

## MINUTES

### 2010 COMMISSION

May 31-June 1, 2007  
Room 123-S—Statehouse

#### Members Present

Rochelle Chronister, Chairperson  
Dr. Ray Daniels, Vice-Chairperson  
Senator Jean Kurtis Schodorf  
Representative Clay Aurand  
Representative Sue Storm  
Carolyn L. Campbell  
Leo Hafner, Legislative Division of Post Audit  
Steve Iliff  
Dennis Jones  
Lee Urban, Office of the Attorney General

#### Members Absent

Senator Jean Kurtis Schodorf (May 31 p.m. and June 1)  
Representative Clay Aurand (June 1)  
Steve Iliff (May 31 p.m. and June 1)  
Dennis Jones (June 1)

#### Staff Present

Theresa Kiernan, Office of the Revisor of Statutes  
Diane Rosell, Office of the Revisor of Statutes  
Sharon Wenger, Kansas Legislative Research Department  
Ashley Holm, Kansas Legislative Research Department

#### Others Present

Dale Dennis, Deputy Commissioner, Department of Education  
Scott Frank, Division of Legislative Post Audit  
Dan Bryan, Division of Legislative Post Audit  
Molly Coplen, Division of Legislative Post Audit  
Katrin Osterhaus, Division of Legislative Post Audit  
Gary Lewis, Principal, Lawrence Virtual School  
Bill Hagerman, Department of Education  
Linda Oborny, Department of Education  
Heidi Zimmerman, Division of Legislative Post Audit

**Thursday, May 31**

The meeting of the 2010 Commission was called to order at 10:00 a.m. by Chairperson Rochelle Chronister. She announced that the Attorney General had officially designated Lee Urban as the representative of the Office of the Attorney General. Leo Hafner was the designee for Barbara Hinton of the Legislative Division of Post Audit. Barbara Mackay has officially resigned from the Commission, and a new member will be appointed by the Governor for the unexpired term.

### **2007 Legislative Session Update**

Theresa Kiernan, Office of the Revisor of Statutes, began with a legislative update. HB 2368 was passed during the Legislative Session and increased the local option budget (LOB) required percentage from 31 percent to 32 percent. SB 68 was passed during the veto session to simplify the LOB legislation and set the percentage to 31 percent; however, this created a conflict with HB 2368's 32 percent provision ([Attachment 1](#)).

Representative Clay Aurand asked whether the LOB provision in HB 2368, an appropriations bill, was constitutional. He has requested an Attorney General opinion regarding adopting substantive law changes in an appropriations bill.

Dr. Ray Daniels asked what the difference in LOB provisions meant for schools. Dale Dennis, Deputy Commissioner, Department of Education, explained that the districts going to a 31 percent LOB allows them to access the cost-of-living adjustment (COLA). Two or three districts had to move to 31 percent in order to access COLA, and the Shawnee Mission school district held an election in April that brought its LOB to 31 percent. School districts can access both the COLA and declining enrollment weighting.

Ms. Kiernan continued with HB 2310, explaining that part of the bill was changed from "state prescribed percentage" to read "31 percent," with a grandfather clause for schools currently at 30 percent. The grandfather clause affected three school districts: Hays, Shawnee Mission, and Hanston. The same bill required the 2010 Commission to study early childhood issues and make recommendations regarding early childhood education services and the possibility of creating an Office of Early Childhood Education. Some Commission members were concerned about the wording of the bill, which seemed to set out with recommendations already in mind. A report must be filed with the Governor and Legislature by December 31, 2007. HB 2310 also required that the teachers at the School for the Deaf and School for the Blind are paid wages comparable to those paid in the Olathe School district.

SB 68 regarded the non-proficient at-risk weighting in the school finance formula. The bill included a provision for school districts that have a disaster which causes the district to be unable to complete state assessment tests to continue to receive non-proficient student funding equal to the prior year. This provision will apply to Greensburg public schools.

SB 68 also requires school districts to adopt policies and strategic plans to address bullying and to train student and staff in methods to identify and reduce bullying during school events. Representative Storm noted that cyberbullying is prevalent, but does not always occur on school property. The bill also included a requirement for the State Board of Education to assist school districts, if requested, in developing a character development curriculum.

HB 2159 regarded the second count date for dependents of military service members. In order to qualify for the February count date, the school district must increase by 25 pupils or by 1 percent of enrollment in order to be eligible for more funding.

