myths such as seeing backwards, visual light sensitivity, left-handedness, brain dominance, and the preponderance of boys for dyslexia determined the treatment/s of the time. As a result of these failed treatments for my child, I made it my personal mission to educate myself to a level that allows me to stand before you today to speak as a specialist in the field of dyslexia.

We know a great deal today about dyslexia and what is required to teach children with dyslexia to learn to read, spell, and write. Thanks to scientific studies sponsored by the National Institutes of Health in Washington D.C. and the scientific work of and publications of *Dr. Sally Shaywitz, neuroscientist, professor of pediatrics at Yale, and author of Overcoming Dyslexia, A New and Complete Science-Based Program for Reading Problems at Any Level, (Alfred A. Knopf, New York, 2003), we know:

- Dyslexia runs in families. Between ¼ and ½ of the children born to a
 dyslexic parent will be dyslexic. Replicated studies of families have
 identified chromosomes 2,3,6, 15, & 18 as associated with dyslexia –
 (One of numerous scientific articles: Fisher & DeFries, "Developmental
 Dyslexia: Genetic Dissection of a Complex Cognitive Trait," Nature
 Reviews Neuroscience 30 (2002)
- 15-20% of the U.S. school age population is dyslexic (International Dyslexia Association) This means approximately 70,000 children in Kansas' schools are struggling to learn as a result of a dyslexia.

I support HB2199 – it is the "right thing" to do for children, it blends what we know from scientific studies related to dyslexia with the current Multi Tiered System of Support (MTSS) educational focus and application by the Kansas Department of Education.

Section 1: references "multi-tier system of supports". This is an important aspect of the HB2199. Kansas' MTSS brochure states:

The goal of a Multi-Tier System of Supports (MTSS) is to provide an integrated systemic approach to meeting the needs of all students and using resources in the most effective and efficient way—enabling every child to be successful. This is accomplished by:

"Being prevention oriented:

Knowing who needs support early each year and putting those supports in place.

Implementing evidence-based practices for all students and tailoring interventions based on student need.

Using progress monitoring data to know when to make a change." (KSDE-2008)

Sections 2 & 3: Students enrolled in K-2 in accredited schools in this state shall be screened for reading deficiencies, including related reading disorders and dyslexia, at appropriate times in accordance with a program approved by the state board.

*"Highly effective prevention and early intervention programs are now a reality. They are aimed at children between five and six years old... Children who receive help early can follow the same express pathway to reading as their classmates. ... A dyslexic child who is not identified until he is in third grade or later is already thousands of unlearned words behind, a gap that he must close if he is ever to catch up with his peers."

An evaluation of dyslexia is focused on *"a reading difficulty in a child or adult who otherwise has good intelligence, strong motivation, and adequate schooling." Thousands of children are going undiagnosed. At-risk characteristics of dyslexia include:

Family history

Spoken language difficulties

Demonstration of phonologic weakness, with other higher-level language functions relatively unaffected. (Joseph Torgesen and other researchers have demonstrated the profound impact these skills have on future reading ability.)

A reading problem according to age and education.

Evidence supporting its "unexpectedness" (a high learning capability)

Knowledge of letters and their relationship to sounds.

Section 2.(b) Intervention:

Essentials of a successful reading intervention for children with dyslexia include:

- * early intervention (*"A child needs help before he fails."),
- * intense instruction (*"A dyslexic child should be in a small group of three or four students, five days per week."),
- * high quality instruction (*Employ "highly skilled teachers who all had a number of years' experience teaching children with reading disabilities vs inexperienced teachers."),
- * sufficient duration, 90 minutes daily over the course of 150-300 hours or one to three years (*"One of the most common errors in teaching a dyslexic child to read is to withdraw prematurely the instruction that seems to be working."),
- * using programs proven to work. (*Shaywitz)

"Teaching reading is rocket science." (Louisa C. Moats, Project Director, Washing D.C. site of the National Institute of Child Health and Human Development (NICHD)) Early Interventions Project and clinical associate –professor of pediatrics, University of Texas, Houston, Health Sciences Center.)

Section 3. (i) and 4. (Amendment): Each district shall provide the appropriate reading instruction program required under subsection (g) beginning in the school year 2009-2010, and every institution accredited by the state board of education...shall incorporate within its teacher preparation program a course of study which develops the understanding of reading deficiencies including dyslexia and other related disorders, teaches research-based intervention strategies and progress-monitoring.

"Widespread implementation of scientifically proven prevention and early intervention progress will substantially reduce the number of children needing special education in higher grades. In one Tallahassee, Florida, elementary school, the percentage of struggling readers dropped from 31.8% to 3.7." (Dr. G. Reid Lyon, Overview of Reading Literacy Initiatives," testimony on April 28, 1998, before the Committee on Labor and Human Resources, Washington, D.C.)

All teachers want their classroom children to learn to read but have told us during their educational experience at the Fundamental Learning Center that they have not been prepared to do so.

This Bill is the "right thing" to do. There were many conversations, explanations, and negotiations that took place as a result of the House Resolution 6021 in 2008. On behalf of the Fundamental Learning Center Board, I want to thank Representative Jason Watkins for garnering this important cause. Also, thank you to the president of the

Ks. Coalition for Dyslexia Legislation, Dr. Terry Sader, for spending hours of personal time arranging and attending meetings with many educational professionals including Commissioner Posny, Gary Alexander with the Board of Regents, Deans of Education, State Board of Education Members, USD259 administrators, countless legislators and KNEA., and for having the passion he does for this cause. I also want to thank USD259, Director of Special Education, Neil Guthrie, and specifically Diane Gjerstad for authoring this Bill. Thank you to Commissioner Posny, Colleen Riley, and the State Board of Education for their interest in dyslexia. Thank you again to each of you, members of the House Education Committee, for your consideration of House Bill 2199, and to the parents for your continued vigilance to this issue.

*Drs. Sally Shaywitz and her husband, Bennett, a pediatrician and a pediatric neuroscientist, respectively, from the Yale School of Medicine, have been active clinicians and researchers in the area of learning disabilities for many years. Their work has guided pediatricians in practical clinical approaches to children with learning disabilities.

Respectfully submitted,

Jeanine Phillips
Fundamental Learning Center
917 S. Glendale
Wichita, Ks 67218
316-684-7323
jphillips@funlearn.org

Children's Mercy Hospital Hearing and Speech Clinic 5520 College Blvd. Suite 370 Overland Park, KS 66211

February 9, 2009

The Honorable Jason Watkins Watkins@house.state.ks.us

The Honorable Clay Aurand aurand@house.state.ks.us

Re: Testimony for HB 2199

Dear Representatives Watkins and Aurand:

I am writing to you again to urge you to support the legislation to help children with dyslexia, HB2199. I am not able to attend the hearing tomorrow in Topeka but want to express my support for HB2199. Please note that the views expressed in this correspondence are my own as a citizen, and do not necessarily reflect the views of my employer, Children's Mercy Hospitals & Clinics.

I, Cynthia Jacobsen, PhD am a speech-language pathologist and a Fellow of the American Speech Language Hearing Association. I have 30 years of experience working with Kansas children who have speech, language, and reading difficulties. I am the Director of the Hearing and Speech clinics at Children's Mercy Hospital.

I appreciate the opportunity to write to you to request that you support HB 2199.

Children's Mercy Hospital and Clinics are involved in the diagnosis of children with language, learning and reading disorders, including dyslexia. In the past 5 years, over 3000 Kansas children from Johnson, Wyandotte, Douglas, and Leavenworth counties with language, learning and reading disorders have been seen for evaluation. Fortunately, Kansas has excellent early intervention services for children who are at risk between birth and three years of age. The State Department of Education reaps the benefits of early diagnosis and treatment from both our facility and the Infant Toddler programs across the state. We Kansans can be proud of our accomplishments in early services.

House	Education	n Committee
Date _	2-10	0-09
Attach	ment#	6

Communication disorders and learning disabilities are high incidence disorders in our schools, ranking first and second. Evidenced-based practice leads to good outcomes and prudent allocation of special education personnel. Research has shown that dyslexia is a specific learning disability that is neurobiological in origin. It results in a deficit in the sound analysis component of language (Lyon, G.R., Shaywitz, S.E. and Shaywitz, B.A. (2003) A definition of dyslexia. Annals of Dyslexia 53, 1-14. Dyslexia intervention is well documented with methods for teacher training and intervention.

Kansas is already spending precious special education dollars for learning disabilities help and other reading programs. The purpose of HB 2199 is to ensure that dollars spent get results. HB 2199 will label children correctly and in a timely window of opportunity so that proper treatment is provided. Proper diagnosis is important. When we have a medical problem, we want our physicians to give us the exact diagnosis so that care is effective. HB 2199 ensures early identification by qualified teachers, and intervention programs based on science. Although there will be initial costs to train teachers and provide testing in K-2nd grades, the state department of education will reap savings by preventing children from developing severe reading disabilities for which long-term special education will be required, at a much greater cost. In addition, testing results at Children's Mercy show that children with dyslexia who are not identified by second grade, can develop behavioral or mental health concerns due to frustration, bullying and low self-esteem. Kansas taxpayers are likely to incur additional costs to care for children due to mental health expenses in the Kansas Medicaid program, behavioral intervention programs in schools, and ultimate loss of wages from Kansas citizens who lack functional reading and spelling skills. We cannot afford to waste the talents of Kansas children, who are the future of our state.

Why legislation is needed rather than continuing as is with current special education practices? Passage of HB 2199 will provide for rapid implementation of testing and teacher training across Kansas districts and encourage consistency across our many Kansas districts. We simply cannot lose more time waiting for special education programs at the local educational level to catch up with our knowledge in the care of children with dyslexia. We can make a difference more quickly with legislation.

Again, I hope that you will support HB2199, an act concerning school districts, relating to students with dyslexia. I am glad to answer questions and to have visitors at Children's Mercy Hospital and Clinics, Overland Park.

Cynthia Jacobsen, PhD CCC/SLP Fellow, ASHA Director Hearing and Speech Children's Mercy Hospital and Clinics cjacobsen@cmh.edu 913-696-8861

Testimony of Angie Schreiber Before the House Education Committee On House Bill 2199 February 10, 2009

Good morning Chairman Aurand and members of the committee. Thank you for the opportunity to provide written testimony in support of House Bill 2199.

House Bill 2199 provides for screening of students in kindergarten, grades one and two for dyslexia and related disorders and allows for school districts to provide appropriate research-based intervention.

As president of the school board for USD 253 in Emporia, KS, I am fully aware of the demands placed on school districts today. Supporting a bill that seems to increase the work that districts must accomplish may seem counter-productive, but I firmly believe that providing effective tools to teachers in the classroom, to help them teach all students will help Kansas schools in the future. All students reading by third grade allows teachers in the upper grades to focus on grade-level subjects and expand on student's knowledge without worrying about teaching reading. Thus, when Kansas students graduate from high school, they will be prepared to enter technical college, university or the work world.

I also understand the time and effort it takes for teachers to test every student in their classroom. However, that must be balanced with the frustration of those same teachers when they do not have the tools to help the young people who are in their classrooms learn to read. It is estimated that 10 in every 100 students have dyslexia, so no classroom in the state is unaffected. Students with dyslexia need very specific remediation programs; these have not been adopted in most school districts because Kansas does not recognize this specific learning disability.

I'm very proud of the accomplishments of USD 253. Our student achievement has been increasing. I have attached our annual report to the community. However, please note at the bottom of page 1, "Despite the significant improvement, Dr. Heim and Dr. Abel said the district cannot be satisfied that 20 to 25 percent of students are not meeting state standards in reading and math." That 20% in reading will be hard to decrease unless we admit that there are students with dyslexia in our classrooms and that specific reading methods will be necessary for them to be successful on state assessments. Help push our district to greater heights, pass HB 2199.

