

MINUTES

AT-RISK EDUCATION COUNCIL

December 7, 2005
Room 423-S—Statehouse

Members Present

Dr. Andy Tompkins, Chairman
Mr. Bob Corkins, Commissioner of Education
Mr. Dale Cushinberry
Ms. Deloyce McKee
Mr. Bud Moore
Mr. Dave Self

Staff Present

Kathie Sparks, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Art Griggs, Revisor of Statutes Office
Mary Shaw, Committee Secretary

Conferees

Dale Dennis, Deputy Commissioner, State Department of Education
Dr. Alexa Posny, Assistant Commissioner, State Department of Education
Barbara Hinton, Post Auditor, Legislative Post Audit

Wednesday, December 7 Morning Session

Chairman Andy Tompkins called the meeting to order at 10:00 a.m., thanked and welcomed everyone to the meeting, and introductions were made by each member of the Council.

The Chairman recognized Theresa Kiernan, Revisor of Statutes Office, who presented an overview of the duties and statutory requirements of the At-Risk Education Council ([Attachment 1](#)). Ms. Kiernan gave the history of *Montoy v. State of Kansas*, which is detailed in her handout that was given to the Council. During the 2005 regular and special sessions, the Legislature created the 2010 Commission and the At-Risk Education Council to study and oversee education and school finance-related issues. The direction given to the 2010 Commission is detailed in the written information provided by Ms. Kiernan. She explained that the At-Risk Education Council is required to submit a report on its activities to the 2010 Commission and to the Governor by October 1, 2006, and a final

report, including any recommendations, to the 2010 Commission and the Governor by October 1, 2007. Ms. Kiernan noted that the At-Risk Council ceases to exist on June 30, 2007.

Ms. Kiernan provided details of the statutory provisions relating to at-risk students which included the following (see Attachment 1):

- At-Risk Education Council
- At-Risk Students.

Chairman Tompkins welcomed Dale Dennis, Deputy Commissioner of Education, who presented background information on at-risk students (Attachment 2). Mr. Dennis explained that students who have one or many of the following conditions are defined as at-risk:

- Not working on grade level;
- Having a high rate of absenteeism;
- Having repeated suspensions or expulsions; and
- Identified as an English Language Learner.

Additional characteristics exhibited by at-risk students are detailed on page two of the testimony provided by Mr. Dennis.

Mr. Dennis mentioned that students in these categories are more likely to be among the lowest achievement groups or drop out of school. He also noted that in Kansas, as evidenced by the 2005 state assessment, there continues to be a significant achievement gap between advantaged and disadvantaged students, majority and minority students, and English proficient students and English language learners.

Mr. Dennis explained that in its opinion issued on January 3, 2005, in *Monty v. State of Kansas*, the Kansas Supreme Court ruled the state failed to provide suitable financing for students in districts with a high proportion of minority or at-risk and special education students. During the 2005 regular and special sessions, the Legislature increased the weighting for at-risk students from .10 to .193. Mr. Dennis noted that while the number of pupils who qualify for free lunch determines the additional dollars that a school district receives, the school district must have a plan in place that has been approved by the State Board of Education identifying which at-risk students will be served and the services they will receive.

Mr. Dennis explained that at-risk programs served 142,778 students across the state during the 2003-2004 school year. He also explained the 2005-2006 At-Risk Formula (see Attachment 2). Mr. Dennis provided information regarding the Audit of At-Risk Programs (Attachment 3).

Mr. Dennis explained that the four-year-old-at-risk program was patterned after the three-and four-year-old Head Start program (Attachment 4). It was to serve the four-year-old-at-risk students who are not served by Head Start. Mr. Dennis explained that the Legislature had placed a limit on the number of students that could be served in the four-year-old-at-risk program. The 2005 Legislature amended the law to eliminate the number of students' slots and made the program subject to appropriation. Mr. Dennis detailed advantages of the program in his written testimony.

Mr. Dennis provided the following additional information to the Council:

- At-Risk Weighting Factor (Attachment 5); and
- Kansas At-Risk Pupil Assistance Program, 2006-2007 Final Guidelines (Attachment 6)

Discussion followed around the fact that approximately 5,603 students are funded in the 2005-2006 school year and the number of students that remain to be served would be an additional 897 students for a total of 6,500. Staff inquired about the reason for this, and Mr. Dennis responded that it is not the funding, but of lack of space in the schools for additional students.

Chairman Tompkins welcomed Dr. Alexa Posny, Assistant Commissioner, State Department of Education, who provided information regarding At-Risk Student Achievement on State Assessments and Trends in Kansas Education ([Attachment 7](#)). Dr. Posny provided detailed information in her written testimony on the Kansas Trends and the 2005 Assessment Results, Executive Summary. Regarding the 2005 Assessment Results, Executive Summary, Dr. Posny noted:

- Performance results are up again;
- Participation rate is still high;
- The gap has narrowed significantly at the elementary and middle school levels;
- The percent of highly qualified teachers remains high;
- This is the last year of only Title I schools being identified as “in need of improvement”; and
- This is the last year of the present instrument of state assessments.

