

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. On February 17, 2011, in Room 784 of the Docking State Office Building.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Eunice C. Peters, Kansas Revisor of Statutes
Norm Furse, Kansas Revisor of Statutes
Dale Dennis, Deputy Commissioner, Kansas State Department of Education
Jan Johnston, Committee Assistant

Conferees appearing before the Committee:

Mark Tallman, Kansas Association of School Boards
Mark Desetti, KNEA
Gary George, Olathe Public Schools, USD 233
Bill Reardon, Kansas City, Kansas Public Schools
Diane Gjerstad, Wichita Public Schools
Jennifer Crow, Topeka Public Schools

Written testimony:

Tom Benoit, Schools for Quality Education

Others attending, see attached sheet.

HB 2245 - Retaining students from grade-level promotion if not proficient on the reading state assessment for grade 3

Chairman Aurand opened the hearing on **HB 2245**.

Eunice Peters, Office of the Revisor of Statutes, explained to the committee the amendatory language of **HB 2245**.

Christy Hovanete, by telephone, spoke to the Committee as a proponent of **HB 2245** in lieu of Mandy Clark. Mandy Clark is the Director of State and Strategic Initiatives Foundation for Excellence in Education in the state of Florida. (Attachment 1)

Mark Tallman, Kansas Association of School Boards, spoke to the Committee as an opponent on **HB 2245**. KASB appears in opposition to this bill based on reasons discussed below, but we certainly share the goal of improving early reading skills and overall educational attainment. Improving student achievement is the paramount goal of our association and member school boards. The issue is whether **HB 2245** advances that goal. We do not believe that it does. (Attachment 2)

Mark Desetti, KNEA, spoke to the Committee as an opponent on **HB 2245**. This bill mandates that a "child shall be retained in grade three" if that child scores "less than proficient on the reading state assessment test for grade three as determined by the State Board of Education".

Mandating retention is not appropriate. Mandating retention under financial conditions which all but guarantee a child will just get a repeat of what he or she struggled with before is a bad idea. The better solution is to look at what we know works – smaller class size, support for specialized instructors and paraprofessionals, quality professional development designed and implemented to address the instructional challenges of the school, and parent and family engagement programs that support parents as they help their children. Unfortunately, financial circumstances have forced schools to limit or abandon the very things that would help reach the goal of this legislation. (Attachment 3)

CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. On February 17, 2011, in Room 784 of the Docking State Office Building.

Gary George, Olathe Public Schools, USD 233, spoke to the Committee as an opponent on **HB 2245**. I am present today to express our opposition to this bill which would create a high stakes test for third grade students. Failure to score at the proficient level on the third grade state reading assessment would result in retention in grade three. This bill does provide any exception for special needs for ELL students and does not include any provision for parent input.

This bill is not in the best interest of students. The research does not support this bill and it does not provide for any parental or professional judgment. In addition, it has the potential to discriminate against the ELL and special needs population. This bill should not go forward. (Attachment 4)

Bill Reardon, Kansas City, Kansas Public Schools, spoke to the Committee as an opponent of **HB 2245**. The Kansas City, Kansas Public Schools has long believed that focusing resources on early childhood through third grade offers the greatest "bang for the educational buck." We are fearful that the mandatory retention provision in **HB 2245** will be seen by some as the primary response to young children with reading difficulties.

I want to make it clear that if legislation were introduced to ban early grade retention, I would also be appearing as an opponent. The Kansas City Public School District believes that both strategies should be available. It is our strongly held conviction, however, that mandatory retention is not in the best interest of the children we serve. (Attachment 5)

Diane Gjerstad, Wichita Public Schools, spoke to the Committee as an opponent on **HB 2245**. This bill, if enacted, would require third grade students who do not score proficient or higher on the state assessment to be retained until the student is successful as measured by state assessment.

We do not support this bill. We believe the decision whether to promote a child is best determined by the teacher, parents and principal of the school the student attends. A statewide policy on this issue sets a hard standard which does not allow for the teacher and principal to take into account the factors which can influence one single test taken on one single day.

We understand the bill is well intentioned but do not believe a single test should be a strict determination of a child's readiness to progress to the 4th grade. (Attachment 6)

Jennifer Crow, Topeka Public Schools, spoke to the Committee as a opponent on **HB 2245**. USD 501 stands behind our retention and acceleration policy, which was formulated with the best interests of our students and families in mind and can be applied based upon the special circumstances of each situation. (Attachment 7)

Tom Benoit, Schools for Quality Education provided written testimony only to the Committee as an opponent on **HB 2245**. Thank you for the opportunity to submit testimony today on behalf of Schools for Quality Education, an organization representing over 100 small, rural school districts across Kansas. High student achievement is a common goal of all Kansas school districts, as well as state government. The differences arise in the best methods to utilize to encourage better student achievement.

I have heard from school districts across Kansas that have implemented a multi-tiered system of support for these students. These educators believe and have experienced first-hand the efficacy of helping these students learn the material rather than punishing them for non-proficiency. For these reasons, I urge you to reject this bill. (Attachment 8)

A question and answer session followed the presentations.

Chairman Aurand closed the hearing on **HB 2245**.

HB 2251 - Terminating state aid for out-of-state pupils

CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. On February 17, 2011, in Room 784 of the Docking State Office Building.

Eunice Peters, Office of the Revisor of Statutes gave handout of the Amendment to **HB 2251**.
(Attachment 9)

Chairman Aurand moved to amend HB 2251 to include an exception for a pupil who has a parent or guardian that is an employee of the school district where the pupil is enrolled or a pupil who attended public school in Kansas during the 2010-11 school year. Representative Huebert seconded. Motion carried.

Representative Cassidy moved to amend HB 2251 to include parents who own property contiguous to State border. Representative Colloton seconded. Motion carried.

Representative Spalding made a motion for substitute amendment to HB 2251 to only allow the exception for those people owning property contiguous to the Kansas state border which resulted in property taxes (for the Kansas part of the property), that exceeded a student's base state aid per pupil in Kansas. The motion died from lack of second.

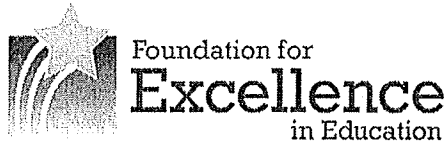
Representative Colloton moved to pass out amendment to HB 2251 favorably. Motion carried by show of hands.

The meeting was adjourned at 10:35 a.m. The next meeting is scheduled for February 18, 2011.

DATE: 2/17/11

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Florida Formula for Student Achievement:
A Command Focus on Reading

1

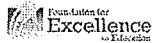
Mandy Clark
Director of State and Strategic Initiatives
Foundation for Excellence in Education

Testimony for HB2245 - Retaining students from grade-level promotion if not proficient on the reading state assessment for grade 3.

House Education Committee
Date 2/17/11
Attachment# 1-1

Florida Student Population

- 2.7 million students
- Majority minority student population
- Large population of students learning English as a second language
- About half of students are eligible for free and reduced priced lunch



2

First, let me tell you a little about Florida. Florida has a large and diverse student population.

We have 2.7 million students.

Our public schools are majority minority. We have a large population of students learning English as a second language. And nearly 50% of our students are living in or near poverty.

Measuring Student Learning

Florida Comprehensive Assessment Test (FCAT = ISTEP)

- Aligned with state academic standards
- Subjects: Reading, Math, Writing and Science

Testing expanded from 3 subjects in 3 grades to:

- In 2001, Reading and Math expanded to all grades 3 to 10.
- In 2003, Science added to grades 5, 8 and 11.
- Writing in grades 4, 8 and 10.

Performance Levels

1	2	3	4	5
Below Grade	Below Grade	Grade Level	Above Grade	Above Grade



3

The foundation of accountability is annual measurement of student learning. If you don't measure, you don't care. Measuring annually allows you to accelerate success and reverse failure before it is too late.

In 2001, we started measuring student learning annually in reading and math in grades 3 to 10.

Florida was actually ahead of the game in this regard. We were already committed to testing before No Child Left Behind became law and required every state to measure reading and math annually.

Our test is aligned to state standards and measures whether students have mastered the material. It uses a scale of 1 – 5, with 3 indicating a student is on grade level.

An End to Social Promotion

- Emphasis on reading as a gateway to learning.
 - 3rd grade: students are learning to read.
 - 4th grade: students are reading to learn.
- An end to social promotion in 3rd grade.
 - Students who score the **lowest level** (level 1 out of 5) in reading on the 3rd grade FCAT **must be retained** unless the student meets good cause exemptions.

1	2	3	4	5
Below Grade	Below Grade	Grade Level	Above Grade	Above Grade



4

Reading is the foundation of learning. When you can read, you can learn.