Thank you again for allowing me to provide testimony.

Angie Schreiber 1722 Yucca Lane Emporia, KS 66801 mschreiber@sbcglobal.net 620-341-3036

House Education	on Committee
Date 2 - 10	-09
Attachment #_	7

Sharilyn Brull 309 S Estates Dr Salina, KS 67401

February 10, 2009

House Education Committee Re: House Bill HB2199

Dear Chairman of the Committee:

I am writing to ask for your support of House Bill 2199.

I am a mother of a 10 year old boy that has been diagnosed as Dyslexic. He also suffers from Dysgraphia. As my first child, I trusted the school system to help me when I saw early on he was falling behind in reading. As early as Kindergarten I knew there was a problem. I spent the next three years trying to get answers. It wasn't until this year that I finally got a diagnosis and recommendations to help with his learning disability. Only to find that USD 305 Cooperative in Education offers no such special services for kids that are dyslexic. They offer a basic phonemic awareness program (Saxon Phonics) that is good for the regular population, but not for kids that are dyslexic. Multisensory approaches like that taught at the Fundamental Learning Center in Wichita, KS are needed to teach them phonemic awareness and bring them up to an age appropriate reading level.

Studies have shown that 20% of children suffer from Dyslexia. And with early testing and intervention in Kindergarten or 1st Grade these kids could be at grade level in reading by the time they reach 3rd grade, if the proper help was provided. For kids like my son where the problem was not detected until later, studies show they will continue to struggle and never become good readers. They would have a much higher chance of succeeding if they were helped early on.

I have taken it upon myself to hire a private tutor at my own expense since the schools currently do not offer these services. I would just like to make sure other kids don't have to experience what my son has gone through. I want them to get the testing and tools to help them achieve success in school. I think we can all agree that reading is fundamental to their success.

Thank you for your support.

Sincerely,

Marilyn Brull

House	Education	on Con	nmittee
Date	2-1	0 - 0	9
Attach	ment #	8	

February 7, 2009

To Committee Member,

I am writing this letter in support of "Early Literacy Protocol – House Bill No. 2199". I am the Mother of a now 13 year old son who was diagnosed with a severe learning disorder, dyslexia, dysgraphia, inattentive ADHD, and bright, learning different child in June 2006. I hope to briefly share my heart and the experiences of my son with regard to the complexity of the issues surrounding children who struggle with learning differences and their families, as well as educators who nurture and foster these children.

Prior to our knowledge of our son's learning difference we were faced with constant issues of disobedience both in school and at home. My husband and I attended parenting classes for a time thereafter. Unfortunately this lead to family frustration, arguing, anger, temper tantrums, etc. However the more we focused on the issue of discipline the more we began to backslide with our son. I actually began to fear picking my child up from school because the reports were coming home daily. The bottom line was that we felt like failures as parents. Our son was headed down a path doomed for a life of drugs, alcohol and incarceration if something did not change.

When our son was in second grade we decided to seek counseling to try and work through some of the issues. This cost us money, and at best, everything we tried was ineffective. By the end of second grade we decided to have him tested by a licensed psychologist at the recommendation of the school where our son attended. This was yet another costly endeavor. It was concluded from this testing that our son was not gifted, and he did not have ADHD. We were informed our son was just average, that he needed to mature and needed to learn how to socialize so he could get along better. He was recommended to go see yet another psychologist for training in socialization. My husband and I decided to pass on the subject. We felt this upbringing was our responsibility and that getting him involved in sports would help to help foster a team spirit attitude.

Chase generally made satisfactory marks or better on his grade cards so there were no real clues then about any learning issues. By the middle of third grade our son refused to read books and take Accelerated Reading quizzes. He had to work hard to memorize his math facts. This should have been our first major red flag. I worked with my son on his first research project. What a nightmare. This is when I discovered our son could read, he just could not understand, comprehend, and write for his assignment. I approached the teacher about it and I was informed what she had required was a difficult task for some students to do. Despite her reassurance that everything was fine, I was not convinced. The SAT testing that spring confirmed my suspicions. His total reading came in at about 12% Nation Wide and 3% within his school. His Reading Comprehension was 1% within his school.

By the beginning of fourth grade I respectfully asked for our son to be tested through the program offered by the school he attended to determine the nature of the problem. There was a great deal of tension between the school and our family which to this day remains an issue. Administration and teachers offered their best assessment of the situation at that time but without the training and diagnosis of a professional skilled in working with children who struggle with learning differences. I personally talked with the therapists who had training from the Fundamental Learning Center and worked at the school. Chase was tested and found to be struggling with his language fluency. Through this process a Learning Accommodation Plan (LAP) was implemented. He immediately began remediation in the program.

This program was offered at an added expense but by this time the additional cost burden was relieved through financial aid at the school. I had lost faith in the education system, so I paid to take the training at the Fundamental Learning Center so I could work with my son. In February 2006 I was three classes away from completing a dual masters' degree at Webster University. The best part about taking the training was I could easily relate to my son about what he was learning in remediation.

House	Education	n Con	mittee
Date	2-1	0-0	9
-	ment #	9	

For example, he discovered the letter 'c' not only makes the (s) sound, it also makes the (k) sound. So up to that point he had always read the syllable 'c' as an (s) sound changing words such as candle to sandal. He has built up his confidence in knowing he can come to me sharing his new discoveries. If he is struggling he knows he can come to me and I will be able to help him find a way to learn.

It was not until we paid to have Chase tested by a licensed psychologist who used specific testing methods used to test for dyslexia and related disorders that we fully understood the nature of his problem. These tests were not previously used by the previous licensed psychologist. Chase did not fit the classical understanding most people have of dyslexia. He did not reverse his letters and he appeared to be able to read just fine. He had impressive artistic and building skills taking scenes from movies; one such example was from Star Wars. He created a scene of a city using wooden blocks. Chase's upper level intelligence was very high, for a 10 year old he tested at a maturity level of 18 plus years of age. However, those skills necessary to decode language tested very poorly – around the age of a four year old. We were told that the gap was rare. His upper level intelligence was accommodating those areas he was struggling in but at the expense of making him look like an average child when in fact he is a very bright child.

Today, life at home is much different with this new understanding. Our son remains at the school thriving in his environment but only with the assistance of continued remediation and classroom accommodations. It is one of the few Christian schools in the area that offers accommodations in the classroom through a Learning Accommodation Plan (LAP), has teachers who have specialized training in this area, and offers classroom accommodations for all children (i.e. the test is read to the entire class). The school employs Academic Language Therapists in a program that specializes in working with children who have learning differences.

I am considered an Academic Language Therapist in Training. This training has allowed me to advocate for my son in ways I never imagined I would need to. Our son has been in therapy now for nearly three years. He is now in 7th grade. I am saddened to know we could have begun therapy for Chase back in possibly second grade if only we, as parents, and the education system would have better understood the hallmark characteristics that identify a child who has learning differences. My heart is greatly burdened for other children and their families who have struggled in this way. I am pursuing my license as an Academic Language Therapist in an effort to make a difference in the lives of these children.

As a result of my experiences and research, I would like to make the following suggestions as a minimum to help children, parents and educators:

- Ensure dyslexia and related learning disorders are properly defined and recognized by the state
- · Require early screening for children
- Require early intervention for at risk children
- Ensure children are tested using proven testing techniques that specifically test for dyslexia and related disorders by licensed psychologists who understand learning differences and can clearly communicate this to the parents and the school.
- Coordinate parental education of dyslexia within the school systems of Kansas
- Ensure teachers are properly trained to recognize red flags of dyslexia and related disorders, and trained in methods to accommodate children who struggle with learning differences

Thank you in advance for your attention and time given to this letter. Please feel free to contact me by email at primorgan77@cox.net, my cell phone at (316) 992-0625 or mail to Paula Morgan, 202 North Rock Rd #1603, Wichita, KS, 67206. It is my prayer that my small voice among many other small and sometimes unheard voices will shed a light on a subject that has troubled children, parents and educators of our day.

With Sincere Regards,

aula Renee Morgan

My name is Michael Brown. I am 16 years old. Since 2nd grade my family, including extended family, has struggled to get me the services I need to learn in school. Sometimes they paid to have tutors with me outside of school. I did not receive the help I needed from the school. (Wichita USD 259). We were fed up with the Wichita District and moved MID YEAR to Haysville hoping I could get more help.

I started Ruth Clark Elementary School in Haysville (USD 261) mid-year of 2nd grade. Even though I did not receive specific help for dyslexia, Haysville volunteered more help than we were receiving at Wichita schools. The staff at Ruth Clark was the best school I had for elementary school. I give them Props. (In case you're wondering that means mad respect). Halfway through 4th grade we moved to a new house in Haysville. I was transferred to Rex Elementary. I did not receive the help I had been getting at Ruth Clark. I started getting mad at the school, confused and frustrated with myself, and started acting out.

Through-out junior high my parental units (aka my parents) kept trying to work with the school but it was not until my freshman year in high school we were able to finally get a good IEP and solid support from the school staff. So far, my sophomore year I have been an A, B, & C student. (Only one C) It has been my best year at school ever. The window for teaching me to read has passed. I can read but had I received the help I deserved I would read better. I will have to deal with that for the rest of my life.

For those of you who don't have dyslexia, try swimming up a cold stream with bricks tied to each of your feet. You will get an **IDEA** of how hard school is for a person with dyslexia.

I know that many people are working to see that other kids like me don't have to struggle so much. It is insane how hard it is to get help when you have dyslexia. It is not anyone's fault a child has dyslexia. School should not be a cold stream and kids should not be stranded alone there.

Please, Please! Support HB 2199 Take the Bricks Off

I give thanks to my whole family but especially my Mother and Grandmother who work tirelessly to help all kids who struggle with dyslexia and never give up on me. For any questions to me or my family please email djbrown63@yahoo.com

Respectfully,

Michael Brown

Michael Brown Jr.

OPPOSITION TO HOUSE BILL No. 2199

Testimony Provided February 10, 2009 by
Bert Moore, Superintendent/Director of Special Education
West Elk, USD#282
1201 S. Highway 99
P.O. Box 607
Howard, KS 67349

I serve as the Superintendent for West Elk USD#282, and I am the Director of Special Education for the Chautauqua & Elk County Special Services Cooperative that serves my home district, Elk Valley USD#283, and Chautauqua County Community USD#286. West Elk is the sponsoring district for the Cooperative. I am currently serving as the Kansas Association of Special Education Administrators representative on the United School Administrators Board of Directors. I served on the Special Education Advisory Council (SEAC) for seven years(2001-2008).

WHAT I OPPOSE IN THE BILL AS IT IS WRITTEN

Section 2 of the bill is what I oppose. It states:

"(a) Students enrolled in kindergarten and grades one and two in accredited schools in this state shall be screened for reading deficiencies, including related disorders and dyslexia at appropriate times in accordance with a program approved by the state board."

The bill further states:

"(c) A diagnosis of dyslexia by a child psychologist or medical doctor shall be accepted by the school district. The school district shall conduct an evaluation of the student to determine whether the student meets the definition of section 504 of the rehabilitation act of 1973, 29 U.S.C. section 794, as in effect on the effective date of this act, or is eligible for special education services."

School districts have in place under the Individuals with Disabilities Education Act a requirement for "child find" which includes screening preschool students that are referred by parents, agencies or other staff to determine if the child has a suspected disability. Once a student enters the public school, the school is responsible for documenting appropriate research-based interventions to support the student in general education environments. This is completed through what some schools

House Education Committee
Date 2-10-09
Attachment #__//

refer to as their "Student Assistance Team" or "Student Intervention Team". Many schools are now using the Multi-Tiered System of Support (MTSS) as a school wide intervention program that promotes tiered interventions in general education settings.

