

**Testimony before Senate Education Committee**  
**SB 48 – K-12 Accreditation amendments**  
**Mike O’Neal on behalf of Kansas Policy Institute**  
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**Feb. 7, 2025**

**In-person testimony in SUPPORT**

Madam Chair and members of the Committee

The legislative requirement for the SBOE to design and adopt an accreditation system for Kansas schools has been around since 1992. (Formerly K.S.A. 72-6439). The Legislature has seen fit to amend the law on several occasions. SB 48 would be the most recent.

Art. 6, §2 of the Kansas Constitution, the Education Article establishing the SBOE, states that the SBOE “shall perform such other duties as may be prescribed by law. The board’s mission regarding such things as accreditation and teacher certification is statutory. The original statute, K.S.A. 72-7513, that granted the general powers of the SBOE, was passed in 1968, the same year the Legislature created the SBOE after the voter’s approved the “new” Article 6 Education Article in the Kansas Constitution. The “general powers” of the SBOE statute are a legislative delegation of authority pursuant to the above-quoted provision in Art. 6, §2.

Original K.S.A. 72-7513, after recodification, is now K.S.A. 72-255. [https://www.kslegislature.gov/li\\_2024s/s/statute/072\\_000\\_0000\\_chapter/072\\_002\\_0000\\_article/072\\_002\\_0055\\_section/072\\_002\\_0055\\_k.pdf](https://www.kslegislature.gov/li_2024s/s/statute/072_000_0000_chapter/072_002_0000_article/072_002_0055_section/072_002_0055_k.pdf)

K.S.A. 72-255(a) requires the SBOE to “adopt and maintain standards, criteria, guidelines or rules and regulations for the following: (3) accreditation of schools, including elementary and secondary, public and non-public.”

The current accreditation statute is found at K.S.A. 72-5170. This background is being provided since we have heard, and you may hear once again today, that accreditation is the SBOE’s business and not the Legislature’s. Not true, for the reasons explained above.

Unfortunately, contrary to the current accreditation law’s requirement for the SBOE to “design and adopt a school district accreditation system **based upon improvement in performance**” and “**is measurable**”, the current accreditation system is anything but. A review of past versions of the accreditation statute reveal a legislative intent to measure student outcomes and tie accreditation to improvement in those outcomes.

SB 48 is intended to re-enforce the Legislature’s original intent and current intent, as well as the Kansas Constitution’s mandate that the Legislature “**provide for intellectual, educational, vocational, and scientific improvement**” by maintaining public schools,

educational institutions and related activities, which may be organized and changed in such manner as may be provide by law.” (Kansas Constitution, Art. 6, §1)

You will hear that the SBOE is well on its way to reforming its current accreditation system (KESA 2.0) You may hear it’s already implemented. It isn’t, not in the sense that it has established firm metrics for measuring student performance and enforcing expectations as a prerequisite to maintaining accreditation.

The culture of accreditation neglect is illustrated in Trish O’Neal’s attached memo. She monitors every SBOE meeting. Accreditation in Kansas has been, sadly, a cruel joke. Not one district ever fails to become or remain accredited no matter how bad the student performance numbers get. Listening to SBOE meetings where KSDE presents on accreditation recommendations, you will literally hear excuses for districts, such as, “they’re trying really hard.” That has been enough to give districts a pass that have not shown improvement, and in many cases, are showing regression in student performance.

The SBOE’s Rules & Regs on accreditation are found at K.A.R. 91-31-31 thru 91-31-43. The first 30 published Rules & Regs have been revoked. (A story for another day)

K.A.R. 91-31-31 sets out the Definitions used for Accreditation R&R’s.

“Accredited” means the status assigned to an education system that meets the following conditions established by the board:

- (1) The education system is in good standing.
- (2) The education system provides conclusive evidence of improvement in student performance.
- (3) The education system provides conclusive evidence of a process of continuous improvement.

“In good standing” means in compliance with, or working with the state board to achieve compliance with, all applicable federal and state statutes and regulations.

K.A.R. 91-31-32 includes criteria a school system [meaning district according to SBOE] must meet to be accredited. The system must be “in good standing” but the list of remaining criteria does not require improvement in student performance.

K.A.R. 91-31-38 creates a category of “conditionally accredited”, meaning a system “in good standing” but which can’t demonstrate conclusive evidence of growth in student performance or conclusive evidence of a process of continuous improvement. Only if a system remains ranked as “unaccredited” after state technical assistance has been in place one year does the “sanctions” reg (K.A.R. 91-31-40) kick in.

K.A.R. 91-31-40 is the accreditation sanctions R&R. Possible sanctions include:

1. "A recommendation that public education system personnel or resources be reassigned or reallocated within the public education system by the governing body;
2. A recommendation that the public education system be assigned a state technical assistance team to assist the education system until it achieves an upgraded accreditation rating;
3. A recommendation to the legislature that it approve a reduction in state funding to the public education system by an amount that will be added to the local property tax imposed by the governing body;
4. A recommendation that the legislature abolish or restructure the public education system; or
5. A letter of notification and a press release announcing the public education system's accreditation rating and specifying each reason for that accreditation rating."

The disconnect, of course, is that this only applies to districts that are not accredited and that has never happened and never will, given the history of SBOE oversight. As an example, from March through September of 2024 there were 29 conditionally accredited districts which were up for status redetermination. All but 2 of those districts were recommended for full accreditation. This was done before the state assessment results were available, so academic improvement was not considered. Here's a sample of the SBOE's discussion of accreditation recommendations at the July SBOE meeting:

Ann Mah noticed that Liberal USD 480 had been conditionally accredited in 2021-2022 partially due to low assessment scores. She noticed that the scores had generally not improved much through 2022-2023. Were the 2024 scores used in this accreditation determination?