3rd and 4th grades are critical years because that's when students transition from "learning to read" to "reading to learn."

Fact is, students who can't read in the 3rd grade don't typically "catch up" in later grades. Instead, they fall further and further behind.

Promoting students who don't have the grade level skills to succeed also creates huge challenges for teachers.

Until 2002, teachers typically made the recommendation whether to retain a student. That year, we decided we needed to require retention for students who were functionally illiterate at the end of the 3rd grade.

Students who scored the lowest level are retained unless the student meets some good cause exemptions.

An End to Social Promotion

- Six Good Cause Exemptions:
 - Student with a disability who does not take FCAT
 - English Language Learners (ELL) who have had less than 2 years of English for Speaker's of Other Languages (ESOL) instruction
 - Student with a disability who takes FCAT and has previously been retained
 - Any student with a reading deficiency who has previously been retained twice
 - Student demonstrates proficiency on an **alternate assessment** (Stanford 9 or Stanford 10)
 - Student demonstrates proficiency through a **student portfolio**



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We created six good cause exemptions.

Many of the exemptions recognized special needs of students with disabilities, English language learners or students who were previously retained.

However, there were two exemptions provided because we recognized that one test given on one day should not be the sole factor in retaining a child.

So students can show that they should be promoted by scoring successfully on an alternative test, or their teacher can show they should be promoted through a portfolio of the student's reading tests during the year.

A Command Focus on Reading

Year	Percent of 3rd graders level 1 on reading FCAT	Percent of 3rd graders retained
2000-01	29%	2.8%
2001-02	27%	3.1%
2002-03	23%	13.2%
2003-04	22%	10.2%
2004-05	20%	9.8%
2006-07	19%	8.1%
2007-08	16%	6.6%
2008-09	17%	6.4%
2009-10	16%	Data not yet available

Here are the results of that hard-edge policy:

In 2000 – 2001 school year, nearly one-third of 3rd graders (29 percent) couldn't read, but less than 3 percent were retained.

When we ended social promotion, retention skyrocketed to more than 13 percent. Talk about a tough year. Sadly, a 13 percent retention rate caused more outrage than a 29 percent illiteracy rate.

But we stuck with it and, as you can see, we cut illiteracy by nearly half in the last decade. And as literacy rates increase, retention rates decrease.

What happened? The policy placed a command focus on reading by a date certain. As a result, schools organized themselves around that goal and, when necessary, started intervening earlier, sometimes as early as kindergarten.

Retention Works

Manhattan Institute researcher Jay Greene did a study on Florida's third grade retention policy, after two years of the policy, and found:

- Retained third graders made significant gains compared to socially promoted students.
- These gains actually grew substantially from the first to the second year after retention.
- Students who are socially promoted appear to fall farther behind over time, while retained third graders are able to catch up and succeed in later grades.
- Retention policies have had greatest impact on minority student learning.

The research confirms our results.

Manhattan Institute researcher Jay Greene studied Florida's 3rd grade retention policy after just two years and found:

- **Retained 3rd graders made significant gains compared to socially promoted students.**
- **These gains actually grew substantially from the first to the second year after retention.**
- **Students who are socially promoted appear to fall farther behind over time.**
- **Retention policies have had greatest impact on minority student learning.**

Actions at the State & Local Level

The State began the Just Read, Florida! Initiative:

- Districts received the reading funds contingent upon state-approved reading plans.
- Reading Coaches used to assist teachers (not students) on effective reading instruction.

Locally:

- Schools started intervening earlier in kindergarten, 1st and 2nd grade.
- Schools became innovative in their methods to reach students (i.e., reading camps, 90 minute reading blocks, tune in to reading).
- Individual reading plans for the students who were retained to ensure they received the skills they needed to be a successful reader the following year.



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In addition to announcing our 3rd grade reading promotion policy, we also implemented the Just Read, Florida! Initiative.

We used federal Reading First dollars and provided some state reading dollars. In order to receive the funds, local districts had to put together comprehensive reading plans based upon state-approved strategies, including required use of research-based reading curriculum and the use of reading coaches.

Reading coaches worked to assist the teachers on how to teach students more effectively in reading whether the teacher was a science, social studies or math teacher.

Locally, school districts also started “reacting” to the 3rd grade reading promotion policy by intervening earlier. Instead of letting a student get to 3rd grade without fundamental reading skills, local district began diagnosing reading deficiencies and intervening earlier in kindergarten, 1st and 2nd grade.

Schools also were more innovative in their methods to reach students who were struggling readers using reading camps and setting up 90 minute reading blocks.

We made sure districts also did not do the same thing with the retained 3rd grade students once they were retained, because retention is not just for the sake of retention. Districts needed to work with each student on an individual reading plan to ensure that child received what he or she needed in order to be a successful reader the following year.

A Command Focus on Reading

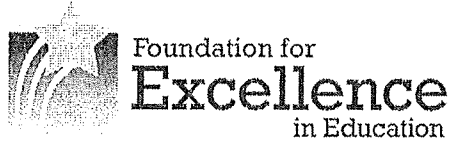
The main focus of Governor Bush's second term education agenda was on reading:

- If students cannot read entering into 4th grade, they have no chance for success.
- Strict retention policies take long-term commitment, perseverance and political will.
- Retention policies are difficult, but research shows that if done properly with teacher training and new reading strategies, results are tremendous.

Reading was the main focus of Governor Bush's second term education agenda.

If you adopt similar reading policies, you will need to be committed to the policies for the long-term, because they are controversial and because real reform and real change can be difficult.

However, the benefits for students will be tremendous over the long-term.



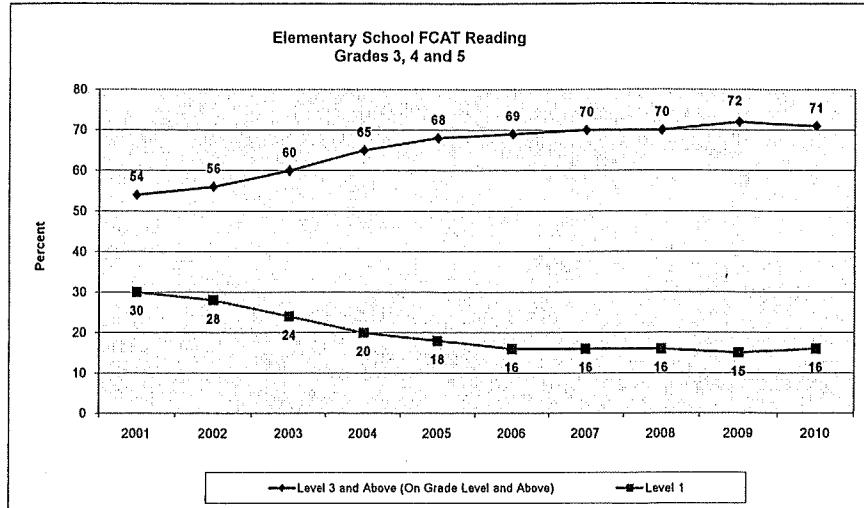
Florida Formula for Student Achievement: *Results*

*As the bar keeps rising on the FCAT, students and educators have met the challenge.
Miami Herald, July 29, 2009*

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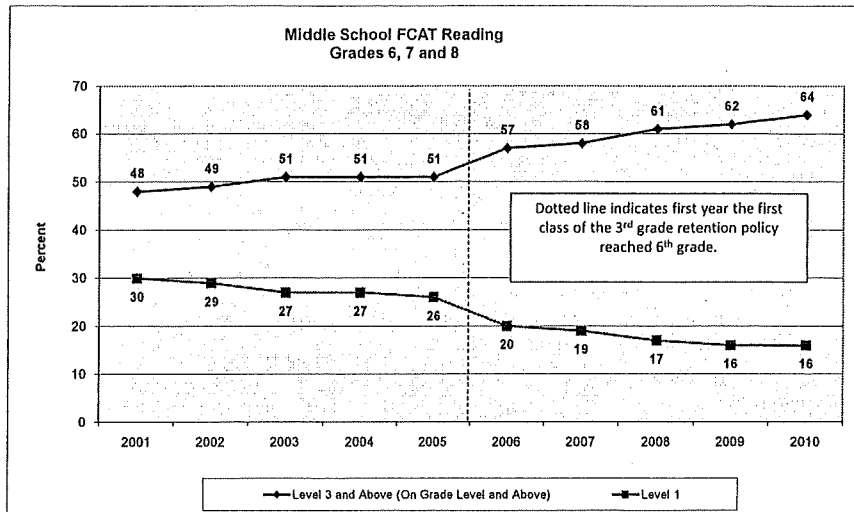
All of these policies have led to rising student achievement.