The bill as it is written would add an additional screening requirement that is geared toward identifying children suspected of having "dyslexia" or "related disorders" which includes "...developmental auditory imperception, dysphasia, specific development dyslexia, developmental dysgraphia and developmental spelling disability." These are what this bill refers to as disorders of "constitutional origin". By definition, this would require a diagnosis to be made by a clinical child psychologist or medical doctor. These are persons that are not currently involved in school "screenings".

Public schools can already determine the benchmarks that each student needs to meet based on the State Standards for core content areas. Teachers and other school personnel collect data on student progress toward reaching benchmarks on a regular basis. Educators align instruction to support the adopted curriculum. They can then determine which students are not meeting benchmarks.

The screening this bill is seeking is already being completed through curriculum based measurement and formalized district adopted assessments; however these are currently not specific to screening students for "disorders of constitutional origin". Teachers work with other school educators to determine appropriate interventions to support individual student needs. The goal of these educators is to reach and teach every child. These educators may refer a student for a comprehensive evaluation when the student does not respond to interventions within an expected period of time.

DYSLEXIA

Dyslexia is not a condition specifically recognized under the IDEA 2004 or under Kansas Statutes or Regulations. According to the <u>Health Encyclopedia</u> – <u>Diseases and Conditions</u>, it is defined as:

"Dyslexia is an impairment of the ability to read, as a result of a variety of pathologic conditions, some of which are associated with the central nervous system."

Jeffery Sweet in the Special Education – IEP Team Trainer, On-site Training for IDEA Compliance states:

"Dyslexia is a neurological problem that makes it difficult for students to acquire language skills. The term 'dyslexia' means 'difficulty with language or words.' But the disability can cause students to have trouble with math as well as reading and writing, says Patricia Hardman, of the National Institute for Dyslexia. Dyslexia affects between 10 and 15 percent of students in the population and is the most common cause of learning difficulties for students, says Hardman."

As a local provider, we provide each student with an education program designed to provide the student with an appropriate education in the least restrictive environment. This is true for ALL students. Those students that continue to show deficits after being provided a variety of evidenced based strategies, interventions, and/or accommodations may be referred for a comprehensive evaluation.

There are four areas of disability under the IDEA 2004 that a student with learning difficulties related to the symptoms described for "dyslexia" could be eligible to receive special education services. These include: speech and language impairments, learning disabilities, developmentally delayed, and/or other health impaired. In Kansas, a child aged 3 through 9 can receive special education services under the category of developmentally delayed.

A child must meet one or more area(s) of disability AND require special education and related services in order to receive special education services. In addition, for those students who do not meet the criteria for specially designed instruction, Kansas schools use General Education Interventions to ensure that students receive academic support in general education settings.

To further clarify how a student might meet the definition of "other health impaired" (OHI) I provide the criteria we use for OHI. If a student has a medical or clinical diagnosis that reflects that the child has an acute or chronic health problem that interferes with his or her vitality, strength, or alertness; and the condition also interferes with 'meaningful participation' or 'productive participation', he/she may be eligible as a student with a disability under the category of "other health impaired."

STUDENT CENTERED PROGRAMS/SERVICES

Kansas public schools have access to a variety of federal, state, and/or local funding sources to meet the needs of students who are not meeting academic and/or behavior benchmarks. These programs/services include:

<u>At-Risk</u> – Funded by the Kansas State Department of Education with specific reporting requirements related to identification, service delivery, and outcomes data.

<u>Title I</u> – Federal funds that flow to eligible districts to serve students with deficits in reading and/or math. Local programs may be school-wide or designed to provide targeted assistance to eligible children.

<u>Section 504</u> – Local funds used to support students that have been identified as Section 504 eligible. Section 504 services are required under federal law.

<u>Special Education Services</u> – Federal/state/local funds used to support students that meet a category of eligibility and who need special education and related services. Special education services are required under federal law for all public schools.

<u>Early Intervening Services</u> – There is a method of reserving up to 15% of a district's Title VIB (special education) funds that may be targeted to support early intervening services for students. Districts that have been identified for disproportionality are required to set aside 15% of their federal funds for Early Intervening Services.

IDEA ELIGIBILITY

When a child is referred for a comprehensive evaluation, he or she may be identified as a child with a disability using the definition that follows. Kansas is currently responsive to the conditions of disability listed in the IDEA 2004 for children 3-21.

The Congressional Record-House, November 17, 2004 states: The term "child with a disability" means a child with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbances (referred to in this title as 'emotional

disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who by reason thereof, needs special education and related services. Child aged 3 through 9. The term 'child with a disability' for a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may at the discretion of the State and the local educational agency include a child – experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more or the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; and who, by reason thereof, needs special education and related services. Kansas is a state that allows defining a child aged 3 through 9 as developmentally delayed. Kansas also allows students to be categorized as "Gifted" by defining the child as having an exceptionality.

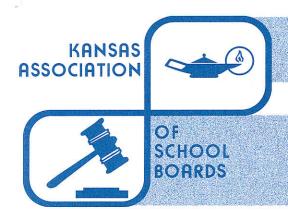
SECTION 504

In addition to serving students identified as being eligible for special education services Kansas follows Section 504 of the Rehabilitation Act of 1973. A person is disabled within the definition of Section 504 if he or she: 1) has a mental or physical impairment which substantially limits a major life activity; 2) has a record of a physical or mental impairment that substantially limits a major life activity; or 3) is regarded as having a physical or mental impairment that substantially limits a major life activity. "Major life activity" include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. When a condition does not substantially limit a major life activity, the individual does not qualify under Section 504.

SUMMARY

The administrators in Kansas have long held that the Kansas regulations need to mirror the federal regulations. It is my hope that any research based practices that meet the condition of being research based will be added to the list of resources currently available to school districts in Kansas.

This bill targets a "constitutional" condition for screening and diagnosis. I think that more research needs to be done in order to provide school districts with additional research-based interventions to meet the needs of <u>all</u> students regardless of their presenting condition. I also think that placing one condition for screening and diagnosis above other conditions is not keeping with the intent of federal or state regulations.



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024 785-273-3600

Testimony before the

House Education Committee
on
HB 2199
by

Mark Tallman, Assistant Executive Director/Advocacy Kansas Association of School Boards

February 10, 2009

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify on **HB 2199**. KASB appears as an opponent to this measure for the following reasons.

First, we believe it is unnecessary. There is already a law in place requiring schools to bring all students to proficiency in reading, it's called the No Child Left Behind Act. Those requirements are *already* incorporated in the Kansas State Board of Education accreditation standards. There are *already* procedures in place for parents to request services for students with dyslexia and other reading or learning disorders, through the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act. The State Board already requires an early reading diagnostic test in grades kindergarten through two, and individual districts have their own procedures in place to identify students with reading difficulties. Districts are working to address reading problems because if they don't, they will fail to make adequate yearly progress under NCLB, they will be threatened with accreditation sanctions – and, most important, because school board members, administrators and teachers are committed to student success.

These requirements might be inadequate if they were failing to produce improvement. But the proof these steps are working are found in state assessment results. I have included graphs on page 4 from Commissioner Posny's presentation to the State Board last fall, showing the improvement in reading performance this decade, and in particular, for students with disabilities, where proficiency rates have doubled. We realize there is much work to be done, but the results in the past decade have demonstrated that with clear standards, adequate resources and professional development, continuous improvement is possible. We don't need another law, and another law won't change the facts.

-OVER-

Let's look at the specifics of the bill. Sec. 2 (a) requires students in grades K-2 to be screened for reading deficiencies at appropriate times as determined by the State Board. The board has already required a reading diagnostic test, which may be given at any of grades K-2. If this bill requires testing at *all three* grades, it could triple the cost and testing time of this assessment.

Sec. 2 (b) requires appropriate "research-based intervention." It is unclear how this differs from requirements already imposed under IDEA, or what districts are already doing in their reading programs. Therefore, we can't estimate its cost or probable impact. KASB opposes new mandates on school districts unless there is an independent cost analysis, especially when education funding is being reduced.

Sec. 2 (3) requires school districts to accept any diagnosis of dyslexia by a child psychologist or medical doctor. This circumvents the current system in which schools are already required to consider such findings as part of the IDEA or Section 504 process, which both allow parents to request a due process hearing if they disagree with the district's decision.

We urge the Legislature to carefully consider the consequences and precedent of requiring districts to accept, without discretion, any health care provider's diagnosis of a disability. We suggest the financial impact will be significant, which is especially relevant at a time when the state is poised to reduce its funding for special education.

Moreover, this step removes the role of professional judgment of educators, even though the Legislature and State Board set standards for training and licensure presumably designed to allow them to make professional judgments. All of these provisions run counter to KASB's longstanding position that states special education requirements should not exceed federal requirements – which has also been a concern of the Legislature.

Section 3 of the bill imposes a series of new requirements on the State Board and local school districts, at a time when funding for both the Kansas State Department of Education and districts are being reduced, perhaps substantially. For local districts, these include more testing, more reporting and paperwork, and more professional development. It should be noted each of these areas are outside of "classroom instruction," when many legislators have stated school districts could be reducing non-instructional expenses.

Sec. 3 (g) refers to an "admission, review and dismissal committee" for students that is nowhere defined in the bill, but presumably is not limited to students with an Individualized Education Plan for special education. This would apparently create a new, duplicative structure outside of IDEA.

Finally, several individuals who have read this bill suggested it is modeled after procedures in Texas. Let's compare Kansas to Texas on the National Assessment of Education Progress reading test.

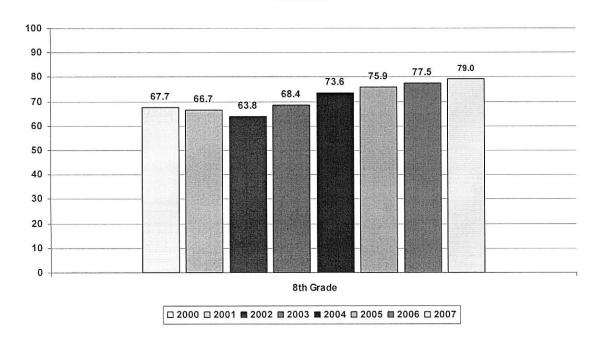
-CONTINUED-

Since 2002, the percent of Texas fourth-graders scoring below basic in reading dropped from 38 to 34 percent in 2007, which was equal to the national average. That's certainly progress. But the percent below basic in Kansas fell from 32 to 28, the same four point increase but four points *better* than the national average.

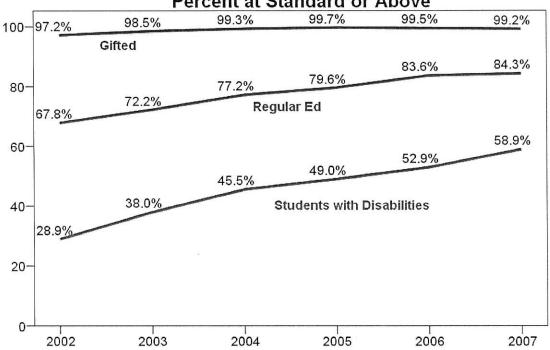
At grade eight, the percent reading below basic was unchanged at 27 percent between 2002 and 2007 – again, equal to the national average. In Kansas, the percent below basic was also unchanged at 19 percent – eight points better than the nation. These NAEP scores indicate Texas continues to lag behind Kansas in reading scores, despite whatever differences there are in policies regarding dyslexia.

Thank you for your consideration. I would be happy to respond to questions.

Reading: Percent of Students at or above Standard Possible Trend



Kansas 8th Grade Reading Trends, Percent at Standard or Above





Bruce Givens Special Services Director 222 E. Madison Derby, KS 67037

House of Representative's Education Committee	2
Clay Aurand, Chair	

Kansas Legislature

Dear Education Committee members:

I would like to apologize for not being able to attend the hearing February 10. I am extremely busy with school management at this time.