SB 95 regarded the treatment of mentally ill youth at psychiatric treatment facilities. Students being treated in these facilities are not counted in the school finance formula. SB 95 changed the wording to label facilities that provide educational services to students as “psychiatric residential treatment facilities.” These are level 5 and 6 facilities licensed by KDHE and authorized by SRS.

SB 109 required that teachers start being paid for the school year in September.

SB 129 created time requirements and limits for reporting and punishing school safety violations.

SB 138 created the Autism Task Force to study issues related to autism and the delivery of services. The Task Force must submit a preliminary report by November 15, 2007 to the LEPC, and a final report by November 8, 2008.

Sharon Wenger reviewed additional items from the 2007 Legislative Session, including bills that would be carried over to the 2008 Legislative Session and the status of the 2010 Commission’s legislative recommendations ([Attachment 2](#)).

## **Vocational Education Update**

Representatives of the Department of Education, Bill Hagerman and Linda Oborny, made presentations about Career Technical Education (CTE) and the federal Perkins Act.

Mr. Hagerman showed a DVD featuring members of Congress advocating changes to technical education in America. Ms. Oborny gave an overview of the Perkins Act, which was reauthorized in August 2006 over only one dissenting vote in Congress. With the reauthorization, 2008 will be a transitional year for school programs as they are modified and updated.

Career Technical Education under the Perkins Act must focus on high wage, high demand jobs. The Kansas Board of Regents is the only agency that administers Perkins funds, using 50 percent for secondary education and 50 percent for post-secondary education. The programs focus on building partnerships and mixing academic and technical training and skills. No funding is given directly to four-year schools, but is distributed by the Board of Regents ([Attachment 3](#)).

This redefining of career and technical education involves a move from vocational education for a few students and related to a few jobs, such as agriculture and home economics, to education for all students and all careers.

## **Vocational Education Audit Update**

Scott Frank, Legislative Division of Post Audit, gave an overview of the approved audit entitled “Reviewing the Cost of Vocational Education Programs” ([Attachment 4](#)).

*Commission members reached consensus that because of changes at the federal level regarding the structure of the vocational education program, it would be best to suspend Part II of the vocational education audit. Auditors will complete Part I of the audit and the Commission will determine at a later date whether Part II should be done.*

## Presentation of Completed School District Performance Audits

After a lunch break, the 2010 Commission resumed, this time without a quorum. Stephen Iliff and Senator Schodorf were absent.

Heidi Zimmerman, Legislative Post Audit, presented an audit entitled: "Alternative Models for Organizing Middle Schools and High Schools." The audit examined alternative scheduling arrangements, including block scheduling, year-round school, and extended day or week. It also looked at theme-based schools and small learning community models ([Attachment 5](#)).

Members of the Commission related stories of parents in other states who were enthusiastic about year-round school schedules; however, many of the Commission members expressed concern that year-round schedules did not necessarily increase the number of days spent in school. Dr. Daniels noted that the Kansas City, Kansas school district received a three-year grant that allowed it to conduct year-round school for 212 days, rather than the traditional 180 days. Parents wanted year-round school, even when siblings were in other schools without such a schedule. Additionally, high poverty schools showed an increase in test scores when the students were in classrooms longer.

Ms. Zimmerman also presented an audit entitled "Reviewing the Research on Charter School Performance." The audit reviewed the literature about charter schools and concluded the schools had mixed results. There are 27 charter schools in Kansas presently. Magnet high schools, which usually have a strong academic focus, were shown to outperform regular high schools, with no discernible difference between magnet elementary and regular public schools ([Attachment 6](#)).

Chairperson Chronister requested that outcome data, including assessment results, dropout rates, graduation rates, and attendance rates for all of the schools highlighted by LPA in the "Alternative Models" and "Charter Schools" audits. Scott Frank said he could get this information for the next meeting of the 2010 Commission.

The next LPA audit was presented by Molly Copen, entitled "Comparing the Centralization of School District Accounting in Different States." It examined four methods of accounting: centralized accounting, a standardized chart of accounts, a standardized system of reporting accounting and recording, and a non-standardized system of recording and reporting accounting transactions. Other states used standardized recording and reporting, and a few used the same software throughout their states, which is a costly and time consuming investment. Kansas schools do not use the same coding numbers on their charts of accounts. Theresa Kiernan explained that HB 2175 would have standardized the chart of accounts for centralized accounting, but did not pass. The bill had a \$40 million fiscal note. Currently, Hawaii is the only state with centralized accounting; it only has one school district ([Attachment 7](#)).