Florida Elementary Students



Elementary school students have seen the greatest improvement.

Florida Middle School Students



Department for
Excellence
in Education

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Middle school students have also made great progress over the last decade moving from 48 percent to 62 percent of students reading on grade level or higher.

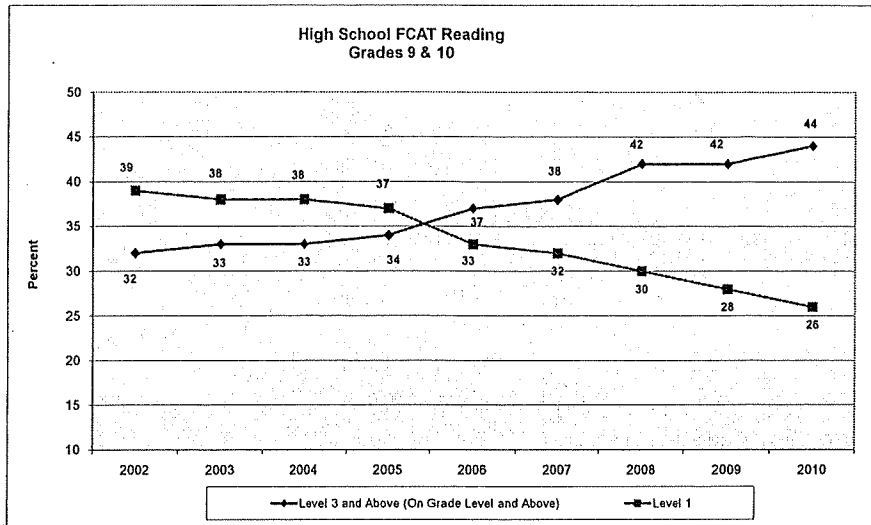
But notice how flat their performance was for several years. Those were some tough press conferences.

But then in 2006, we saw a big jump. When we reached out to educators to find out what had happened. They said this is the first year we've actually starting receiving students out of elementary school that were ready for middle school work.

If you look at the timeline this coincides with the 3rd grade reading policy. 2006 was the year that 3rd grade students who were under the reading retention policy reached middle school.

Finally, middle schools were starting to receive students who were prepared to learn.

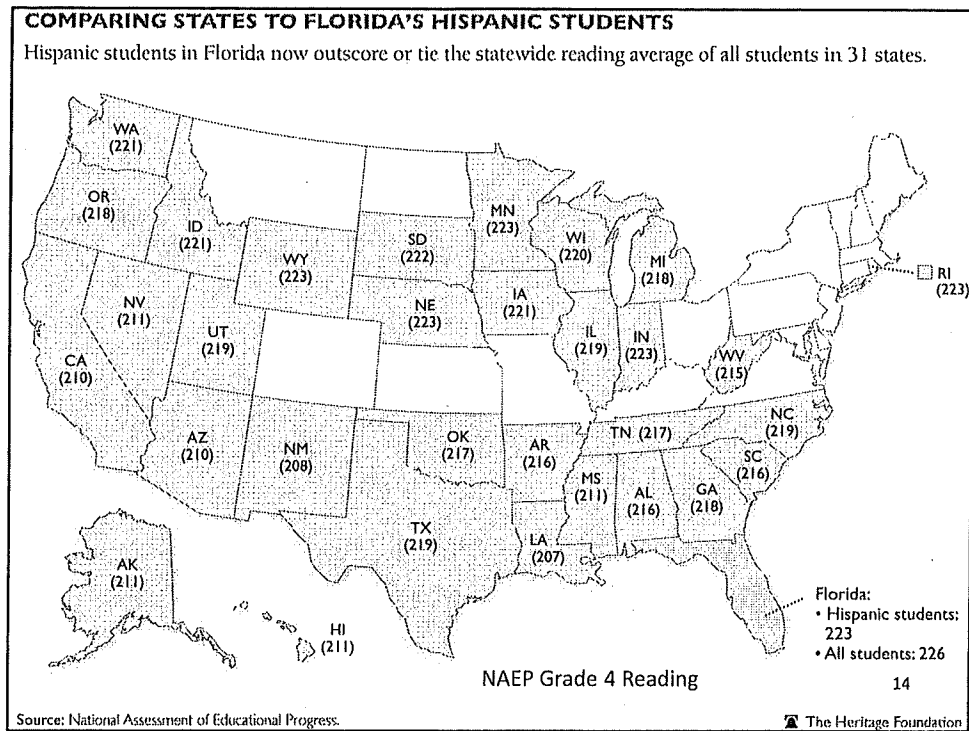
Florida High School Students



Florida Department of
Education
Excellence
in Education

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Finally, high school students are making progress but we still have a lot of work to do in the upper grades.

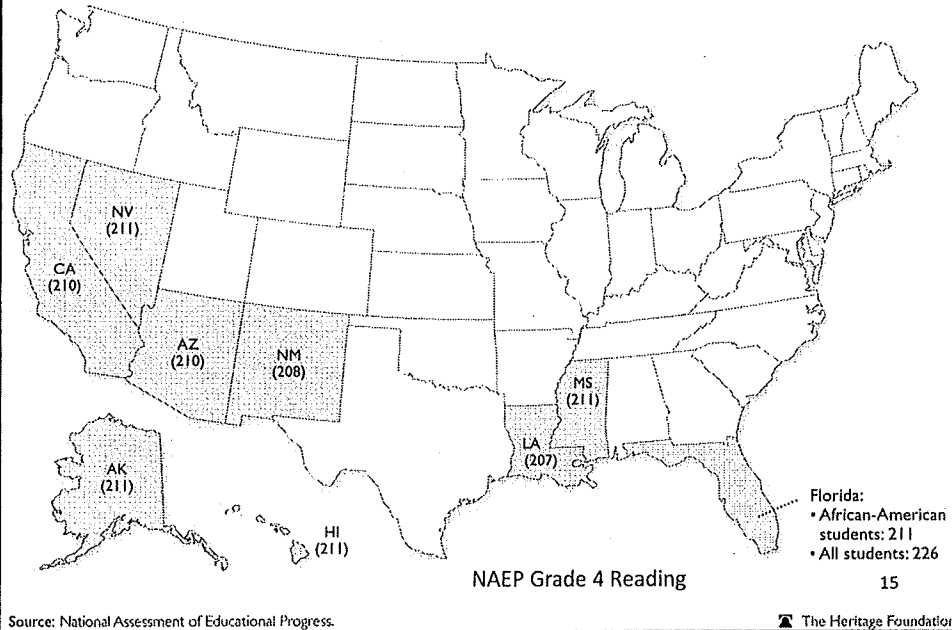


And minority students are making the greatest progress.

Florida's 4th grade Hispanic students read as well or better than the average student in 31 states.

COMPARING STATES TO FLORIDA'S AFRICAN-AMERICAN STUDENTS

African-American students in Florida now outscore or tie the statewide reading average of all students in eight states.



Florida's 4th grade African American students read as well or better than the average student in 8 states.

In fact, Florida is one of just 3 states recognized for closing the achievement gap for minority and low-income students.

Florida Rising in Ranks

- Florida is now **#5** in *Education Week's Quality Counts* Report – based upon standards, accountability, teacher quality and student achievement.
- Goldwater Institute analysis of grade 4 NAEP Reading scores identifies Florida's Hispanic students outscoring statewide average of all students in **31 states** and the Districts of Columbia.
- Florida's African American (86%) and Hispanic (96%) students lead the nation among their peers on the NAEP math.
- Florida was one of 3 states recognized as closing the achievement gap between affluent and low-income students.
- Florida was one of 3 states recognized as closing the achievement gap between white and black students in reading and math (4th grade).



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Florida has risen to number 5 on the Education Week annual state rankings. Just a few years ago we were 31st.

Florida is one of only 3 states (Delaware and New Jersey) that is recognized by the US Department of Education as narrowing the achievement gap between white and black and rich and poor students.

Florida's Minority Students Rising in Ranks

- Florida's Hispanic, Black, English Language Learner, Students with Disabilities and Low-income students outperform their peers on NAEP, ranking in the top 10 in 4th grade reading, 4th grade math and 8th grade reading.
- Florida Hispanic students outperform or tie their peers in all but 1 state on 4th grade math.
- Florida Black students outperform or tie their peers in all but 3 states on NAEP 4th grade math.
- Florida students with disabilities outperform or tie their peers in all but 4 states on NAEP 4th grade math.
- Low-income students outperform or tie their peers in all but 4 states on NAEP 4th grade math.



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If Florida's Hispanic, African American, English Language learning, students with disabilities and low-income students are compared to their peers across the country, they rank in the top 10 in 4th grade reading and math and 8th grade reading.