I have read HB 2199. I may know enough to be considered "uninformed." I have been a special education administrator for 24 years. Here is what I do know:

Schools do not need another "mandate" on how we should manage children with dyslexia.

First of all, the state of Kansas as well as the nation is moving towards a three tier level (sometimes four levels) of interventions. Children with dyslexia are addressed in these levels of interventions. Schools do not identify children with dyslexia and most of us consider it a "medical" diagnosis. Many times students are identified with dyslexia by a doctor or a specialist. In the Wichita area, there is a nurse that does testing and diagnoses dyslexia under a doctor's supervision. When these reports are brought to our attention, we meet as a team and review the information. Often this information leads to a comprehensive evaluation for an individual education plan (IEP) or a "504 accommodation plan." These reports and the concerns of the parent are never dismissed without a comprehensive review of the student.

Recently, a student at Derby High School, was diagnosed with dyslexia. The report was reviewed by the school's team. This student is on the honor roll, makes good grades and is a Senior (in the final months of school). The student is even enrolled in some "honors courses." The team, which included the parent, determined that the student has a reading disorder that is not significantly affecting school performance. The

House Education Committee

Attachment # /3

school is making some accommodations available, but no IEP or 504 Plan is required. This is just one example of teams working together for students without being required by a regulation or law.

In most cases, teams want to do what is best for each and every learner. I can only address how I deal with students with dyslexia in my district. We work with numerous dyslexic learners here in Derby. I'm sure that Derby is no different than any other district. The research on education interventions for children that cannot read changes nearly each day. I have programs here in Derby that are specially designed for dyslexic learners and I know there are many districts addressing these issues. As do many districts, we have reading assessments or "probes" that detect reading problems at a very early age. We assess or drill deeper into the learning problems of young children and we continue to get better and better. My only problem is that my resources are limited. This is just a fact that we learn to live with and work through.

In short, I ask that you do not mandate any legislation that requires us to do more than we currently are. HB 2199 will be a significant change in our procedures and would have financial impact of millions of dollars across the state. Please allow schools to continue to grow in the Multi-Tier System of Supports. HB 2199 would disrupt the progress in this area significantly.

If you have questions, I can be reached at 316-788-8460 or email at bgivens@usd260.com

Sincerely,

Bruce Givens, Director



Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti, Testimony House Education Committee February 10, 2009

House Bill 2199

Mister Chairman, members of the committee, thank you for the opportunity to come before you today to discuss House Bill 2199.

We come before you today in support of the intent of this bill but very concerned about the financial impact on schools if it were passed as is.

Like the people who have come here today in support, I too have a child who is dyslexic. He struggled in schools and went undiagnosed. Because he had two teachers for parents and nearly unlimited support from home and from great classroom teachers, he managed to do well until the work load became too much for him in high school. This bill would help diagnose more children earlier and get them help.

The problem here then is related to two provisions:

First, that schools begin immediately to assess every child in kindergarten, first and second grades for reading problems. This is with an eye to discovering those children who are "at risk of dyslexia." I believe that these would be significantly different assessments than the second grade reading diagnostic tests or other reading assessments done in the early grades. Such assessments are not a matter of cutting out an hour or two out of a school day and administering a standardized paper and pencil test. These assessments would require a one-on-one approach.

We believe that in light of the budget cuts being made to public education this year along with the specter of even larger cuts in the 2009-10 school year that the very personnel who might help to make this possible – counselors, reading specialists, and classroom aides – will be among the first positions to be cut in order to balance the books. We already have reports from school districts that are doing this just to cope with the reductions for this year.

Secondly, the bill states that the "district shall provide for the teacher training and preparation necessary to implement the on-going assessment and progress-monitoring tools for students assessed with dyslexia." Over the years, I have frequently reminded lawmakers that the legislature has never fully funded the professional development formula and this year there have been proposals to simply eliminate such funding entirely. We would anticipate that, if it is not done away with this year, it almost certainly will be next year.

Passage of this bill is a good idea but without appropriate funding to implement its requirements, it is at best a hollow gesture.

Implementation of these requirements should be contingent upon the appropriation of state funds for the purpose of meeting the requirements. Otherwise this is just one more unfunded mandate.

House Education Committee Date 2-10-09

Attachment # /4

House Resolution 6021

KSDE Report to the Kansas State Board of Education November 12, 2008

> Presented by Colleen Riley, Director Special Education Services

The Charges of House Resolution 6021

A RESOLUTION urging the State Board of Education to study dyslexia.

- Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and
- Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed; and
- Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed; and
- Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia; and
- Report to the Kansas Legislature at the beginning of the 2009 Legislative Session on the progress made in achieving these objectives.

House Education Committee
Date 2-/0-09
Attachment # 15

KSBE Goal/Objectives

Helping all students meet or exceed academic standards

- 1. Designing/Redesigning the educational system to meet our students' changing needs
 - 2. Providing an effective teacher in every classroom
 - 3. Providing visionary leaders
 - 4. Improving communication with all groups

The Charges of House Resolution 6021

A RESOLUTION urging the State Board of Education to study dyslexia.

- Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and
- Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed; and
- Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed; and
- Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia; and
- Report to the Kansas Legislature at the beginning of the 2009 Legislative Session on the progress made in achieving these objectives.

1. Existing Laws and Regulations

A. Child Find

Kansas requires each school district to implement screening procedures that

- include observations, instruments, measures, and techniques
- · disclose any potential disabilities or developmental delays that indicate a need for evaluation,
- including hearing and vision screening, and
- ensure the early identification and assessment of disabilities in children.

Ensure that early screening or testing will identify children with a reading disability, including dyslexia.

1. Existing Laws and Regulations

B. General Education Interventions (GEI)

children in kindergarten through age 21

Kansas *requires* each school district to implement screening procedures that:

- utilize observations, instruments, measures, and techniques
- disclose any potential exceptionality and indicate a need for evaluation,
- including hearing and vision screening, and ageappropriate assessments for school-aged children
- designed to identify possible physical, intellectual, social or emotional, language, or perceptual differences.

Company 11 - 56 (2000).

If all, Company 12 - 56 (2000).

If all,

1. Existing Laws and Regulations

C. Early Intervening Services (EIS)

- Applies to students not yet identified as needing special education but who need additional academic support to succeed in general education
- Provides student screening services for non-identified students in grades K-12



Ensure that early screening or testing will identify children with a reading disability, including dyslexia.

1. Existing Laws and Regulations

D. Response to Intervention

(RtI)

- a means of identifying a student as a student with a disability through a systematic process of screening all students to inform eligibility determinations under IDEA
- States may not require the use of severe discrepancy model in evaluations to determine eligibility for special education based on specific learning disability.
- Rtl specifically moves away from the "wait to fail" approach to evaluation, a concern with identification of learning disabilities, including dyslexia



2. Kansas Multi-Tiered System of Support



- Developed to address screening and evaluation needs in Kansas
- A goal of MTSS is to be preventionoriented.
- MTSS is an "every" education initiative and differs in scope from RtI and FIS
- · Implementation of MTSS requires:
 - Screening at least 3 times per year in the 5 essential components of reading
 - Data-based decision making at each level within the system; small group, and individual student

Ensure that early screening or testing will identify children with a reading disability, including dyslexia.

3. SES Team Supervision

- August 2008—Spring 2009: Policies, Practices and Procedures (PPP) review for child find screening and evaluation
- 2008-2009: Indicator 11, APR, Initial Evaluation reviews conducted annually for all Kansas districts as a part of the Kansas Integrated Accountability System



4. KSDE Conferences and Trainings

April 30-May 2, 2008: KSDE Annual Conference

July 24-25, 2008: SES Annual Leadership Conference (Recognition and Response, "... systematic screening and student progress monitoring ...")

> September 4-5, 2008: Annual MTSS Symposium (7 Sessions specifically on teaching reading – elementary and secondary)

October 20-21, 2008: KSDE Annual Assessment Conference (Assessing Young Children: What Works—and Why!; The Role of Assessment in Precision Teaching; Assessment for Instructional Decisions within MTSS; Lexiles Beyond the K-12 Classroom; Using Assessment Data to Drive Instruction within MTSS)

November 6-7, 2008: Nebraska/Kansas Regional Special Education Law Conference (LD Eligibility and Rtl: Why This, What Now, Why Not?)

· Dial 3 for Pre-K and K

- DIBELS (District Universal K-2 Screener)
- · Introduced screening, diagnostic, and progress monitoring

- Dial 3 for Pre-K and K
 DIBELS (District Universal K-2 Screener)
- Continued screening, diagnostic, and progress monitoring

- Dial 3 for Pre-K and K
 DIBELS (District Universal K-2 Screener)
 Continued screening, diagnostic, and progress monitoring

- Dial 3 for Pre-K and K
 DIBELS (District Universal K-2 Screener)
 Continued screening, diagnostic, and progress monitoring
- · Beginning and Advanced Decoding Survey

- Dial 3 for Pre-K and K

 DIBELS (District Universal K-2 Screener)

 Continued screening, diagnostic, and progress monitoring
 Beginning and Advanced Decoding Survey

 Quick Phonics Screener
- Math Navigator Screener: Title I Middle Schools



The Charges of House Resolution 6021

A RESOLUTION urging the State Board of Education to study dyslexia.

- Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and
- Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed; and
 - Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed; and
- Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia; and
- Report to the Kansas Legislature at the beginning of the 2009 Legislative Session on the progress made in achieving these objectives.

Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed

1. Kansas Multi-Tiered System of Support

- Developed to address screening and evaluation needs in Kansas
- · A goal or MTSS is to be prevention-oriented
- A goal of MTSS is to use progress monitoring data to know when to make a change with effort.
- MTSS is an "every" education initiative, and differs in scope from RtI and EIS
- Implementation of MTSS requires:
 - Screening at least 3 times per year in the 5 essential components of reading
 - Requires regular use of diagnostics and progress monitoring in the essential components of reading
 - Data-based decision making at each level within the system; small group, and individual student



Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed

2. Kansas Early Reading Assessment

On November 10, 2004, the Kansas State Board of Education (KSBE) approved the continuation of an early assessment system for reading.

- Districts select and administer an early reading assessment at a minimum of one grade level including kindergarten, 1st, or 2nd grade
- Results drive instruction and identify reading difficulties
- KSDE provides district guidance on the selection and use of assessments through the Kansas Guide to Early Reading Assessments
- Local districts and private schools are requested to submit information to KSDE regarding:
 - the name and assessments used
 - grades tested and number of students assessed
 - percentage of students identified as needing additional support in reading development
- The 2007-08 early reading data is currently available at www.ksde.org on the reading assessment page

Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed

3. KSDE School Readiness Project

- determines the skills and abilities of entering kindergartners
- examines the learning that occurs during the kindergarten year
- · examines the impact of home practices (reading to a child, selection of child care) on school readiness
 - examines several domains of early learning and development
- includes three years of data collection and analysis with regard to child skill levels, classroom practices, and home practices.

4. Kansas State Assessment System

Kansas requires the assessment of reading in grades 3-8 and once in high school and writing in grades 5,8, and once in high school. These assessments and others are a part of QPA.

Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed

5. KSDE Assessment Literacy Project

- 21 different modules in process of development
- designed to enhance the assessment literacy of educators
- online, interactive format that can be used individually or in groups
- topics range from AYP and Assessments to Validity
- includes modules in Formative Assessments and Assessing Students with Disabilities



- · Jerry Johns (Basic Reading Inventory) 2nd grade
- · Kansas State Reading Assessment 5th grade

2004

- Jerry Johns (Basic Reading Inventory) 2nd grade
 Kansas State Reading Assessment 5th grade
- · Introduced screening, diagnostic, and progress monitoring
- · Introduced Scaffolded Intensity/Complexity Document

- Jerry Johns (Basic Reading Inventory) 2nd grade

 Kansas State Reading Assessment 5nd grade

 Continued screening, diagnostic, and progress monitoring

 Continued Scaffolded intensity/Complexity Document

- Jerry Johns (Basic Reading Inventory) 2rd grade

 Kansas State Reading Assessment 5th grade

 Continued screening, diagnostic, and progress monitoring

 Continued Scaffolded intensity Complexity Document
- · Elementary Reading District Common Assessments (DCA)
- · Kindergarten Progress Report (KPR)

- Jerry Johns (Basic Reading Inventory) 2nd grade

 Kansas State Reading Assessment 5th grade

 Continued screening, diagnostic, and progress monitoring

 Continued Scarfolded Intensity/Complexity Document

 Elementary Reading District Common Assessments (DCA)

 Kindergarten Progress Report (KPR)

- Jerry Johns (Basic Reading Inventory) 2nd grade
 Kansas State Reading Assessment 5th grade
 Continued screening, diagnostic, and progress

- monitoring
 Continued Scaffolded Intensity/Complexity Document
 Elementary Reading District Common Assessments
- Kindergarten Progress Report (KPR)
- · Assessment Notebook



- District Formative Assessments: all core academic areas
- MAP Assessment: Reading & Math State Assessments: Math and Reading

- or Formative Assessments, all core academic areas
- District Formative Assessments an own
 MAP Assessment Reading & Math
 State Assessments Math, Reading and Writing
 minimal use district-wid · Data warehouse - minimal use district-wide

- MAP Assessment: Reading & Math
 State Assessments: Math and Reading
 Data warehouse minimal use district-s

- ct Formative Assessments: all core academic areas
- MAP Assessment: Reading & Math
 State Assessments: Math, Reading and Writing
- · Data warehouse discontinued
- Schoolnet infrastructure built

- District Formative Assessments all core academic areas

 MAP Assessment, Reading & Math

 State Assessments Math, Reading, Writing and Science

- ·Schoolnet: beginning data implementation; Data coaching,

- 2008

 District Formative Assessments. (gridded response, open response)
- State assessments, Math, Readir
 MAP Assessment, Reading & Ma
- Gates McGinitie: Title I Middle Schools
- · GRADE Assessment: up to 2 years below grade level in grades
- Document Based Questions: Social Studies grade 8 -11
- •ACER embedded assessments: Title I MS 2-4 grades below level Diagnostic Reading Assessment: (DRA 2)
- - essments writing performance · science (technical)
 - · social studies (persuasive)
 - · language arts (expository/persuasive)
 - · math (performance task)
- Tuning protocols for feedback on lessons, student work, district common assessments



The Charges of House Resolution 6021

A RESOLUTION urging the State Board of Education to study dyslexia.

- Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and
- Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed; and
- Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed; and
- Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia; and
- Report to the Kansas Legislature at the beginning of the 2009 Legislative Session on the progress made in achieving these objectives.

Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed

1. The IHE Teacher Preparation Program Accreditation Review

- performance based assessment for every educator standard
- requires assessment data and course grade data demonstrating standards achieved by all candidates
- all educator preparation programs provide instruction in teaching reading in the content area and teaching all exceptionalities

Institutional Handbook for Program Approval

Adopted December 1, 1998 Amended June 29, 2007



Kansas State Department of Education Kansas State Education Building 126 S.E. 10th Avenue, Topeka, Kansas 66612-1187

Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed

2. IHE Educator Standard Examples

Professional Standard #7

The educator plans effective instruction based upon . . . current methods of teaching reading.

- Knowledge
 - The educator understands methods for teaching reading.
- Performance
 - The educator creates lessons and activities . . . to meet the developmental and individual needs of diverse learners and help each progress.
 - The educator uses instructional strategies that help all students develop reading skills and that assist poor readers in gaining information.

Early Elementary Unified Standard #8

The birth through third grade teacher . . . knows, understands and uses concepts from emerging literacy, reading, language and child development . . .

- Knowledge
 - The teacher understands language arts acquisition and development.
 - The teacher recognizes multiple indicators of reading and writing disabilities.

Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed

3. Survey of Educator Preparation Courses

In Process: TEAL/SES Survey of IHE Ed Prep Directors

October 2008: SES & TEAL survey discussion

- * November 3 21, 2008: submission of course information and research base to KSDE through on-line survey
 - December 1 December 15, 2008: Review of survey data
 - December 15 30, 2008: Ed Prep Course Review Report preparation
 - December 31, 2008: Final Report anticipated

The Charges of House Resolution 6021

A RESOLUTION urging the State Board of Education to study dyslexia.

- Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and
- Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed; and
- Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed; and
- Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia; and
- Report to the Kansas Legislature at the beginning of the 2009 Legislative Session on the progress made in achieving these objectives.

1. Existing Laws and Regulations

A. Eligibility for IDEA

- meets the definition of one of the categories of exceptionality and,
- as a result of that exceptionality, needs special education and related services (K.A.R. 91-40-1(k)(w)
- specific learning disability is defined as a disorder in one or more of the basic psychological processes... including dyslexia, and developmental aphasia (K.A.R. 91-40-1(mmm)
- special education means "specially designed instruction, at no cost to the parents, to meet the unique needs of an exceptional child . . . " K.A.R. 91-40-1(kkk)



Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia

1. Existing Laws and Regulations

B. Eligibility for Section 504

- Qualified handicapped person of school age 34 C.F.R. 104.3(I)(2).
- Handicapped person is defined as "any person who (1) has a physical or mental impairment which substantially limits a major life function . . . " 34 C.F.R. 104.3(j)
- Physical impairment includes, "any mental or psychological disorder, such as . . . specific learning disabilities." 34 C.F.R. 104.3(j)(2)(i)
- Major life activities includes "learning" 34 C.F.R. 104.3(j)(2)(ii)

TITLE 54—EDVCATION

SUBTITLE B - REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

CHAPTER 1-OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

PART 164-NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

2. Kansas Multi-Tiered System of Support

 29 districts with 53 schools (12 secondary) trained and implementing MTSS by end of 2007-08 school year



Implementation of MTSS requires:

- Adoption of a formal curriculum, researchbased, that addresses the essential components of reading
- Specific, embedded training and coaching for all teachers addressing their areas of curriculum and supplemental instructional materials
- Formal evaluation and documentation of the evidence-base of the instructional strategies and curriculum used

Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia

3. The Kansas Reading Academy

- Part of the Kansas Reading First statewide professional development initiative that started in 2004
- A five-day professional development opportunity providing teachers with researchbased instructional techniques and academic achievement monitoring tools
- Provides instruction and resources in the five core areas of reading identified by the National Reading Panel.
- · Since 2004, 4039 educators have participated in the Reading Academy trainings.
- Over 275 special education teachers and 225+ administrators have participated in the trainings.

4. Special Education Team Enhancements

July 2008: added statewide SES program consultant for reading instruction

Chelle Kemper (SES Staff)

July 2008: hired statewide reading and dyslexia consultant

Judy Rockley (Project SPOT)



Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia

5. Supporting Program Outcomes and Teachers

(Project SPOT)

- statewide support for implementing systemic improvement activities, such as MTSS
- book group materials for professional learning communities, such as Learning Disabilities: From Identification to Intervention, Fletcher et al
- online training presentations, such as "Planning Reading Assessment, Goals and Interventions" or "Accommodations for Students with Disabilities: Instruction and Assessment"

6. <u>Kansas In-service Training System</u> (KITS)

- designed to provide a training and resource system for early intervention networks and early childhood special education program staff through collaborative training and technical assistance activities on a comprehensive statewide basis.
- The comprehensive system is realized through four identified system components of collaboration / linkages, information services, training, and technical assistance.

7. <u>Kansas Instructional Support Network</u> (KISN)

- technical assistance on individual students with neurologic disabilities to help build district capacity to serve all students
- · dissemination of written and videotaped information on neurologic disabilities

Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia

8. SES Guidance Document on Dyslexia

A Q&A document, available since 2001 and updated in August/September of 2008, provides clarifying and practical information on reading, reading disabilities, learning disabilities, and dyslexia to school district staff, parents, and the community.

What is a learning disability?

What is Dyslexia?

How do children learn to read?

Who has difficulty learning to read?

What is recommended?

 Power of 2 (SPED initiative) MTSS Training - Tier 2 Model (Diamond)

· Reading Symposium III

· Quality Instruction Framework MTSS Behavior

· Professional Development (PD)- Ed Trust

- · District and Building Leadership for Academics (RDG)
- · Reading Symposium I:
 - Big 5 (Phonemic Awareness, Phonics, Fluency, Vocabulary and
 - Comprehension)

 Phonics Lessons by Fountas & Pinnell (Phonological Awareness and Phonics supplement)

·Reading Frameworks

- Wichita Comprehensive Reading Model (WCRM)
- Four Blocks
- 3 hour Language Arts Block
 90 minutes uninterrupted reading block
- Tier 2 intervention

 - 30 minutes daily Intensive, differentiated support

- · Reading Symposium II: Comprehension, Small group, Tier 2 time
- New Reading Series: Treasures and Triumphs
 Elementary Reading Pacing Guides
- Professional Learning Communities (PLC): Four Guiding Questions
 Kindergarten Progress Report (KPR)
- · Least Restrictive Environment Support: Class w/in a Class, LRE Aides, PreK Inclusion (80+%)



Literacy Continuums: Phonological Awareness, Letter-

Sound Relationship, Word Structure
Reading Power: Comprehension, Connect, Infer



- · Begin Standards in Practice
- Begin Shared Inquiry in grade 6
 Begin Professional Learning Community study

- · Begin Pre-K 12 vertical and horizontal collaboration
- Begin Shared Inquiry Coach at 6th and 7th grades
 AVID in select middle and high schools
- · Kagan Cooperative Learning: all coaches trained

- · Begin Pre-K 12 vertical and horizontal collaboration
- Begin Shared Inquiry Coach classroom support
- · AVID in select middle and high schools
- · Development of Secondary Literacy Initiative: Based on Reading Next, Adolescent Literacy research and KU-CRL Strategic Instruction Model strategies
- · Building Leadership Teams: Using formative data
- Kagan Cooperative Learning: Several Title I middle schools trained

- · Begin Pre-K 12 vertical and horizontal collaboration - quarterly
- · 3rd year of Shared Inquiry Coach classroom support
- AVID in some middle and high schools
- Text type writing and rubric use prof dev
 Curriculum Resources Housing: Roadmap to
- Data http://data.usd259.net; pacing guides and
- curricular resources housing

 Kagan Cooperative Learning: Middle schools and some elementary schools trained
- Secondary Literacy Initiative: all middle school and high school teachers taught content enhancement strategies
- •eXtreme Literacy Course: based on KU-CRL Strategic Instruction Model strategies; implemented in grades 6 and 11
- · Literacy Coaches: one each at MS and HS to support eXtreme Literacy implementation



- Power of Two: introduced at the secondary level with principals and teachers Restructure support: Dedication of two Literacy Integration coaches across content areas and support of student coaches program -Cognitive Coaching: Implementation of two Cognitive Coaching agency trainers; training for all building coaches and curriculum staff
- Continue Pre-K 12 vertical and horizontal collaboration quarterly
- 4th year of Shared Inquiry Coach classroom support
- Vertical Advanced Placement feeder pattern teams
 Expansion of AVID in middle and high schools
- · General Education, Special Education and ESOL collaboration of district textbook adoptions
- · General Education, Special Education and ESOL collaboration on creation of district pacing guides and assessments
- · General Education, Special Education and ESOL integration for district professional development
- Introduction of LRE aides in middle schools
- •eXtreme Literacy Course: based on KU-CRL Strategic Instruction Model strategies; implemented in grades 6, 7, 10, 11

