



Chairperson Thomas and Members of the Committee,

We appreciate this opportunity to testify in support of HB 2731, which requires specific student achievement reports for the Legislature and the public.

State law requires the State Board of Education to adopt an accreditation system “based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 72-3218(c), and amendments thereto, and is measurable.”

The educational goal in K.S.A. 72-3218(c) is also known as the *Rose* capacities, which the Kansas Supreme Court in *Gannon* equated to Level 2 on the state assessment, writing “The new testing standards group students into four achievement levels. Level one is students who are not performing at grade level in the given subject. Level two comprises students who, while performing grade level work, are not doing so at a level of rigor considered “on-track” for college success. Level three is made up of students performing grade level work and are on track for college readiness. Level four are those students who perform above expectations.”¹

The Court then stated, “Kansas fails to provide nearly one-fourth of all its public school K-12 students with the basic skill of reading,” referencing 2016 state assessment results that found 24% of students below grade level in English Language Arts.²

Seven years later with \$2.2 billion more funding, 33% of Kansas students are below grade level.

That is a stark decline, not improvement, yet KSDE and the State Board of Education have taken no accreditation action against school districts.

Year	State of Kansas Math			State of Kansas ELA		
	Below Grade Level	At Grade Level, Needs Remedial Training	Proficient	Below Grade Level	At Grade Level, Needs Remedial Training	Proficient
2015	23%	44%	32%	21%	37%	41%
2016	27%	38%	33%	24%	35%	40%
2017	28%	38%	33%	27%	34%	37%
2018	29%	38%	33%	29%	34%	37%
2019	28%	39%	34%	29%	34%	37%
2021	34%	38%	28%	30%	35%	35%
2022	34%	36%	29%	34%	34%	32%
2023	33%	36%	31%	33%	34%	33%

State assessment results for all students, rounded to the nearest whole number

We believe the evidence shows that the State Board of Education is not accrediting districts based on improvement in academic outcomes as required in statute. The evidence also shows multiple attempts to artificially inflate outcomes.

For example, State Board of Education member Ann Mah recently testified at a hearing in the House K-12 Education Budget Committee that students scoring in Level 2 on the state assessment are on track for college and career, citing the current definition: “a student shows a basic ability to understand and use the English Language Arts skills and knowledge needed to be academically prepared for post secondary success.”³

Mah says Level 2 is on track for college and career because the definition includes the words ‘academically prepared for post secondary success.’ But by that logic, she is saying that every student is on track for college and career because the Level 1 definition also contains the magic words, with only a limited ability to understand and use ELA skills.

Only 19% of Kansas graduates who took the 2023 ACT test were considered college-ready in English, Reading, Math, and Science, by the way.

Proposed enhancements to HB 2731

The propensity of the State Board of Education and KSDE to give the Legislature a false sense of high achievement underscores the importance of HB 2731. We propose the following enhancements to ensure that the Legislature and the public get an accurate picture of state assessment results:

(2) (A) On or before January 15 of each year, the state board shall prepare and submit to the legislature a report on students who take the statewide assessments. Such report shall include the following information for each year that the current state assessment has been given:

(i) ~~The number of students and such number expressed as a percentage of the total number of students who~~ scored in Level 1 Limited, Level 2 Basic, and Levels 3 and 4 Proficient took the statewide assessments during the immediately preceding school year disaggregated by core academic area, eligibility for free and reduced lunch, and by grade level using the descriptors as labeled herein; and

(ii) the percentage of students who took the statewide assessments in grade 10 who, two years after graduating from high school, ~~obtained~~ completed two years of a four-year ~~some~~ postsecondary education disaggregated by statewide assessment achievement level and the percentage of students who took the statewide assessments in grade 10 who, two years after graduating from high school, completed a postsecondary education that requires two years or less disaggregated by statewide assessment achievement level.

(B) When such information becomes available, or as soon thereafter as practicable but not later than December 1 of each year, the state board shall publish the information required for the report under subparagraph (A) on the website of the state department of education and incorporate such information in the performance accountability reports and longitudinal achievement reports required under K.S.A. 2023 Supp. 72-5178, and amendments thereto.

We also suggest an amendment to require each school district to publish the information in (i) on its website for the district and each school within the district no later than December 1 of each year.

Understanding and accepting the severity of a problem is essential to developing appropriate solutions and getting students the education they need to achieve the American dream. It is also critical that parents and community leaders come to grips with the education crisis in Kansas to put upward pressure on the education system and the Legislature to urgently and boldly take appropriate action to resolve situations like these from the 2023 state assessment:

- 55% of Black students read below grade level, and only 12% are proficient.
- 47% of Hispanic students read below grade level, and only 19% are proficient.
- 46% of low-income students read below grade level, and only 20% are proficient.
- 46% of all 10th-grade students are below grade level in math, and only 21% are proficient.

These deplorable outcomes won't change until the Legislature compels adult behaviors to change at the top of the education system.

HB 2731 with the proposed amendments takes an important step to expose the education crisis and ultimately drive the necessary changes.

We encourage Committee members to approve HB 2731 with the proposed amendments and we thank you for your consideration.

¹ *Gannon IV, Gannon v. State of Kansas, March 2017, page 65.*

² *Ibid, page 67*

³ House K-12 Education Budget Committee, February 5, 2024 at <https://youtu.be/LXVv0-48ul4?t=3609>