Our "cocktail" of reforms is working and the proof lies with these, our most vulnerable students.

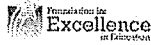
Foundation for Excellence in Education

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Testimony before the
House Committee on Education
on

HB 2245 – Promotion to Fourth Grade Based on Reading Assessment

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

February 17, 2011

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to comment on **HB 2245**. KASB appears in opposition to this bill based on reasons discussed below, but we certainly share the goal of improving early reading skills and overall educational attainment. Improving student achievement is the paramount goal of our association and member school boards. The issue is whether **HB 2245** advances that goal. We do not believe that it does.

We believe decisions on promotion should be made by local school districts through school board policies adopted in conjunction with parents and professional educators.

We believe in local control of education both because that is what the Kansas Constitution says and because one-size-fits-all policies rarely work in a state as diverse as Kansas. Kansans have never believed central government planning works better than local decision-making. The history of education shows that theories about what works for students are constantly changing. Rather than lock particular methods into place by statute or regulation, our system allows districts to continually experiment and refine their practices, and learn from each other. We think that is one reason Kansas ranks high on virtually every national measure of outcomes. Frankly, we think more states ought to be emulating Kansas.

KASB opposes prohibiting so-called “social promotion.” We would be just as opposed to *requiring* social promotion. Discussion with our members suggests that most districts allow grade level retention when there is a consensus it is in the best interest of the child.

We already have a system in place to address foundational reading skills.

The first three subsections of **HB 2245** are current law. Districts are required to (a) assess both reading and math skills on a grade-level basis; (b) include intervention plans or strategies in the school’s improvement plan; and (c) create a mechanism to track a child’s interventions and progress, and may remove those interventions only when a child has achieved grade-level appropriate skills. With assistance from the Kansas State Department of Education, districts are adopting the Multi-Tiered System of Support to target interventions as students need them.

House Education Committee

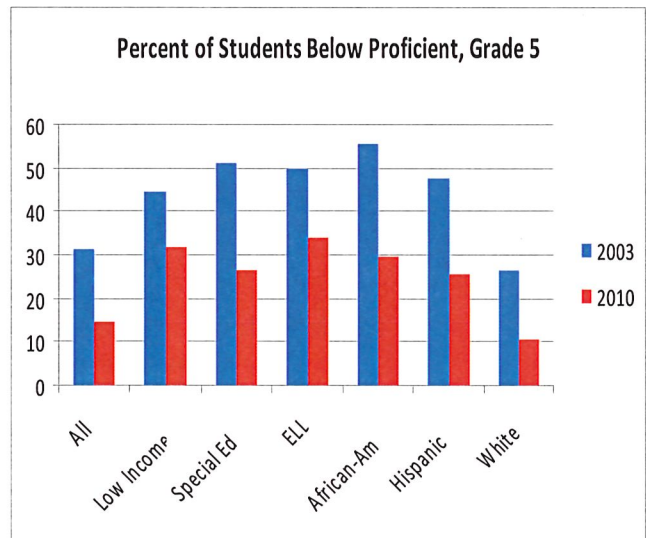
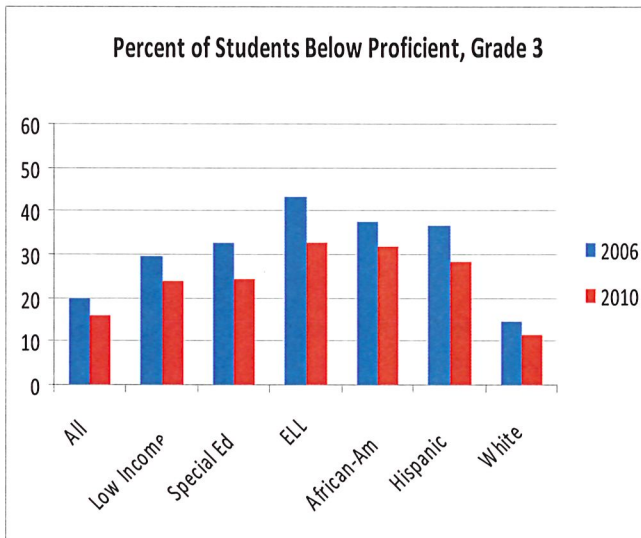
Date 2/17/11

Attachment# 2-1

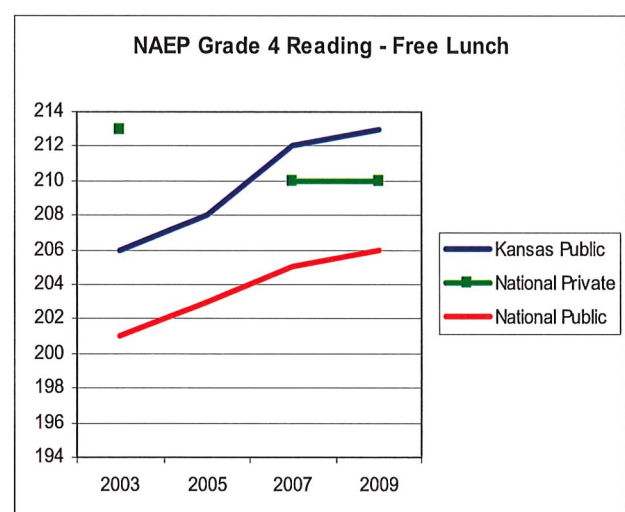
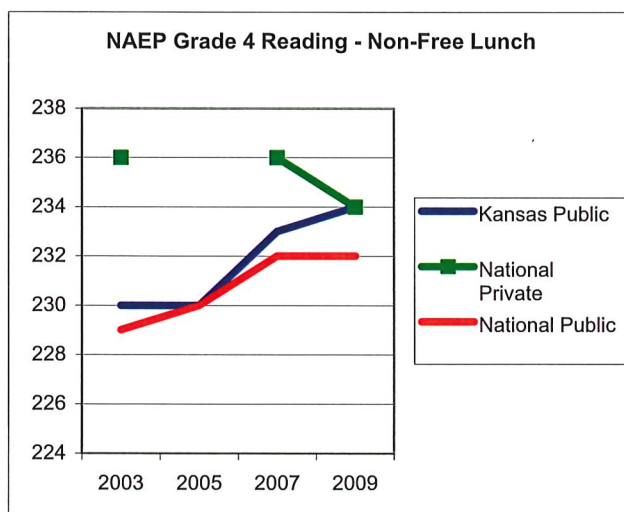
Retaining a child is just one tool that may be used, but it may not be an appropriate decision. **HB 2245** removes all professional judgment from the decision.

The current system is showing positive results.

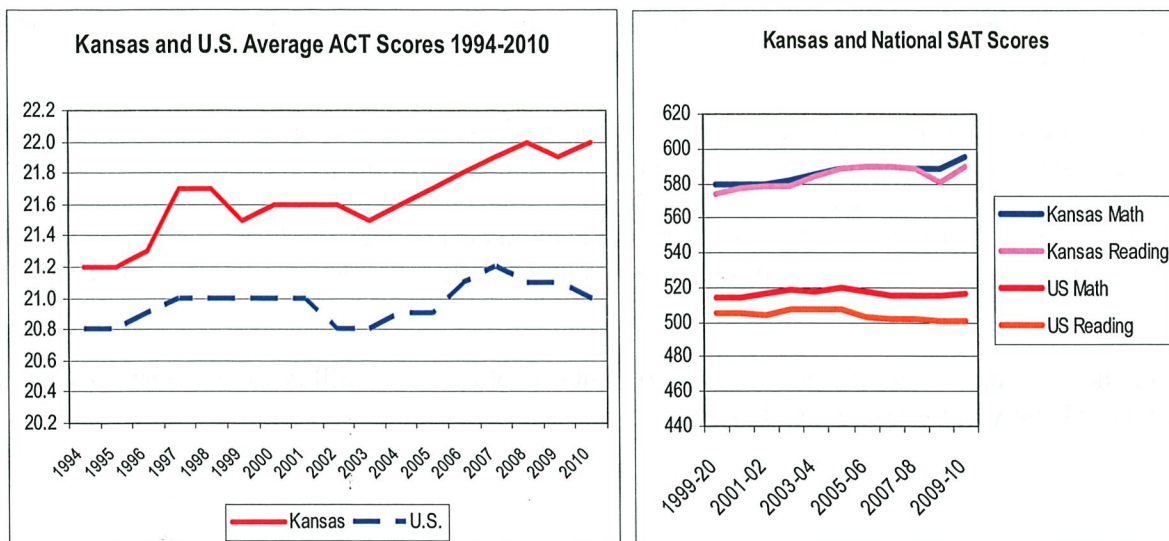
The current third grade reading test has only been given for four years, but for every major group of students, progress has been shown. Results from the fifth grade reading test are available since 2003, and show even greater progress. In most cases the percent of students scoring non-proficient at Grade 5 is less than Grade 3 in 2010, showing that students continue to make progress without mandatory retention.