 • Cultural Proficiency: Assessing Cultural Knowledge

- Planning and modelling of Content and Process Lesson Planning
 Kagan Cooperative Learning: district plan for expansion through building



- America's Choice Intensive School Design: Title I middle schools · America's Choice Ramp Up Literacy and Math curriculum for
- students performing 2 4 years below grade level
 America's Choice Math Navigator to address mather
- misconceptions for students performing on-grade level
- · 2nd year of Interactive Distance Learning Mandarin
- · Kagan Cooperative Learning: 2 Kagan coaches to support implementation
- Planning and modeling of Content and Process Lesson Planning
- Using of tuning protocols with lessons, student work, district common assessments, school improvement plans, etc.
- Continue Pre-K 12 vertical & horizontal collaboration monthly
- 5th year of Shared Inquiry Coach classroom support
- ·Cultural Proficiency: Valuing Diversity · Vertical Advanced Placement teams
- Expansion of AVID in middle and high schools
 Second year implementation of student coaches in 3 middles
- schools and 7 high schools; 131 student coaches
 First year of eXtreme Literacy full implementation grades 6 11 for students performing up to 2 years below grade level
 • Read 180 completely discontinued
- Introduction of the Quality Instruction Framework for all general education and special education classrooms
- · Modeling explicit Content and Literacy Performance Objectives SIOP: One ESOL teacher in each building with ESOL programs trained to work with other ESOL teachers throughout the year
- · SIOP model: Use in ESOL classrooms

- Continue Enduring Understandings and Essential Questions alignment with Graduate Skills
 Systemic Quality Instruction Framework implementation
- beginning with content and literacy performance objectives
- Continue dialogue and interwoven implementation of Rigor. Relevance, and Relationship Framework
- Consistency and relevance: grade/subject pacing guides
 Leadership and content development through high school lead teachers in English/Language Arts, Social
- · Graduate skills focus with high school department chairs -
- · Leadership and content development through monthly middle school district collaborations with Language Arts, Social Studies, Math and Science
- · Leadership and content development through weekly classroom coaches and support staff
- Content and Literacy development through Learning Labs with classroom coaches and support staff



The Charges of House Resolution 6021

A RESOLUTION urging the State Board of Education to study dyslexia.

- Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and
- Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed; and
- Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional component to instruct children with disabilities, including dyslexia, is addressed; and
- Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia; and
- Report to the Kansas Legislature at the beginning of the 2009 Legislative Session on the progress made in achieving these objectives.

Report to the Kansas Legislature at the beginning of the 2009 Legislative Session on the progress made in achieving these objectives.

KSDE NEXT STEPS

- SES Review of districts' child find and evaluation policies, practices, and procedures (SES Team, Spring 2009)
- SES Indicator 11 Initial Evaluation review, annually, every district in Kansas as part of the Kansas Integrated Accountability System
- Possible enhancement of the Kansas Early Reading Assessment
- Continued implementation of MTSS training and implementation guidance on formative assessment; reading and math instruction along with school wide positive behavior supports
- Kansas Educator Preparation course review
- Continuation of special projects: KSTARS, Project SPOT, KISN, KITS
- KSDE Assessment Literacy professional development modules
- Continuation of Kansas School Readiness Project
- Develop report for the Kansas Legislature on HR 6021

District MTSS Case Study: Wichita USD 259

USD 259 NEXT STEPS

- The role of the Speech & Language Pathologists, School Psychologists, Occupational Therapists, Physical Therapists and Nurses (Initial training held September 17, 2008)
- *The role of the Speech & Language Pathologists in teaching adolescent students learn to read
- Implementation of the Power of Two, including classroom teachers, special education teachers, ESOL teachers, and paraprofessionals.
- *Development of secondary curriculum delivery literacy continuum based on KU-CRL Content Literacy Continuum
- District Strategic Planning to include implementation of MTSS

KSBE Goal/Objectives

Helping all students meet or exceed academic standards

- 1. Designing/Redesigning the educational system to meet our students' changing needs
 - 2. Providing an effective teacher in every classroom
 - 3. Providing visionary leaders
 - 4. Improving communication with all groups

JIM BARNETT

SENATOR, 17TH DISTRICT

CHASE, COFFEY, GREENWOOD

LYON, MARION, MORRIS, AND OSAGE

COUNTIES



COMMITTEE ASSIGNMENTS

CHAIR: PUBLIC HEALTH AND WELFARE
CHAIR: KANSAS HEALTH POLICY OVERSIGHT

COMMITTEE

MEMBER: AGRICULTURE

FINANCIAL INSTITUTIONS AND

INSURANCE

ORGANIZATION, CALENDAR AND RULES

TESTIMONY FOR THE HOUSE EDUCATION COMMITTEE FEBRUARY 10, 2009 9:00AM – ROOM 711- DOCKING BUILDING

HB 2101 - School districts; supplemental general state aid for certain districts

Thank you, Chairman Aurand, for the opportunity to speak in support of HB 2101. Chase County, along with several other school districts are faced with an inequity in the current school funding law which ranks them as a high-wealth district when, in fact, they are not wealthy.

I appreciate both the time and consideration given by this committee and the Legislative Educational Planning Committee to review this topic. Further work has been done to craft a better bill to address the challenges that face school board members as they try to provide an adequate and equitable education to their students.

I offer my sincere thanks and encourage your support HB 2101.

Senator Jim Barnett

HOME 1400 LINCOLN EMPORIA, KS 66801 620-342-5387 E-MAIL: SENATORJB@SBCGLOBAL.NET DISTRICT OFFICE
1301 W. 12TH AVE., STE. 202
EMPORIA, KS 66801
620-342-2521
HTTP://www.ksl.Egisl.ature.org/jbarnett

House Education Committee Date 2-10-09

Attachment # ___/6

STATE OF KANSAS HOUSE OF REPRESENTATIVES

STATE CAPITOL (JAN., FEB., MAR.)
300 S.W. TENTH AVENUE
TOPEKA, KS 66612
: (785) 296-7636
: bob.brookens@house.ks.gov



DISTRICT ADDRESS: 201 MEADOW LANE MARION, KS 66861 (620) 382-2133 brookens70@sbcglobal.net

J. ROBERT (BOB) BROOKENS

70TH DISTRICT

TESTIMONY IN SUPPORT OF HOUSE BILL #2101 February 10, 2009

House Bill No. 2101 was introduced in response to the difficulties faced by the Chase County Unified School District #284. It is a consolidated county-wide district, except for a few square miles here and there. The Chase County schools receive no matching Local Option Budget funding (supplemental general state aid), it has already unified its county schools and has nowhere to unify unless we are proposing to destroy the community and expect it to send its students beyond its borders. The District spans about 780 square miles; its student population is declining and its primary industry is pasturing cattle on its native grasslands—the Flint Hills. While it is a beautiful blessing, pastureland doesn't bring in much tax revenue compared to industry and housing, and Chase County has little industry and a population under 3,000; it will not have wind powered generators because of its being the heart of the Flint Hills, and yet we have the ranchers and farmers of Chase County living there, raising their families and living in community. The largest towns are Strong City and Cottonwood Falls. Chase County has had a local option budget for years, and even with that, when a window cracks, the custodial staff puts duct tape on the crack to hold the window together. Chase County doesn't re-roof—it patches the patches on the school roofs. It needs help.

During the 2008 session, Sen. Jim Barnett introduced SB627 in response to discussions with the Chase County Superintendent of Schools and members of its school board. It proposed placing Chase County schools at the 50th percentile of LOB funding which I understand to be a roughly 25% matching level. The bill was referred to the Joint Committee on Educational Planning for summer discussion, and after deliberations that Committee recommended the issue of low enrollment and seemingly high assessed property valuation be reviewed by standing education committees during the 2009 session, and that legislative staff work with Senator Barnett to more fully develop a recommendation.

We spoke to Dr. Dale Dennis and Ms. Sarah Barnes from the Department of Education about the criteria we were interested in, as we set out to modify the parameters of the 2008 Senate bill. We set out to craft a bill that would assist all schools similarly situated with Chase County, and House Bill 2101 is the result. We obtained information on county-wide (or essentially county-wide) districts which have low or no matching LOB funding from the state, and we searched for those districts with less than \$120,000 valuation per full-time-equivalent student to see who would pull up on the chart. This created a subset of school districts that includes Chase County (Cottonwood Falls & Strong City), Sheridan County (Hoxie), Trego County (WaKeeney), Graham County (Hill City), and Scott County

Page 2

House Educati	on Committee
House Educati Date _2-10	-09
Attachment #	

Brookens Testimony 2-9-09

(Scott City). This was not a planned set, merely those which met the criteria given to the Department. My goal was to get the districts some assistance around the edges, not make them rich, so after looking at the funding of such a bill at various levels, settled on a 12% sharing. While we thought 20% might be more appropriate funding for the schools, in tough times one doesn't go for the gold—one tries to be as reasonable as possible and hope the committee can see the need. These districts have done what has been asked of them in the way of unification and now they seek your help.

I attach the charts I received from the Department of Education and which we examined in creating the bills' criteria; I would be happy to answer questions about my testimony.

Respectfully submitted,

J. Robert (Bob) Brookens

JRB/bb

Kansas School Districts

Consolidated Countywide Districts

Select District Data

					Square	FTE per Square	Valuation	State LOB Aid	State CO Aid	State Bond
#	USD	District	Town	FTE	Miles	Mile	per FTE	(%)	(%)	Aid (%)
1	105	Rawlins County A	twood	309	740	0.4	\$75,881	19.00%	6.00%	0.00%
2	200	Greeley County T	ribune	233	780	0.3	\$154,223	0.00%	0.00%	0.00%
3	208	Trego County V	VaKeeney	400	707	0.6	\$87,900	11.00%	0.00%	0.00%
4	214	Grant County U	llysses	1,593	517	3.1	\$205,384	0.00%	0.00%	0.00%
5	281	Graham County H	Iill City	381	728	0.5	\$118,725	0.00%	0.00%	0.00%
6	284	Chase County S	trong City / CWF	438	780	0.6	\$93,635	0.00%	0.00%	0.00%
7	294	Decatur County C	berline	393	828	0.5	\$81,469	13.00%	0.00%	0.00%
8	300	Comanche County C	ty Coldwater/Protection		864	0.4	\$173,691	0.00%	0.00%	0.00%
9	352	Sherman County Goodland		940	914	1.0	\$67,150	28.00%	14.00%	0.00%
10	379	Clay County Clay Center		1,358	633	2.1	\$47,047	52.00%	36.00%	16.00%
11	392	Osbourne County C	urne County Osbourne		511	0.6	\$52,740	44.00%	19.00%	9.00%
12	412	Sheridan County Hoxie		292	674	0.4	\$93,028	1.00%	0.00%	0.00%
13	417	Morris County C	ouncil Grove	784	537	1.5	\$67,764	28.00%	14.00%	0.00%
14	452	Stanton County Jo	ohnson	433	690	0.6	\$257,258	0.00%	0.00%	0.00%
15	466	Scott County S	cott City	837	756	1.1	\$89,717	5.00%	0.00%	0.00%
16	467		eoti	417	776	0.5	\$73,185	24.00%	10.00%	0.00%
17	494	Hamilton County S	yracuse	448	992	0.5	\$158,237	0.00%	0.00%	0.00%
		Countywide District Aver	ages, 17 districts	591	715	0.9	\$108,675	14.06%	6.19%	1.56%
8		USD 284 Difference from	Countywide Average	-153	65	-0.3	-\$15,040	-14.06%	-6.19%	-1.56%
		State Averages		1,497	277	5.4	\$78,718	35.43%	NA	16.94%
	The state of the s	USD 284 Difference from	State Average	-1,116	451	-4.9	\$40,007	-35.43%	NA	-16.94%
						-				
Note:	Data source	s for this report are KASB data,	Jim H. and KSDE Budget	Workshop d	ata Dale D	and Brad N				L