Dr. Posny noted that the new assessment scores will not be available until December of 2007 due to the new assessment instruments. She also noted on page 33 of her report, top chart, Kansas 5 should read Kansas 4. Dr. Posny mentioned that fourth grade math has been the area of the largest growth. She also highlighted that Kansas has 39,859 teachers, and of those, 26,267 teach at least one core content class. Of the 26,267 teachers, 25,110, or 95.6 percent, are highly qualified. Discussion and questions followed.

The Council recessed for lunch at 12:00 p.m.

Afternoon Session

The meeting reconvened at 1:35 p.m.

In response to various requests from the Council members, Mr. Dennis provided the following information:

- 2005-2006 Four-Year-Old-At-Risk Headcount and location ([Attachment 8](#));
- At-Risk Enrollment History ([Attachment 9](#));
- All Kansas Schools with Four-Year-Old At-Risk, Day Care, or Pre-Kindergarten ([Attachment 10](#)); and

- Kansas Kindergarten Readiness Project: Student Readiness for School, Executive Summary: Dr. Alexa Posny (Attachment 11).

Chairman Tompkins welcomed Barbara Hinton, Post Auditor, Legislative Division of Post Audit, who presented an overview of the Post Audit Study on School Finance with Regard to At-Risk Weightings (Attachment 12). Ms. Hinton reported that the final numbers for the Legislative Post Audit Report will be available on January 4, 2006.

Ms. Hinton explained that the 2005 Legislature directed the Legislative Division of Post Audit to conduct two professional cost study analyses to estimate the cost of providing a public elementary and secondary education in Kansas:

- One study using an input-based approach to estimate how much it should cost school districts to deliver the curriculum, services, and programs mandated by state statute, as well as high school graduation requirements developed by the State Board of Education and state scholarship requirements developed by the State Board of Regents; and
- Another study using an outcomes-based approach to estimate how much it should cost school districts to meet the educational performance outcome standards set by the Board of Education.

Ms. Hinton explained that the purpose of these analyses is to “assist the Legislature in gathering information which is necessary for the Legislature’s consideration when meeting its constitutional duties to: (1) provide for intellectual, educational, vocational, and scientific improvement in public schools established and maintained by the state; and (2) make suitable provision for the finance of educational interests of the state.”

Ms. Hinton noted that a copy of the scope statement approved by the Legislative Post Audit Committee for the cost of the studies is attached to her testimony. She noted that two questions are germane to at-risk students:

- Q2:** What are the additional estimated costs for educating K-12 special needs (including at-risk) students, and how do those costs vary by district size and location?
- Q3:** For at-risk students, is there a significant relationship between the students counted for funding purposes and the students who actually receive those services?

For the outcomes-based study, the Division of Legislative Post Audit hired two professors from the Education Finance and Accountability Program in the Center for Policy Research at Syracuse University to conduct a statistical cost function analysis. Additional information regarding the audit is detailed in Ms. Hinton’s written testimony.

Chairman Tompkins explained that the minutes of the meeting will be mailed to Council members and time will be given to respond to staff with corrections prior to approval. The Chairman asked the members of the Council for suggestions for items to address at the next meeting. The following items were suggested:

- Thoroughly review the results of the Legislative Post Audit Report due on January 4, 2006.

- Request an overlay or a map to indicate where the Four-Year-Old-At-Risk students are located and highlight where the dollars are going in Kansas.
- Study the first charge given to the Council and try to identify the conditions and other issues that make a student at-risk for dropping out of school.
- Narrow down the student group where they are really having trouble, for example, some students may need a specific diagnostic tool to determine their specific needs.
- Every child should have an individual education plan (IEP) and not everyone has one, and look into what is out there to help identify factors.
- Look at charter schools because they have been able to take care of at-risk students and keep the dropout numbers down.
- Look at the at-risk students that are not Regents' institution-bound, but are good students, and if they should be considered for a vocational school, for example an apprenticeship, and not consider the number of hours needed.
- Look at data from other states regarding charter schools and their requirements, curriculums, what they have done, their effectiveness in evaluations, best practices, and other appropriate factors.
- Consider ways to look at evidence that programs are working.
- Get a handle on weighting factors in other states (possibly 10 to 15 states) regarding their at-risk students and their alternatives where they are known.
- Ask the Juvenile Justice Authority, Department of Social and Rehabilitation Services, and wraparound mental health to come to the table to discuss barriers for agencies and schools to keep operating efficiently, early intervention with at-risk children, and since SRS has downsized, see if common ground can be reached through possible partnerships with the agencies.
- Look at how the statewide system will open up to help local schools regarding early intervention with at-risk children because it can be very difficult in rural areas. Revisit a statute regarding this item.

Chairman Tompkins turned the Council's attention to discussion of future meeting dates. The Council decided to meet on Monday, February 27, 2006, which is the Legislature's turnaround day, and again on Thursday, April 13, 2006.

The Chairman thanked everyone for their participation in the meeting. The meeting adjourned at 2:40 p.m.

Prepared by Mary Shaw
Edited by Kathie Sparks

Approved by Council on:

April 13, 2006

(date)