Kansas has also seen improvement on that National Assessment for Education Progress, especially when considering similar student groups. In fact, Kansas public school students who do not qualify for free or reduced lunch tied the national scores of private schools (who can choose which students to enroll) in 2009, and Kansas free/reduced lunch students did *better* than national private school students. In both cases, Kansas significantly outperforms the national average. (Remember, NAEP tests just a sample of Kansas students, and is not necessarily reflective of the standards adopted by the Kansas State Board of Education and measured by the Kansas assessment.



Finally, early reading skills are an important foundation for college and career preparation. Over the past 10 to 15 years Kansas college readiness test scores have steadily improved, especially compared to the national average, despite a growing percentage of students who historically lagged behind academically.



We are deeply concerned about a one-time, high stakes test to measure student readiness.

There are many reasons why a student's performance on a single test on a single day may not reflect what that child really knows. We forget many children live extremely difficult lives, sometimes with little parent support. Losing a home, having a parent in or out of incarceration, moving in with relatives, substance and physical abuse, emotional issues, health issues – all of these things can affect a child's performance and should not cause the child to automatically be held back from promotion.

In addition, children come to school with very different levels of maturity and very different levels of family support. The fact that a child is placed in "third grade" along with peers of the same age does not mean the child is "failing" if he or she does not completely master the reading skills expected at that grade. The child may well develop enough to catch up with peers over the next year. Likewise, students who are proficient at grade three or four may develop reading problems in later grades.

Finally, given the differences among children, it is very difficult to generalize about what motivates children to do well on a single test or in mastering subject matter. We believe the decision should be made by those closest to the student: parents, teacher and school officials.

All of these are reasons why the consensus of educational research indicates that hard-and-fast retention rules are simply not appropriate and may do more damage than good.

HB 2245 is not the Florida plan

As described by materials provided by the Legislative Research Department, the Florida "Read to Learn" program provides a number of exceptions to the retention policy that are not included in this bill. Furthermore, the program requires a number of specific – and expensive – interventions. Florida significantly increased per pupil funding for K-12 over the past decade – significantly more than Kansas between 2002 and 2008. Kansas, of course, is currently faced with reductions in per pupil funding since 2009 that will make it more difficult to sustain those interventions.

The current state assessment system is not designed to determine grade-to-grade promotion or retention.

Current state tests are given just once a year over a controlled period of time for security purposes. If a child scores less than proficient on the third grade reading test, it could not be taken again until the next year, even if the child receives remedial help, takes summer school, or can otherwise demonstrate grade level mastery.

If a child is retained, it may be very hard to ever move back with his age-level peers. Even if the child passes the third grade test the following year, he will have spent the past year repeating the same material, so he might not be ready to move to fifth grade. The child will have to spend an additional year in the K-12 system, and the state will have to spend the extra cost on that child. That is an acceptable cost if that is the only way to bring a child to proficiency, but we believe the evidence is clear there are other effective ways.

In short, we agree with the goals of the bill, but do not agree this bill is the best way to accomplish these goals. Thank you for your consideration.

State Educational Performance, Ranked by Increase in Per Pupil Spending									
	NAEP Combined % All Students at Basic & Above			NAEP % Combined Free Lunch Students at Basic & Above			Current Spending Per Pupil		
	2003	2009	Change	2003	2009	Change	2001-02	2007-08	Change
Hawaii	238	266	28	187	220	33	\$7,253	\$11,800	62.7%
Wyoming	312	319	7	265	276	11	\$8,667	\$13,840	59.7%
Louisiana	237	249	12	197	217	20	\$6,519	\$9,954	52.7%
Alaska	270	284	14	195	226	31	\$9,586	\$14,630	52.6%
Maryland	273	307	34	185	242	57	\$8,507	\$12,966	52.4%
New Hampshire	322	332	10	246	276	30	\$7,750	\$11,619	49.9%
Florida	269	305	36	211	270	59	\$6,056	\$9,035	49.2%
Alabama	235	256	21	174	202	28	\$6,115	\$9,103	48.9%
New York	291	302	11	228	256	28	\$11,546	\$17,173	48.7%
Vermont	316	329	13	255	280	25	\$9,678	\$14,300	47.8%
Rhode Island	268	290	22	195	224	29	\$9,178	\$13,539	47.5%
Mississippi	223	240	17	180	203	23	\$5,382	\$7,901	46.8%
Group Ave.	271	290	19	210	241	31	\$8,020	\$12,155	51.6%
New Jersey	301	327	26	207	255	48	\$11,436	\$16,491	44.2%
North Dakota	314	339	25	265	298	33	\$6,728	\$9,675	43.8%
Virginia	303	313	10	225	253	28	\$7,501	\$10,659	42.1%
Arkansas	259	279	20	218	238	20	\$6,119	\$8,541	39.6%
Delaware	297	310	13	235	261	26	\$9,271	\$12,848	38.6%
Maine	307	315	8	258	272	14	\$8,351	\$11,572	38.6%
Connecticut	306	321	15	216	235	19	\$10,001	\$13,848	38.5%
Arizona	251	262	11	189	208	19	\$5,521	\$7,608	37.8%
Montana	311	317	6	259	286	27	\$7,027	\$9,666	37.6%
Nevada	243	264	21	181	218	37	\$6,034	\$8,285	37.3%
New Mexico	224	249	25	184	214	30	\$6,606	\$9,068	37.3%
Kansas	304	320	16	251	276	25	\$7,052	\$9,667	37.1%
Massachusetts	314	340	26	233	279	46	\$9,856	\$13,454	36.5%
Pennsylvania	288	313	25	205	247	42	\$8,841	\$12,035	36.1%
Group Ave.	287	305	18	223	253	30	\$7,882	\$10,958	38.9%
Kentucky	279	302	23	234	260	26	\$6,493	\$8,686	33.8%
Georgia	259	280	21	196	231	35	\$7,340	\$9,788	33.4%
South Dakota	311	323	12	260	269	9	\$6,319	\$8,367	32.4%
Washington	296	308	12	235	255	20	\$6,894	\$9,099	32.0%
Colorado	298	310	12	219	242	23	\$6,884	\$9,079	31.9%
Minnesota	313	324	11	235	251	16	\$7,691	\$10,140	31.8%
Missouri	297	309	12	238	255	17	\$7,018	\$9,216	31.3%
South Carolina	275	277	2	223	230	7	\$6,984	\$9,170	31.3%
Group Ave.	291	304	13	230	249	19	\$6,953	\$9,193	32.2%
Tennessee	255	275	20	189	222	33	\$5,984	\$7,739	29.3%
Nebraska	298	307	9	232	249	17	\$7,418	\$9,577	29.1%
Illinois	277	295	18	196	226	30	\$8,022	\$10,246	27.7%
West Virginia	275	267	-8	239	231	-8	\$7,748	\$9,852	27.2%
Iowa	308	309	1	243	257	14	\$7,305	\$9,267	26.9%
Ohio	302	312	10	228	251	23	\$8,100	\$10,173	25.6%
Oregon	287	296	9	239	244	5	\$7,621	\$9,558	25.4%
Wisconsin	299	309	10	212	240	28	\$8,574	\$10,680	24.6%
Texas	281	301	20	235	264	29	\$6,746	\$8,320	23.3%
Group Ave.	287	297	10	224	243	19	\$7,502	\$9,490	26.6%
Oklahoma	273	288	15	229	250	21	\$6,256	\$7,685	22.8%
North Carolina	295	296	1	231	242	11	\$6,511	\$7,996	22.8%
California	234	249	15	173	197	24	\$7,511	\$9,079	20.9%
Indiana	299	314	15	234	267	33	\$7,580	\$9,036	19.2%
Michigan	284	282	-2	206	218	12	\$8,489	\$10,069	18.6%
Utah	293	301	8	236	234	-2	\$4,890	\$5,765	17.9%
Idaho	293	309	16	247	267	20	\$5,923	\$6,931	17.0%
Group Ave.	282	291	10	222	239	17	\$6,737	\$8,080	19.9%



Making public schools great for every child

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

Mark Desetti Testimony
House Committee on Education
February 17, 2011

Mr. Chairman, members of the committee, I am Mark Desetti and I represent KNEA. I thank you for the opportunity to visit with you today on House Bill 2245.

HB 2245 mandates that a *"child shall be retained in grade three"* if that child scores *"less than proficient on the reading state assessment test for grade three as determined by the state board of education."*

We have no doubt that the intention here is good. Children need to meet rigorous standards. But moving children closer to the standards by grade level retention is not the answer. Research is very clear on the effects of grade level retention. There is a direct correlation between being over age for grade and dropping out of school.