Dan Bryan, Legislative Post Audit, presented another audit entitled "Reviewing the Staff Recruitment and Retention Strategies Used by Kansas School Districts." LPA surveyed 98 percent of superintendents in the state about what strategies they use to recruit and retain teachers, and which ones have been successful. Effective strategies included recruitment via the internet, college recruitment fairs, and student teaching placements. Hiring paraprofessionals and giving teachers collaboration time were strategies that helped retain teachers in schools ([Attachment 8](#)).

Respondents to the survey suggested these changes to help recruit teachers: easing licensing and certification requirements, removing barriers to hiring retired teachers, such as removing the KPERS cap, and increasing teacher salaries. The LPA audit found that Kansas is ranked 32<sup>nd</sup> in the nation in teachers' salaries. Some Commission members also raised the concern that the Kansas Performance Assessment for first-year teachers was a deterrent to teachers and an onerous duty. Teachers are required by law to take the State Board of Education examination.

Representative Storm suggested Kansas develop a standardized, statewide application for teaching jobs. North Carolina already has a statewide, online application on its State Board of Education website. Kansas currently has a website, [www.kansasteachingjobs.com](http://www.kansasteachingjobs.com), which could host this application.

The meeting was adjourned at 3:20 p.m.

## Friday, June 1

The 2010 Commission reconvened on Friday, June 1 at 9:00 a.m. Members absent included: Dennis Jones, Clay Aurand, and Stephen Iliff.

### **Presentation of Completed School District Performance Audits (continued)**

Katrin Osterhaus, Legislative Post Audit, presented an audit entitled "Reviewing Issues Related to Virtual Schools." The audit found that while there are policies regulating virtual schools in place, those policies are not always followed. The Department of Education did not have the registration forms for many virtual schools, on-site visits are not done, and performance reports were missing. Paying for students living outside of Kansas remains a risk, and the practice of "giving away students" to other schools caused concern about the potential for abusing the school finance formula and testing requirements (Attachment 9).

Scott Frank noted that members of the House Education Committee had been concerned that vocational education weightings were being used to fund other academic programs. He suggested an audit sampling 20 districts within the state to see what types of classes are offered and what costs are involved. The Commission agreed to begin this audit.

Gary Lewis, Principal, Lawrence Virtual School, answered questions before the Commission. He explained that the school continued year-round, and students set their own pace at the elementary grade levels. Academic programs are monitored daily, with time spent online not being the only indicator of attendance or progress used by the district. Students must submit engagement records, daily logs, and are in contact with their teachers every day. The parents of primary school children hold a conference with teachers every two weeks.

The student-to-teacher ratio at the school is 25:1 at the high school level and varies from 48 to 60:1 in the elementary grades. There are many similarities to "bricks and mortar" public schools, and some important differences. All students must take state assessments and the school has a school improvement plan. The school has an administrative building, with teachers' offices, a study hall, special education programs, and tutoring services. All the students in Lawrence Virtual School have Individualized Education Plans.

Chairperson Chronister noted that it may be helpful for the Commission if, when LPA went back and gathered assessment data on middle and high schools, it also looked at dropout rates, graduation rates, and attendance rates. Scott Frank said he could get this information for the next meeting of the 2010 Commission.

Chairperson Chronister discussed having the teacher recruitment audit updates regarding how long teachers have taught in schools before they leave. Currently, approximately one-third leave after three years of teaching in Kansas, which is in line with the national figures.

## Selection of Performance Audit Topics

*Dr. Daniels moved that the Commission recommend Legislative Post Audit proceed with the following:*

- *Analysis of differences in operating costs between districts' virtual school programs;*
- *Complete audit entitled "Assessing the Quality of English as a Second Language Preparation in Kansas Teacher Education Programs"; and*
- *Complete audit entitled "Reviewing Issues Related to Special Education Funding."*

*Representative Storm seconded the motion. Motion carried.*

Sharon Wenger reminded the Commission that the members were invited to an Early Childhood Education symposium in Wichita on June 14.

Prepared by Ashley Holm  
Edited by Sharon Wenger

Approved by Commission on:

June 26, 2007

Date