Dr. Scott: The 2024 scores had not come out yet, but the redetermination was based on establishing goals and meeting conditions set by the ARC, such as identifying the root cause of low scores.

Ann Mah argued that Ulysses' goal of 1% improvement per year is just not acceptable. She said that she hopes the ARC is not just trying to "clear the deck" in getting ready for KESA 2.0 and just get everyone accredited, whether they should be there or not.

Dr. Scott – The ARC is not necessarily looking at the goals that the system has set; they're looking at the presence of goals. That's where the annual "coaching" by KESA executives will come in. They will ask the hard questions and provide supports.

Mah: If rigor is not a part of this, then we've missed the boat. I guess we'll agree to disagree on this.

**SB 48 amends the current accreditation statute to:**

- (1) Tie accreditation directly to the constitutional mandate of educational improvement;**
- (2) Make it clear that accreditation should require conclusive, measurable evidence of improvement in academic performance;**
- (3) Set out a requirement that to maintain accreditation, districts must demonstrate material improvement in academic performance by a significant reduction in the number of students in Level 1 and a significant increase in the number of students scoring above Level 2;**
- (4) Establish statutory consequences for failure to follow the law;**
- (5) Require SBOE to require corrective action plans to be approved by the SBOE.**
- (6) Require that if a district is not fully accredited for failure to show measurable evidence of improvement, the superintendent must appear before Ed Committees to explain, including what actions, including reallocation of resources are being taken or will be taken;**
- (7) Prevent a revision or update of the ELA or math curriculum standards in effect on July 1, 2024 that would require new standards until the SBOE's metric for long-term improvement is met;**
- (8) Preserve local control of curriculum provided it reflects high academic standards;**
- (9) Make clear that part of the responsibilities of the local site councils is to participate in the building-based needs assessment process.**

## **MEMO**

**TO:** Mike O'Neal  
**FROM:** Trish O'Neal  
**SUBJECT:** Accreditation History  
**DATE:** February 5, 2025

According to Dr. Randy Watson at the State Board of Education meeting, July 9, 2024.

Before QPA, the accreditation was based on observable things, like teacher certification, how many books were in the library, etc.

1992 – 2001. QPA, Quality Performance Accreditation. QPA was an “outcomes based” accreditation method. It was accreditation by building (instead of just the district).

2001 – 2014. No Child Left Behind. Federal Act (NCLB) From 2001-2014. Schools (general term for state and districts) were required to show “adequate yearly progress” toward 100% proficiency on state assessments for math and ELA. But, there were consequences as schools provided more instruction time for math and ELA by cutting subjects like art and PE. Social studies and science in elementary school also suffered. Dr. Watson said NCLB “collapsed under its own weight.”

2014 – 2018. Transition. Dr. Watson continued, “Then we were left with, basically, nothing.” KSDE was looking into a new system, so they accredited every school system for a period of time, for four years, waiting for the new system.

2018 – 2024. KESA 1.0 came into effect in 2017-2018. Most districts “had not been under an accreditation system for a number of years.” KESA 1.0 was based on processes and results, but it was too cumbersome. Superintendents complained that KESA asked for “all this stuff.”

This screenshot shows that there were 157 public school districts (179 including private and Special Purpose districts) which had not been formally accredited until as late as 2023 (possibly from 2014 until 2023).



# KESA 1.0 to KESA 2.0



## ACCREDITED AND CONDITIONALLY ACCREDITED SYSTEMS

Years	SYSTEMS REVIEWED FOR ACCREDITATION		CONDITIONALLY ACCREDITED SYSTEMS		Total Reviewed	Percent Conditional
	Private, Special Purpose, and State	Public	Private, Special Purpose, and State	Public		
2017-2018	5	2	0	0	7	0%
2018-2019	13	8	0	0	21	0%
2019-2020	9	14	4	1	23	21.74%
2020-2021	14	25	2	2	39	10.26%
2021-2022	12	80	2	3	92	5.43%
2022-2023	22	157	2	24	179	14.53%
	(40 Conditionals)				361	11.08%

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The districts which had been conditionally accredited in 2023, were re-evaluated in 2024. All Kansas districts, but two, were then accredited in 2024. There are two remaining conditionally accredited districts. They have unusual circumstances.

And here are some differences between KESA 1.0 and KESA 2.0:

## KESA 1.0 to KESA 2.0

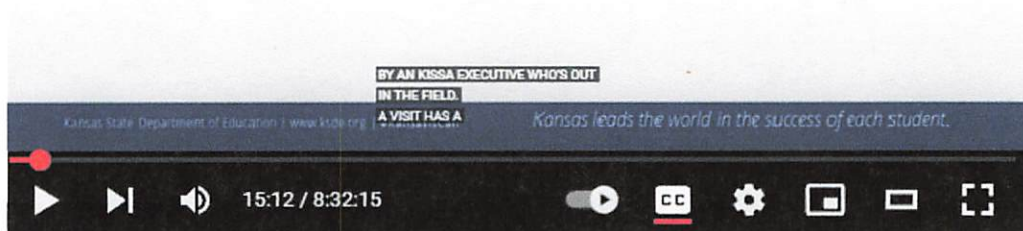


### KESA 1.0

- District Accreditation
- Accreditation Based on Process and Results
- Five Year Cycle
- Outside Visitation Team Chair
- Outside Visitation Team Visit

### KESA 2.0

- District Accreditation
- Accreditation Based on Process and Results
- Yearly Cycle
- KESA Executive Visit
- Regional Cohort Meetings



Kansas State Board of Education Meeting | July 9th, 2024