In a review of 63 controlled studies on the academic benefits of grade level retention, 54 studies showed that retained children actually performed more poorly on average than if they had gone on without repeating. In the nine studies that showed positive results, those children were placed in smaller classes and received individualized programs. Even so, the positive benefits diminished over time so that the differences in the retained children and the control group disappeared.

Children who are behind academically need and deserve extra opportunities to meet the standards. Yet House Bill 2245 provides no resources for school districts to provide such opportunities. At the same time, districts have been impacted by significant cuts to state funding for schools. This year, the budget passed by the House will cut BSAPP by \$75 and, by not meeting federal standards for maintenance of effort in special education, will force the transfer of additional dollars from the general education program to special education.

For fiscal year 2012, the Governor proposes another \$175 per pupil cut in BSAPP which will be exacerbated by the potential for the withholding of federal special education funding in response to the failure to meet maintenance of effort.

We have already seen reductions in the teaching staff around the state. For the most part, those reductions have been to paraprofessionals who assist classroom teachers by working with students in need of more attention and support and to certified personnel who support classroom instruction, such as instructional coaches, reading specialists, and library media specialists – the very people who aid the classroom teacher in meeting the instructional needs of students. In addition to personnel cuts, the state continues to ignore development.

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We are all very concerned about students who are not meeting standards in the basics. But we believe that bringing the parents, teachers, and administrators together to plan on how to get kids there is the best way to address the issue. The decision about what is in the best interests of any child ought to be made by that team, not the state.

We understand the concerns and desires that drive this kind of legislation. We believe whole-heartedly in the need to create and implement high quality early childhood education programs. But frankly, we think it is more appropriate to empower teachers, administrators, and parents to work as a team in considering the needs of students and then plan how best to meet those needs. We can do that by considering alternative educational programs, extended day and year opportunities, and even grade level retention. And we can do it now without this bill.

Mandating retention is not appropriate. Mandating retention under financial conditions which all but guarantee a child will just get a repeat of what he or she struggled with before is a bad idea. The better solution is to look at what we know works – smaller class size, support for specialized instructors and paraprofessionals, quality professional development designed and implemented to address the instructional challenges of the school, and parent and family engagement programs that support parents as they help their children. Unfortunately, financial circumstances have forced schools to limit or abandon the very things that would help reach the goal of this legislation.

We urge you to reject this bill. It represents an inappropriate one-size-fits-all solution to a complex issue.



February 17, 2011

TO: Representative Clay Aurand, Chair, and Members of the House Standing Committee on Education

FROM: Gary George, Ed.D., Assistant Superintendent of Schools
Olathe Public Schools

SUBJECT: House Bill 2245 – Student Retention

I am present today to express our opposition to House bill 2245, which would create a high stakes test for third grade students. Failure to score at the proficient level on the third grade state reading assessment would result in retention in grade three. This bill does provide any exception for special needs or ELL students and does not include any provision for parent input.

The bill outlines a series of steps that are to be taken in assessing and tracking student from kindergarten through grade 3. The bill also outlines some interventions such as extended time strategies, and individualized instructions, which are expensive. These expensive interventions are coming at a time when districts have had drastic budget reductions with more coming this year and next.

The decision to retain the student is based on the performance on one test in third grade. There is virtually no research that suggests this is a best practice. However, there is evidence that suggests the opposite. Jackson did not find compelling data to suggest that "retention is more beneficial than promotion"¹. Jimerson (2001) found no significant differences between promoted and retained students on measures of achievement or personal and social adjustment. Where there was a difference, it favored the promoted student². Jacob and Lefgren found that retention is associated with dropping out.

Best practices would suggest early diagnosis, intensive intervention, extended learning, correction of attendance problems when appropriate, and support from all adults. Special needs students and ELL students may need additional consideration.

This bill is not in the best interest of students. The research does not support this bill and it does not provide for any parental or professional judgment. In addition, it has the potential to discriminate against the ELL and special needs population. This bill should not go forward.

¹*Educational Leadership, March 2008*

²*Educational Leadership, March 2008*

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Kansas City, Kansas Public Schools

Unified School District No. 500

HOUSE EDUCATION COMMITTEE

HB 2245

February 17, 2011

Mr. Chairman and Members of the Committee,

The Kansas City, Kansas Public Schools has long believed that focusing resources on early childhood through third grade offers the greatest “bang for the educational buck.” We are fearful that the mandatory retention provision in HB 2245 will be seen by some as the primary response to young children with reading difficulties.

There are many reasons why children in the early grades experience reading difficulties. Consequently, USDs should continue to employ a variety of strategies to meet these individual needs.

Sometimes a district may feel that retention is an appropriate component of their strategy for a given youngster. Conversely, in some cases, retention may be deemed inappropriate. In fact, much of the education research in recent years questions the efficacy of retention in long range educational achievement.

I want to make it clear that if legislation were introduced to ban early grade retention, I would also be appearing as an opponent. The Kansas City Public School District believes that both strategies should be available. It is our strongly held conviction, however, that mandatory retention is not in the best interest of the children we serve.

For these reasons, the Kansas City Public Schools opposes the passage of HB 2245.

Bill Reardon, KCKPS Lobbyist



House Education Committee
Rep. Aurand, Chair

H.B. 2245 – grade level retention

*Submitted by Diane Gjerstad
Wichita Public Schools*

February 17, 2011

Mr. Chairman and Members of the Committee:

H.B. 2245, if enacted, would require third grade students who do not score proficient or higher on the state assessment to be retained until the student is successful as measured by state assessment.

We do not support this bill. We believe the decision whether to promote a child is best determined by the teacher, parents and principal of the school the student attends. A statewide policy on this issue sets a hard standard which does not allow for the teacher and principal to take into account the factors which can influence one single test taken on one single day.

In preparing for this hearing I surveyed several Wichita Public School elementary principals about the bill and specifically asked if they retain students in their schools. The principals do retain students but usually in kindergarten and first grade when students are “learning to read” so when they are in the upper grades (3 to 5) they are able to “read to learn”. The principals described the mobility of the students (moving among several schools in a single year) along with frequent absences contributing to gaps in learning. They questioned the validity of using one data point, the state assessment, to make the decision whether to retain.

Wichita Public Schools has adopted the MTSS – multi tiered system of supports – district wide. This system is based on frequent monitoring of students, followed by adjustment in instruction to address each individual students needs. We also know early childhood education is critical, especially for children of economically disadvantaged families, who sometimes enter school with a fraction of the language acquisition of their peers. This is why the district has invested in 4 year old preschool, subsidizes all day kindergarten and partners with Barry Downey’s TOPS program.

Mr. Chairman, we all have the same goals of success for all students. We understand the bill is well intentioned but do not believe a single test should be a strict determination of a child’s readiness to progress to the 4th grade.

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February 17, 2011

Chairman Clay Aurand
House Education Committee
HB 2245

Chairman Aurand and members of the House Education Committee,

Thank you for the opportunity to appear on behalf of Topeka Public Schools, USD 501. I appear in opposition to HB 2245. USD 501 stands behind our retention and acceleration policy, which was formulated with the best interests of our students and families in mind and can be applied based upon the special circumstances of each situation.

We appreciate the bill's effort to uniformly assess students and check that they are meeting reading milestones. However, as many other states have found, accelerated remediation is a more effective tool when it comes to intervention for students. Sections (b) and (c) of KSA 72-9921 lay out what is currently in law as far as intervention for non-performing students, however it must be funded. As we continue to deplete school funding, remediation for struggling students and achievement of 3rd grade reading proficiency will be impacted. Automatic retention would have to include mandated remediation, such as mandatory Summer School, extended school days, tutoring, early childhood interventions and the like, and such remediation would need to be tailored to each individual child's needs, learning style and circumstances, and in coordination with their school, family and teacher. And it must be funded.

In closing, this is one test, and does not take into account the child's successes as measured by his teachers or any struggles students may have with the standardized test format. If only student achievement and measurement were so easy. On any given day, teachers must modify instruction to meet the students' varying levels of proficiency, as well as levels of development, in any given classroom. On top of that, outside influences can impact students periodically throughout their school experience. This bill does not take such realities and student individualities into consideration, therefore we stand in opposition.

Thank you,

Jennifer J. Crow
USD 501



Testimony in Opposition to HB 2245

Tom Benoit, President, Schools for Quality Education (written only)

President, Palco School Board

February 16, 2011

Chairman Aurand and members of the House Education Committee:

Thank you for the opportunity to submit testimony today on behalf of Schools for Quality Education, an organization representing over 100 small, rural school districts across Kansas. High student achievement is a common goal of all Kansas school districts, as well as state government. The differences arise in the best methods to utilize to encourage better student achievement.