	\sim	`
0	1	
-	' /	
`	/	

#	USD	District	Town	County	County- Wide District?	FTE	Square Miles	FTE per Square Mile	Valuation per FTE	Known Wealth Factors
1	106	Western Plains	Ransom / Bazine	Ness	l of 2	171	601	0.3	\$168,657	
2	200	Greeley County	Tribune	Greeley	YES	233	780	0.3	\$154,223	
3	203	Piper-KC	Piper	Wyandotte	l of 4	1,527	31	49.3	\$107,380	Valuation
4	209	Moscow	Moscow	Stevens	l of 2	207	223	0.9	\$467,551	Minerals
5	210	Hugoton	Hugoton	Stevens	l of 2	972	575	1.7	\$314,387	Minerals
6	213	West Solomon Valley	Lenora	Norton	l of 3	47	300	0.2	\$235,076	Student Numbers
7	214	Ulysses	Ulysses	Grant	YES	1,593	517	3.1	\$205,384	Student (Vanioers
8	215	Lakin	Lakin	Kearney	1 of 2	610	645	0.9	\$352,344	Minerals
9	216	Deerfield	Deerfield	Kearney	1 of 2	286	216	1.3	\$235,797	Minerals
10	217	Rolla	Rolla	Morton	1 of 2	201	252	0.8	\$479,868	Minerals
11	218	Elkhart	Elkhart	Morton	1 of 2	654	376	1.7	\$140,727	IVIIIICIAIS
12	220	Ashland	Ashland	Clark	1 of 2	209	660	0.3	\$166,045	
13	226	Meade	Meade	Meade	1 of 2	477	440	0.3 	\$128,213	
14	228	Hanston	Hanston	Hodgeman	1 of 2	72	249	0.3	\$129,092	Student Numbers
15	229	Blue Valley	Overland Park	Johnson	l of 6	19,808	91	217.7	\$119,602	Valuation Valuation
16	244	Burlington	Burlington	Coffey	1 of 3	820	147	5.6	\$462,446	Power Plant
17	254	Barber Co. North	Medicine Lodge	Barber	1 of 2	523	718	0.7	\$124,877	Toyer Flam
18	- 255	South Barber	Kiowa	Barber	1 of 2	218	426	0.5	\$158,117	- V
19	269	Palco	Palco	Rooks	1 of 3	156	249	0.6	\$228,909	Student Numbers
20	270	Plainville	Plainville	Rooks	1 of 3	364	276	1.3	\$124,133	estable of a subject of
21	281	Hill City	Hill City	Graham	YES	381	728	0.5	\$118,725	
22	284	Chase County	Strong City / CWF	Chase	YES	438	780	0.6	\$93,635	H-MANAGE TO THE RESERVE TO THE RESER
23	291	Grinnel	Grinnel	Gove	1 of 3	91	268	0.3	\$155,260	Student Numbers
24	297	St. Francis	St. Francis	Cheyenne	l of 2	308	640	0.5	\$95,632	Property of the second
25	300	Comanche County	Coldwater/Protection	Comanche	YES	320	864	0.4	\$173,691	
26	303	Ness City	Ness City	Ness	l of 2	269	518	0.5	\$127,084	
27	310	Fairfield	Langdon	Reno	1 of 6	324	436	0.7	\$102,222	
28	314	Brewster	Brewster	Thomas	1 of 3	98	373	0.3	\$112,097	Student Numbers
29	321	Kaw Valley	St. Mary's/Rossville	Pottawatomie	1 of 4	1,094	34	32.2	\$212,105	Power Plant
30	328	Lorraine	Bushton/Lorraine	Ellsworth	1 of 2	448	421	1.1	\$125,197	
31	332	Cunningham	Cunningham	Kingman	1 of 2	179	324	0.6	\$344,030	

#	USD	District	Town	County	County- Wide District?	FTE	Square Miles	FTE per Square Mile	Valuation per FTE	Known Wealth
32	351	Macksville	Macksville	Stafford	l of 3	302	360	0.8	\$116,875	
33	362	Prairie View	LaCygne	Linn	1 of 3	961	320	3.0	THE RESERVE OF THE PERSON OF T	Power Plant
34	363	Holcomb	Finney	Finney	1 of 2	814	231	3.5		Power Plant
35	374	Sublette	Sublette	Haskell	1 of 2	488	201	2.4	THE RESIDENCE OF THE PARTY OF T	Minerals
36	375	Circle	Towanda	Butler	l of 9	1,490	175	8.5	\$94,939	Willicials
37	387	Altoona-Midway	Altoona	Wilson	1 of 3	202	192	1.1	\$108,268	
38	399	Paradise	Natoma	Russell	l of 2	142	439	0.3	\$190,056	Student Numbers
39	401	Chase-Raymond	Chase / Raymond	Rice	l of 4	126	196	0.6	\$144,877	Student Numbers
40	403	Otis-Bison	Otis / Bison	Rush	1 of 2	185	340	0.5	\$104,632	Student Numbers
41	422	Greensburg	Greensburg	Kiowa	l of 3	197	244	0.8	\$160,403	
42	424	Mullinville	Mullinville	Kiowa	1 of 3	157	216	0.7	\$164,851	1 - 1 - 1 - 1
43	432	Victoria	Victoria	Ellis	l of 3	259	193	1.3	\$117,276	
44	452	Stanton County	Johnson	Stanton	YES	433	690	0.6	A CONTRACTOR OF THE PARTY OF TH	Minerals
45	459	Bucklin	Bucklin	Ford	1 of 3	230	358	0.6	\$100,747	Millerais
46	482	Dighton	Dighton	Lane	l of 2	234	620	0.4	\$149,356	
47	483	Kismet-Plains	Plains	Seward	1 of 2	687	541	1.3	\$112,237	
48	494	Syracuse	Syracuse	Hamilton	YES	448	992	0.5	\$158,237	
49	497	Lawrence	Lawrence	Douglas	1 of 3	10,277	175	58.7	\$94,754	Valuation
50	502	Lewis	Lewis	Edwards	l of 2	100	224	0.4	\$170,462	Valuation
51	507	Satanta	Satanta	Haskell	1 of 2	331	250	1.3	NAME AND ADDRESS OF TAXABLE PARTY.	Minerals
52	511	Attica	Attica	Harper	1 of 2	127	126	1.0	\$154,545	Student Numbers
53	- 512	Shawnee Mission	Shawnee Mission	Johnson	1 of 6	26,966	72	374.5	\$119,699	Valuation
	Data	for this report are KASB da							***************************************	T and a control

Last Revised: 2/7/2009

		Col 1	Col 2 2008-09	Col 3 % LOB	Col 4 LOB	Col 5 Additional	Col 6 LOB	Col 7 Additional
		2008-09	LOB	of Gen	Aid Rate	State Aid	Aid Rate	State Aid
USD County	District	LOB Aid Rate	State Aid	Fund	15%	(Col4-Col2)	10%	(Col6-Col2)
412 Sheridan	Hoxie	0.0055	4,098	28.48%	111,750	107,653	74,500	70,403
241 Wallace	Wallace	0.0259	9,304	17.89%	53,882	44,578	35,921	26,617
103 Cheyenne	Cheylin	0.0000	0	26.27%	65,299	65,299	43,533	43,533
208 Trego	WaKeeney	0.1051	73,570	19.03%	105,000	31,430	N/A	N/A
281 Graham	Graham County	0.0000	0	28.83%	142,500	142,500	95,000	95,000
466 Scott	Scott County	0.0479	93,133	29.65%	291,647	198,514	194,431	101,298
284 Chase	Chase County	0.0000	0	28.25%	159,634	159,634	106,422	106,422
Total						749,608		443,273

This e-mail is written in response to your inquiry concerning the potential cost of providing a guaranteed minimum of 10% or 15% for local option budget state aid for all districts that have at least 670 square miles and have less than \$120,000 in assessed valuation per pupil.

Attached is a chart which provides the estimated cost for these assumptions.

Dale M. Dennis, Deputy Commissioner of Education (785) 296-3871 ddennis@ksde.org

February 10, 2009

Chairman and Members House Education Committee State Capitol Topeka, Kansas

Re:

Summary of Testimony,

House Bill 2101,

Local Option Budget for Districts with large land area but small

enrollment

Dear Chairman and Members:

My name is Bill Halvorsen. I am a member of the Chase County Unified School District No. 284 Board of Education. I appear as a proponent of House Bill 2101 concerning School Finance.

This Bill amends the current formula for calculating a school district's entitlement to supplemental state aid for the Local Option Budget (LOB) in districts with a large land area but small enrollment.

In 1966, the school districts of Chase County consolidated into a single district. We are one of a handful of county wide districts and are the fourth largest geographical district in the state with 780 square miles. Our last audited enrollment, from Kindergarten through 12th Grade, was 438 students. The district's assessed valuation is \$40 Million. Our population is about 3,300 people. The county has two banks, several small businesses and some farm land. Most of our land area is bluestem covered Flint Hills used for grazing. Our agricultural land is assessed on "use value," an income based approach rather than fair market value, as provided by the Kansas Constitution. Although our district covers a large land area, little of it is improved, leaving it less valuable than comparable land in other districts.

Our district, like most in the state, depends upon the LOB to finance operations. Originally, it provided funds for educational "extras" because the base aid funded essential needs. However, as time passed, we needed the LOB to fund basic operations, including salaries, as the base aid became inadequate. Our taxpayers have been generous and have allowed us an LOB funded entirely from local taxes, without state assistance.

House Education Committee Date 2-10-09Attachment # 18

¹ Kansas Association of School Boards (KASB) Research Department

² Kansas State Department of Education (KSDE)

³ Chase County Appraiser and Kansas Department of Revenue, Property Valuation Division

^{4 2000} census

⁵ Article 11, Section 1(a)(2)

The stark and unmistakable reality is that without our locally funded LOB, we would no longer be able to conduct operations.

We know that the Legislature was forced to make very difficult school finance decisions, especially after Montoy v. State. We also know that the state budget is stressed. We understand that a policy promoting consolidation would make the cost of education more affordable for all. In short, we understand the fiscal challenges that you face, much as we must deal with our own.

Like most non-urban districts, we are in declining enrollment and will continue to be so in the foreseeable future. Of course, when enrollment declines, the district suffers a "double whammy" because not only does it get "wealthier" and thereby farther from LOB assistance, it also loses base aid. Because we have already consolidated to a county, we have no place to go, except to you, and from you we humbly and respectfully request help.

Review of the "Wealth Formula"

Under the formula to distribute LOB assistance, ⁶ 82% of the districts receive aid, but 18% (the "wealthy districts," like Chase County), receive nothing. Here is how it works:

Assessed Valuation Actual Number of Students

The formula is a function of land area (assessed valuation) and student populations. Under the current formula, a district like Chase County, which has only $1/7^{th}$ of the average assessed value per unit of land but only $1/10^{th}$ of the average student density per unit of land, will be considered too "wealthy" to qualify for LOB assistance. Why? Because in Chase County the numerator (assessed valuation $-1/7^{th}$ of the state average) is larger than the denominator (number of students $-1/10^{th}$), the result is a clear (and unintended) injustice. Clearly, this formula rewards school districts that are small in land area but large in student density.