SQE asked member districts if they believe retention is necessary for students who are not proficient on the third grade reading level assessment test. We also asked what remedies are already in place for these students to improve. Without exception, the responses indicate that retention based on one test does not work for a number of reasons.

Failure at one test should not be used to determine proficiency. It is a snapshot of performance on a given day, not a comprehensive measure. The test is but one indicator and should be considered in the context of course work performance and other testing.

In addition to using only one measure to determine proficiency, there is also the problematic remedy for non-proficient students, which is to retain them. We consider this an option of last resort, not one that should be employed as the first and only option. The data does not support retention as a policy that results in greater student success. According to the Gale Encyclopedia of Public Health, there are studies indicating that retained students are thirty percent more likely to drop out of school. The article goes on to state that retention does not result in higher achievement. The article sites remedial instruction as the more effective method of improving outcomes. We don't have to look at national studies to measure the weak correlation between retention and student achievement. I heard from a Kansas school principal who performed his own study on this method. This principal was a strong supporter of retention prior to compiling the data. The facts changed his mind. What the evidence showed was only 14.4% of retained students in his school went on to perform at grade level. The remainder either dropped out of school or were categorized as "at-risk". The principal changed the school's approach to non-proficiency by utilizing remediation rather than retention. Since the new system of support has been implemented, no students have been recommended for retention.

I have heard from school districts across Kansas that have implemented a multi-tiered system of support (MTSS) for these students. These educators believe and have experienced first-hand the efficacy of helping these students learn the material rather than punishing them for non-proficiency. For these reasons, I urge you to reject HB 2245.

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PROPOSED AMENDMENT TO HOUSE BILL No. 2251

By Committee on Education

2-9

[Material in blue is new; Material in red is stricken;
Line numbers on proposed amendment are not consistent with original bill]

1 AN ACT relating to out-of-state pupils; amending K.S.A. 72-6757 and
2 K.S.A. 2010 Supp. 72-6407 and repealing the existing sections.
3

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

5 New Section 1. (a) This section applies to the board of education of
6 any school district that has, or knows that it will have in the next school
7 year, one or more pupils enrolled who do not live in Kansas. Such school
8 board shall utilize its good faith efforts to negotiate an agreement with the
9 out-of-state school board of the school district in which the pupil resides.
10 Such agreement shall address the payment of costs to the Kansas school
11 district for educating any out-of-state pupils.

12 (b) The state board of education shall provide assistance and advice to
13 Kansas school districts that are subject to the provisions of subsection (a).

14 New Sec. 2. Any Kansas school district that is subject to section 1,
15 and amendments thereto, that has failed to reach agreement under section
16 1, and amendments thereto, shall file an application with the board of
17 education which shall include:

18 (a) A detailed description of the school districts efforts in negotiating
19 with the out-of-state school district pursuant to section 1, and
20 amendments thereto, including copies of related documents and a
21 narrative describing each negotiating session;

22 (b) the amount of state funds the out-of-state school district would
23 receive if the pupil attended the non-Kansas school district where the
24 pupil resides;

25 (c) the amount of funds requested for each such pupil and the
26 justification therefor; and

27 (d) such other information as may be requested by the state board of
28 education.

29 Sec. 3. K.S.A. 2010 Supp. 72-6407 is hereby amended to read as
30 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly
31 enrolled in a district and attending kindergarten or any of the grades one
32 through 12 maintained by the district or who is regularly enrolled in a
33 district and attending kindergarten or any of the grades one through 12 in
34 another district in accordance with an agreement entered into under

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1 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
2 enrolled in a district and attending special education services provided for
3 preschool-aged exceptional children by the district. *Except for a pupil*
4 *who has a parent or guardian that is an employee of the school district*
5 *where the pupil is enrolled or a pupil who attended public school in*
6 *Kansas during the 2010-2011 school year, a ~~A~~ pupil enrolled in any*
7 *school district in this state who does not live in Kansas shall not be*
8 *counted as a pupil for state financial aid under the school district finance*
9 *and quality performance act.*

10 (2) Except as otherwise provided in paragraph (3) of this subsection,
11 a pupil in attendance full time shall be counted as one pupil. A pupil in
12 attendance part time shall be counted as that proportion of one pupil (to
13 the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A
14 pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled
15 in and attending an institution of postsecondary education which is
16 authorized under the laws of this state to award academic degrees shall be
17 counted as one pupil if the pupil's postsecondary education enrollment
18 and attendance together with the pupil's attendance in either of the grades
19 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that
20 proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's
21 postsecondary education attendance and attendance in grade 11 or 12, as
22 applicable, bears to full-time attendance. A pupil enrolled in and attending
23 an area vocational school, area vocational-technical school or approved
24 vocational education program shall be counted as one pupil if the pupil's
25 vocational education enrollment and attendance together with the pupil's
26 attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise
27 the pupil shall be counted as that proportion of one pupil (to the nearest
28 $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and
29 attendance in any of grades nine through 12 bears to full-time attendance.
30 A pupil enrolled in a district and attending a non-virtual school and also
31 attending a virtual school shall be counted as that proportion of one pupil
32 (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school
33 bears to full-time attendance. Except as provided by this section for
34 preschool-aged exceptional children and virtual school pupils, a pupil
35 enrolled in a district and attending special education and related services,
36 provided for by the district shall be counted as one pupil. A pupil enrolled
37 in a district and attending special education and related services provided
38 for by the district and also attending a virtual school shall be counted as
39 that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance
40 at the non-virtual school bears to full-time attendance. A pupil enrolled in
41 a district and attending special education and related services for
42 preschool-aged exceptional children provided for by the district shall be
43 counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district

1 and receiving services under an approved at-risk pupil assistance plan
2 maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the
3 custody of the secretary of social and rehabilitation services or in the
4 custody of the commissioner of juvenile justice and enrolled in unified
5 school district No. 259, Sedgwick county, Kansas, but housed,
6 maintained, and receiving educational services at the Judge James V.
7 Riddel Boys Ranch, shall be counted as two pupils. ~~Except as provided in~~
8 ~~section 1 of chapter 76 of the 2009 Session Laws of the state of Kansas,~~
9 ~~and amendments thereto, a pupil in the custody of the secretary of social~~
10 ~~and rehabilitation services or in the custody of the commissioner of~~
11 ~~juvenile justice and enrolled in unified school district No. 409, Atchison,~~
12 ~~Kansas, but housed, maintained and receiving educational services at the~~
13 ~~youth residential center located on the grounds of the former Atchison~~
14 ~~juvenile correctional facility, shall be counted as two pupils.~~

15 (3) A pupil residing at the Flint Hills job corps center shall not be
16 counted. A pupil confined in and receiving educational services provided
17 for by a district at a juvenile detention facility shall not be counted. A
18 pupil enrolled in a district but housed, maintained, and receiving
19 educational services at a state institution or a psychiatric residential
20 treatment facility shall not be counted.

21 (b) "Preschool-aged exceptional children" means exceptional
22 children, except gifted children, who have attained the age of three years
23 but are under the age of eligibility for attendance at kindergarten.

24 (c) "At-risk pupils" means pupils who are eligible for free meals
25 under the national school lunch act and who are enrolled in a district
26 which maintains an approved at-risk pupil assistance plan.

27 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
28 attained the age of four years, is under the age of eligibility for attendance
29 at kindergarten, and has been selected by the state board in accordance
30 with guidelines consonant with guidelines governing the selection of
31 pupils for participation in head start programs.

32 (e) "Enrollment" means: (1) (A) Subject to the provisions of
33 paragraph (1)(B), for districts scheduling the school days or school hours
34 of the school term on a trimestral or quarterly basis, the number of pupils
35 regularly enrolled in the district on September 20 plus the number of
36 pupils regularly enrolled in the district on February 20 less the number of
37 pupils regularly enrolled on February 20 who were counted in the
38 enrollment of the district on September 20; and for districts not specified
39 in this paragraph (1), the number of pupils regularly enrolled in the
40 district on September 20; (B) a pupil who is a foreign exchange student
41 shall not be counted unless such student is regularly enrolled in the
42 district on September 20 and attending kindergarten or any of the grades
43 one through 12 maintained by the district for at least one semester or two

1 quarters or the equivalent thereof;

2 (2) if enrollment in a district in any school year has decreased from
3 enrollment in the preceding school year, enrollment of the district in the
4 current school year means whichever is the greater of (A) enrollment in
5 the preceding school year minus enrollment in such school year of
6 preschool-aged at-risk pupils, if any such pupils were enrolled, plus
7 enrollment in the current school year of preschool-aged at-risk pupils, if
8 any such pupils are enrolled, or (B) the sum of enrollment in the current
9 school year of preschool-aged at-risk pupils, if any such pupils are
10 enrolled and the average (mean) of the sum of (i) enrollment of the
11 district in the current school year minus enrollment in such school year of
12 preschool-aged at-risk pupils, if any such pupils are enrolled and (ii)
13 enrollment in the preceding school year minus enrollment in such school
14 year of preschool-aged at-risk pupils, if any such pupils were enrolled
15 and (iii) enrollment in the school year next preceding the preceding
16 school year minus enrollment in such school year of preschool-aged at-
17 risk pupils, if any such pupils were enrolled; or

18 (3) the number of pupils as determined under K.S.A. 72-6447 or
19 K.S.A. 2010 Supp. 72-6448, and amendments thereto.

20 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding
21 at-risk pupil weighting, program weighting, low enrollment weighting, if
22 any, high density at-risk pupil weighting, if any, medium density at-risk
23 pupil weighting, if any, nonproficient pupil weighting, if any, high
24 enrollment weighting, if any, declining enrollment weighting, if any,
25 school facilities weighting, if any, ancillary school facilities weighting, if
26 any, cost of living weighting, if any, special education and related
27 services weighting, and transportation weighting to enrollment; or (2)
28 adjusted enrollment as determined under K.S.A. 2010 Supp. 72-6457 or
29 72-6458, and amendments thereto.

30 (g) "At-risk pupil weighting" means an addend component assigned
31 to enrollment of districts on the basis of enrollment of at-risk pupils.

32 (h) "Program weighting" means an addend component assigned to
33 enrollment of districts on the basis of pupil attendance in educational
34 programs which differ in cost from regular educational programs.

35 (i) "Low enrollment weighting" means an addend component
36 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and
37 amendments thereto, on the basis of costs attributable to maintenance of
38 educational programs by such districts in comparison with costs
39 attributable to maintenance of educational programs by districts having to
40 which high enrollment weighting is assigned pursuant to K.S.A. 2010
41 Supp. 72-6442b, and amendments thereto.

42 (j) "School facilities weighting" means an addend component
43 assigned to enrollment of districts on the basis of costs attributable to

1 commencing operation of new school facilities.

2 (k) "Transportation weighting" means an addend component
3 assigned to enrollment of districts on the basis of costs attributable to the
4 provision or furnishing of transportation.

5 (l) "Cost of living weighting" means an addend component assigned
6 to enrollment of districts to which the provisions of K.S.A. 2010 Supp.
7 72-6449, and amendments thereto, apply on the basis of costs attributable
8 to the cost of living in the district.

9 (m) "Ancillary school facilities weighting" means an addend
10 component assigned to enrollment of districts to which the provisions of
11 K.S.A. 72-6441, and amendments thereto, apply on the basis of costs
12 attributable to commencing operation of new school facilities. Ancillary
13 school facilities weighting may be assigned to enrollment of a district
14 only if the district has levied a tax under authority of K.S.A. 72-6441, and
15 amendments thereto, and remitted the proceeds from such tax to the state
16 treasurer. Ancillary school facilities weighting is in addition to
17 assignment of school facilities weighting to enrollment of any district
18 eligible for such weighting.

19 (n) "Juvenile detention facility" has the meaning ascribed thereto by
20 K.S.A. 72-8187, and amendments thereto.

21 (o) "Special education and related services weighting" means an
22 addend component assigned to enrollment of districts on the basis of
23 costs attributable to provision of special education and related services for
24 pupils determined to be exceptional children.

25 (p) "Virtual school" means any school or educational program that:
26 (1) Is offered for credit; (2) uses distance-learning technologies which
27 predominately use internet-based methods to deliver instruction; (3)
28 involves instruction that occurs asynchronously with the teacher and
29 pupil in separate locations; (4) requires the pupil to make academic
30 progress toward the next grade level and matriculation from kindergarten
31 through high school graduation; (5) requires the pupil to demonstrate
32 competence in subject matter for each class or subject in which the pupil
33 is enrolled as part of the virtual school; and (6) requires age-appropriate
34 pupils to complete state assessment tests.

35 (q) "Declining enrollment weighting" means an addend component
36 assigned to enrollment of districts to which the provisions of K.S.A. 2010
37 Supp. 72-6451, and amendments thereto, apply on the basis of reduced
38 revenues attributable to the declining enrollment of the district.

39 (r) "High enrollment weighting" means an addend component
40 assigned to enrollment of districts pursuant to K.S.A. 2010 Supp. 72-
41 6442b, and amendments thereto, on the basis of costs attributable to
42 maintenance of educational programs by such districts as a correlate to
43 low enrollment weighting assigned to enrollment of districts pursuant to

1 K.S.A. 72-6412, and amendments thereto.

2 (s) "High density at-risk pupil weighting" means an addend
3 component assigned to enrollment of districts to which the provisions of
4 K.S.A. 2010 Supp. 72-6455, and amendments thereto, apply.

5 (t) "Nonproficient pupil" means a pupil who is not eligible for free
6 meals under the national school lunch act and who has scored less than
7 proficient on the mathematics or reading state assessment during the
8 preceding school year and who is enrolled in a district which maintains
9 an approved proficiency assistance plan.

10 (u) "Nonproficient pupil weighting" means an addend component
11 assigned to enrollment of districts on the basis of enrollment of
12 nonproficient pupils pursuant to K.S.A. 2010 Supp. 72-6454, and
13 amendments thereto.

14 (v) "Psychiatric residential treatment facility" has the meaning
15 ascribed thereto by K.S.A. 72-8187, and amendments thereto.

16 (w) "Medium density at-risk pupil weighting" means an addend
17 component assigned to enrollment of districts to which the provisions of
18 K.S.A. 2010 Supp. 72-6459, and amendments thereto, apply.

19 Sec. 4. K.S.A. 72-6757 is hereby amended to read as follows: 72-
20 6757. (a) As used in this section:

21 (1) "Receiving school district" means a school district of
22 nonresidence of a pupil who attends school in such school district.

23 (2) "Sending school district" means a school district of residence of
24 a pupil who attends school in a school district not of the pupil's residence.

25 (b) The board of education of any school district may make and
26 enter into contracts with the board of education of any receiving school
27 district located in this state for the purpose of providing for the attendance
28 of pupils at school in the receiving school district.

29 (c) The board of education of any school district may make and
30 enter into contracts with the governing authority of any accredited school
31 district located in another state for the purpose of providing for the
32 attendance of pupils from this state at school in such other state or for the
33 attendance of pupils from such other state at school in this state.

34 (d) Pupils attending school in a receiving school district in
35 accordance with a contract authorized by this section and made and
36 entered into by such receiving school district with a sending school
37 district located in this state shall be counted as regularly enrolled in and
38 attending school in the sending school district for the purpose of
39 computations under the school district finance and quality performance
40 act.

41 (e) Any contract made and entered into under authority of this
42 section is subject to the following conditions:

43 (1) The contract shall be for the benefit of pupils who reside at

1 inconvenient or unreasonable distances from the schools maintained by
2 the sending school district or for pupils who, for any other reason deemed
3 sufficient by the board of education of the sending school district, should
4 attend school in a receiving school district;

5 (2) the contract shall make provision for the payment of tuition by
6 the sending school district to the receiving school district;

7 (3) if a sending school district is located in this state and the
8 receiving school district is located in another state, the amount of tuition
9 provided to be paid for the attendance of a pupil or pupils at school in the
10 receiving school district shall not exceed 1/2 of the amount of the budget
11 per pupil of the sending school district under the school district finance
12 and quality performance act for the current school year; and

13 (4) the contract shall make provision for transportation of pupils to
14 and from the school attended on every school day.

15 (f) Amounts received pursuant to contracts made and entered into
16 under authority of this section by a school district located in this state for
17 enrollment and attendance of pupils at school in regular educational
18 programs shall be deposited in the general fund of the school district.

19 ~~(g) The provisions of subsection (e)(3) do not apply to unified~~
20 ~~school district No. 104, Jewell county.~~

21 ~~(h)~~ (g) The provisions of this section do not apply to contracts made
22 and entered into under authority of the special education for exceptional
23 children act.

24 ~~(i)~~ (h) The provisions of this section are deemed to be alternative to
25 the provisions of K.S.A. 72-8233, and amendments thereto, and no
26 procedure or authorization under K.S.A. 72-8233, and amendments
27 thereto, shall be limited by the provisions of this section.

28 Sec. 5. K.S.A. 72-6757 and K.S.A. 2010 Supp. 72-6407 are hereby
29 repealed.

30 Sec. 6. This act shall take effect and be in force from and after its
31 publication in the statute book.
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