Kansas' total 2007 assessed valuation was \$30,086,900,000.00⁷ and it had 468,510 students in its public schools. Thus, by applying the formula for all districts, \$64,218.27 is the average assessed valuation per pupil. The Chase County district, however, is \$91,324.00 in assessed valuation per student (\$40,000,000.00⁹ divided by

18-2

⁶ K.S.A. 72-6434(a)(1)-(5)

⁷ Kansas Department of Revenue, Division of Property Valuation, Statistical Report of Property Assessment and Taxation, issued March, 2008, Page 10

⁸ Kansas Public Schools Directory (kansas.educationbug.org/public.schools)

⁹ Supra, footnote 3

438 students¹⁰), making us 142% of the state average. Although this clearly makes our district appear to be wealthy, it is totally deceiving. Here's how:

Chase County's Wealth

The Chase County district encompasses 780 square miles¹¹ which includes almost all of Chase County in addition to parts of Marion, Morris and Lyon Counties. The average school district encompasses only 278 square miles (calculated by dividing the State's square miles (82,264)¹² by the number of districts (296)¹³). Obviously, the more land area in a district, the more assessed valuation potential. Therefore, in order to compare apples to apples, the analysis requires a comparison by land area (square miles) instead of by district since the Chase County district has 2.8 times more land area than the average Kansas district.¹⁴

Overall, the state's average assessed valuation is \$365,655.00 per square mile. ¹⁵ However, the Chase County average assessed valuation per square mile is only \$51,282.00, ¹⁶ leaving the Chase County district with only 1/7th of the average district wealth statewide. ¹⁷ In order to reach the statewide average, the Chase County district's assessed valuation would have to increase by a factor of 7, to \$280 million from its current \$40 million. ¹⁸ Obviously, it is a misnomer to say that the Chase County district is wealthy. In fact, with only 1/7th of the average statewide wealth, it is more accurate to call it a poor district. How then, did the state treat this district as wealthy? Here's how:

The District's Problem - Student Density

There are 468,510 students in Kansas, with a land area of 82,264 square miles, resulting in an average population of 5.7 students per square mile statewide. However, the Chase County district has only .56 (slightly more than ½) students per square mile. Two square miles are required to find one student in Chase County, whereas statewide, two square miles yields 11 students, leaving this district with a student density of less than 10% of the statewide average.

This number goes directly to the heart of the problem with the formula. Student numbers are the denominator for the wealth fraction. Even though we have only $1/7^{th}$ of

¹⁰ Supra, footnote 2

¹¹ Supra, footnote 1

¹² Kansas Facts from the Kansas Secretary of State's website (kssos.org)

¹³ Kansas Department of Education data

¹⁴ 780 (square miles in Chase County district) divided by 278 (square miles in average district)

¹⁵ Divide total assessed valuation (\$30,086,900,000 – see footnote 7 above) by total square miles (82,264 – see footnote 12 above)

¹⁶ Divide Chase County total assessed valuation (\$40,000,000) by square miles (780)

¹⁷ Divide Chase County assessed per square mile (\$51,282) by the state assessed amount per square mile (\$365,655)

^(\$365,655)¹⁸ Multiply \$40,000,000 by a factor of 7, since Chase County has $1/7^{th}$ of average district wealth

¹⁹ 468,510 students divided by 82,264 square miles

²⁰ 438 students divided by 780 square miles

²¹ 5.7 students statewide divided by .56 students in Chase County

the average district's assessed valuation, but because we have only $1/10^{th}$ of the average number of students for our size, we are deemed to have 142% of the statewide average wealth under the existing formula. Although called the "wealth" formula, there are actually two, very different components: 1) property values, and 2) student density. Putting the two together results in an apples to oranges comparison. A careful analysis of this formula shows that there are two ways that a district will be considered "wealthy": the first is by having true wealth (a high assessed valuation per square mile compared to the statewide average), or, at the other end of the spectrum, by having a low student population density per square mile, even if the district is far from wealthy. Because of its low student density, the Chase County district, though clearly not wealthy, doesn't stand a chance. We had to take in so much land area in order to find students that we are hopelessly doomed under the current formula.

In most school districts, there will be areas of intensive improvements to each unit of land. Every few acres will have some improvement made to them, which yields both value (assessed valuation) and students. These areas will also have large numbers of students per unit of land. Under the formula, therefore, the smaller the land area, the more the state aid.

Chase County is just the opposite. Most of our land is unimproved grazing. There are few homes and businesses. Likewise, we have few students per unit of land. We had to take in large areas in order to find students. The result is no state aid.

The Solution - Equity in LOB Distribution

Because our taxpayers get no relief for their contribution to the district's LOB, the reasonable concern is that, at some point, the cost will become unbearable, and closing the doors will become the only option. In most districts, when the wolf comes to the door, there is always the option of consolidating with a neighboring district. However, we have already consolidated to a county. We hope that the state does not expect any district to be larger than a county in order that it can maintain its local governance, culture and economic viability.

There is another equally weighty concern if this district did feel compelled to look to neighboring districts for further consolidation: no other district would want us. Although we offer small assessed valuation, with our student density per square mile, we would "drag down" the gaining district such that it would lose LOB assistance and therefore, would not be willing to take us in.

We submit that House Bill 2101 addresses this obvious inequity by amending K.S.A. 72-6434, specifically by adding an "escape hatch" by taking the unique circumstances presented by districts with low student densities.

Conclusion

When Chase County people meet, this subject comes up often. Many use it as an example of how state government unjustly treats its rural citizens. Some say that this result was intended by the more populated areas. We on the Chase County School Board believe that this injustice was unintended and that its authors did not know of the unique and unexpected consequences to a few districts that would flow directly from the formula. We submit that this Bill will help in relieving our taxpayers of an unfair burden and correct an injustice that was never intended.

In the end, this is about our state, our communities and, especially, our children. Chase County children are just as entitled to a suitable education as students from districts that benefit from the current formula. We hope that you agree that our premises and our requests are reasonable. We respectfully seek your help.

Very truly yours,

Bill Halvorsen, Member, Chase County Board of Education February 10, 2009

Chairperson and Members House Education Committee Docking Building, Room 711 Topeka, Kansas

Re: Summary of Testimony,

House Bill 2101

Supplemental General, State Aid Considerations, USD 284

Dear Chairperson and Members:

My name is *Greg Markowitz*. I am the Superintendent of Schools and Chief Financial Officer for USD 284, Chase County Schools. In conjunction with the testimony of *Bill Halvorsen*, a member of the Chase County Unified School District No. 284 Board of Education, I appear as a proponent of **House Bill 2101** which addresses what USD 284 considers to be errors and inequities in the current School Finance Formula, specifically the Local Option Budget Wealth Formula. We thank you for this opportunity.

Mr. Halvorsen's testimony reviews and addresses the current wealth formula, Chase County wealth factors, student density factors, potential solutions and conclusions. I would like to provide the committee with an overview of how this wealth formula is having a significant, unfair and negative impact on the students, parents, patrons and taxpayers of USD 284. To that end, I would respectively submit the following USD 284 budget data and supporting evidence for committee review and consideration.

FY09 Budget The FY09 Budget was audited several weeks by KSDE and minor FY09 Budget adjustments are expected. I would bring to the committee's attention the following budget factors related to the USD 284 FY09 Budget before the audit was completed and valid after completion of that audit.

- USD 284 is at or near the state average for LOB. The district is doing its share to fund education.
- 24.390 mills of <u>local effort</u> are required to fund only the USD 284 Supplemental General Fund.
- The LOB is no longer a budget "option" in our school district. USD 284 can no longer provide an appropriate educational opportunity to the children of Chase County without the LOB.
- USD 284 taxpayers are required to pay 100% of their LOB because 284 is classified as "wealthy".
- Chase County as evidenced by Mr. Halvorsen's testimony is not wealthy.
- USD 284 is already taxing for needed <u>capital expenditures</u> with its locally-funded Capital Outlay Fund at a 4-mill taxation rate. It is not enough to meet needed facilities repairs and improvements.
- USD 284 is getting no state assistance with our LOB, Capital Outlay or Bond and Interest Funds.
- The current classification of USD 284 as "wealthy" is unfair to the <u>taxpayers</u> of the district and places the education of Chase County <u>students</u> in continued jeopardy.
- To balance the FY09 Budget, the USD 284 BOE made the following budget reductions.
 - a. Did not replace a 1.0 FTE elementary teacher.
 - b. Did not replace a 0.4 FTE secondary science teacher.
 - c. Discontinued 2 extended duty teacher contracts (which resulted in fewer elective choices).
 - d. Did not fund the Parents-As-Teachers Program.
 - e. Was unable to fund a planned and needed Vocational Agriculture Program.
 - f. Discontinued the Noon Kindergarten Bus Route.
 - g. Reduce by 40% the <u>after-school activities routes</u> to the seven (7) communities in our district that no longer have a school due to the consolidation into a county-wide school district.
 - h. Did not fund the Drivers Education Program
- USD 284 is doing a planned, prudent and cost-effective job of managing its budget.

House Educat	ion Committee
Date $2-1$	0-09
Attachment #	19

The USD 284 Board of Education has been working on the FY10 Budget since FY10 Budget September 2008. USD 284 understands and respects the fact that difficult economic times require difficult budget decisions. We are willing to continue to do our part locally to solve the state budget The USD 284 Board uses the FY10 Budget Score Card to identify, quantify and prioritize potential budget areas that will be considered for reduction or elimination in FY10. How many and which of those options are eventually approved by the Board will be determined solely by legislative FY10 Budget decisions and the correlated local budget decisions made by our BOE. The Budget Score Card is a budget "menu" for the Board to choose from when making our budget decisions. Those budget decisions become very difficult, hurt children and we feel are very unfair because of our classification as a "wealthy" district and as such ineligible for state assistance for our Supplemental General Fund. will note that I did not call it the Local "Option" Budget because that is a misnomer. USD 284 and a great many school districts in Kansas simply could not survive without the Supplemental General Fund. That is what makes the current inequity in the School Finance Formula so critical in being able to provide a quality educational opportunity to the children of Chase County. Listed below are the educational costs and programs that are currently being considered for action to balance the FY10 Budget in USD 284.

- A reduction in the staffing level for our **Counseling Services** Program
- A reduction in the staffing level for our <u>Library Services</u> Program
- A reduction in the staffing level for our <u>Medical Services</u> Program
- Elimination of the <u>Technology Program</u> review and audit program.
- A one-year delay in our <u>Textbook Purchase</u> rotation.
- A reduction in our district Music Program Faculty.
- A reduction and consolidation of our <u>HS Social Studies and Physical Education</u> Faculty.
- A reduction in our district Administrative staffing.
- A reduction to our Elementary Faculty.
- A reduction in our <u>HS Business / Computer</u> Faculty.
- Over \$54,000 in <u>Activities Program</u> reductions (programs, number of contests, format, etc.)
- A one-year delay in our <u>Uniform Purchase</u> rotation.
- Elimination entirely of Activities Transportation to the 7 communities in our district w/o schools.
- Elimination of Planning Period classes that are currently paid for as an extended contract.
- Elimination of the MAPS norm-referenced assessment program. (better than ITBS but more\$)
- Use of our Contingency Reserve fund in FY10 (\$5,883)

Conclusion In closing, I would like to thank this committee for considering the plight of the 432 students We are not asking that the budget for public education be increased to currently enrolled in USD 284. solve our problem. This is a budget neutral request. We realize and support budget control needs and efforts. We should know. Due to this funding formula inequity, we have been doing so for years. This bill would not require the Legislature to allocate more funds for public education. It would simply allow USD 284 to get an equitable share of whatever the Legislature decides is possible and economically prudent in regards to state assistance for the Supplemental General Fund. This is primarily a fairness and We do not ask that the budget "pie" be made any bigger. We do ask that our children in Chase County be given the right to reap the benefits from our very small "slice" of that pie. If approved, HB 2101 would allow the USD 284 BOE to reallocate a compensate amount of our local tax base to repair and modernize aging and by necessity ignored attendance centers that are getting more and more Thanks to Representative expensive in a time when we are getting less and less funding to do so. Brookens for his support and leadership. Thanks to this committee for considering our needs. The children of Chase County are counting on you to fix this correctable budget mistake. Thank you.