

## **KANSAS STATE BOARD OF EDUCATION**

**April 13, 2009**

### **Pre-Meeting Activity**

Board members were picked up at their hotel at 6:30 p.m. and transported by the Dodge City Trolley to the Boot Hill Bed and Breakfast, where they had dinner with Alan Cunningham, Superintendent of USD 443 and several district staff members and representatives of the Dodge City Board of Education. Entertainment was provided by Patricia Ahern and Karen Deno . Board members attending were Waugh, Shaver, Wims-Campbell, Cauble, Chappell, Dennis, Martin, Storm and Willard. Several Department of Education staff were also in attendance.

**April 14, 2009**

### **Pre-Meeting Activity**

Board members were given a trolley tour of Dodge City and also toured the newcomer classroom at Central Elementary and the third grade pod at the new Ross Elementary school. Upon its arrival at the USD 443 Learning Center, the State Board received a warm western welcome to Dodge City by the Dodge City Drivers.

## **MEETING MINUTES**

### **CALL TO ORDER**

Chairman Waugh called the meeting to order at 10:05 a.m. Tuesday, April 14, 2009, at the Learning Center at 308 West Frontview, in Dodge City, Kansas.

### **ROLL CALL**

Members present were:

Carolyn L. Wims-Campbell	Jana Shaver
Sally Cauble	Sue Storm
Walt Chappell	Janet Waugh
David Dennis	Ken Willard
Kathy Martin	*Mr. Bacon was unable to be present because of a work commitment

After Chairman Waugh read the Board's mission statement, the Board stood for recitation of the Pledge of Allegiance.

### **APPROVAL OF THE AGENDA**

Chairman Waugh asked that two items be added to the agenda and the agenda renumbered: as item 10, a request to appoint a hearing officer to conduct a public hearing on the Petition for Disorganization filed by USD 279 Jewell; and as item 11 b., a request by Mr. Douglas S. Wright for oral argument as part of the review of the initial order of the Professional Practices Commission. Three items were pulled from the Consent Agenda. Dr. Chappell asked that item i., a contract with Coyote Consulting, Inc., to provide support services as the Character Education Program Coordinator be pulled; and Mr. Willard asked to pull item e., program approval recommendations of the Evaluation Review Committee, and item m., a request to continue to contract for investigation of special education complaints. Mrs. Martin moved, with a second by Mr. Willard, that the agenda be approved as amended. The motion carried.

### **APPROVAL OF MINUTES**

Mrs. Martin moved, with a second by Mrs. Shaver, that the minutes of the March meeting be approved as presented.

Dr. Chappell indicated he had two things he wanted to add to the minutes. The first was regarding citizen comments made during the Open Forum. He stated that he felt it was important to document for the Board's future reference comments and the context of those comments to show the Board's respect for the time people are spending coming to the Board meetings to speak. Dr. Chappell moved that the comments made in March at the Open Forum by Peg Dunlap, KNEA, and special education teacher Mrs. Shelley Dunham be included in the minutes in a condensed form and, as standard practice, when the minutes are prepared, that summarized comments from citizens that come before the Board be included. Ms. Storm seconded the motion.

Mrs. Shaver questioned the necessity of revising the minutes to include comments Board members might want added each month since there is an audio record of every meeting. Ms. Storm mentioned the awkwardness of going to the archived audio to find such a small thing as a topic of an open forum comment and that a one or two sentence summary would be very helpful. She indicated that the paragraph provided by Ms. Dunham was too long. Chairman Waugh brought up the fact that during the first round of hearings on the science standards there were as many as 140 people signed up to speak at the Open Forum. She pointed out that it would be asking too much of the Board Secretary to have to summarize the comments of such large numbers of individuals. Mr. Willard asked for confirmation of what information was currently included in the minutes for Open Forum. It was explained that the name of the speaker, the organization they were representing - if included on the sign-up card - and the town in which they resided were included. Mr. Willard felt current practice was sufficient. Mrs. Wims-Campbell stated she would like to have the topic addressed by the Open Forum speakers included for the record.

Dr. Chappell moved to amend his motion regarding the Open Forum record, so that in addition to what was already routinely recorded in the minutes of the Open forum the topic and a one or two sentence summary of the main point of each presentation would be included. Ms. Storm seconded the amendment. Discussion followed. Mrs. Cauble stated she would vote in favor of the proposal if the summary were left out, adding that because she kept her own notes on what speakers said, she didn't need anything other than the topic added to what is normally recorded. Mrs. Waugh expressed concern about speakers who may mention more than one topic. It was suggested that the extra information requested be added to the Open Forum sign-up card. Dr. Chappell wasn't agreeable to amending his motion further. Chairman Waugh clarified that the motion would require that the record of the Open Forum in the minutes would include the name of the presenter, the city of residence, organization represented, the topic and a brief one or two sentence summary of the presentation. There being no further discussion, the motion carried 6-3, with members Waugh, Cauble and Dennis voting in opposition.

Dr. Chappell requested additional corrections to the minutes. Copies of his suggested corrections had been made available to Board members and he noted they clarified Board discussion at several points in the meeting. He moved that his corrections be included in the minutes. Mr. Willard seconded the motion.

Chairman Waugh reported that she had received copies of the corrections prior to the Board meeting and had gone back and listened to the audio version of the meeting. She found that Dr. Chappell's corrections were not exactly what he had said in the meeting. She also stated that other Board members had made comments that were not included in the minutes. She added that she felt if the Board were to include Dr. Chappell's comments, all other Board members' comments should be included, as well. Chairman Waugh suggested three options for Board members to consider: 1) accept the minutes the way they are currently being written; 2) hire a transcriptionist to provide a word-for-word transcription of the monthly meeting; or 3) have the board secretary follow a format of "skinny" minutes. Chairman Waugh described them as a record of motions, seconds and votes,

and titles of reports that were presented and by whom. She reported that she had called the Kansas Association of School Boards and was told that its attorneys highly recommended that form of minutes to local boards. She pointed out, with the meetings audio streamed, people could go back and listen to the meetings for details.

Mr. Dennis stated he would not vote for the motion because only one person's comments would be added to the minutes. Accepting the motion would be one-sided, noting that he had said a great deal at the March meeting and very little was contained in the minutes. Mrs. Shaver added that the Board had a secretary to take minutes and if every Board member starts adding their comments, the Board will end up with a huge document. Therefore, she would not support Dr. Chappell's motion. Mrs. Martin suggested that the Board develop a protocol for how Board members make corrections to the minutes. She noted that members received the minutes at least ten days after the meeting, giving them adequate time for corrections to be made to the draft. She explained that there were times the minutes didn't record what she had said in the way she had intended it to come out and it appeared that Dr. Chappell was trying to have the March minutes corrected to address similar concerns about the record of his statements. She pointed out two changes he had requested she felt held some merit as additions to the minutes. However, the addition of his recommended addition to the discussion of Board goals was not reflective of her recollection of the Board retreat and perhaps should not be included. Nevertheless, she agreed with Mr. Dennis that several members had made comments that were not included in as much detail as they were stated. Mrs. Martin expressed a preference for handling changes after the first draft was sent out rather than taking so much time at the beginning of the meeting when there were more important things to address.

Further discussion was postponed until after the Open Forum.

#### **CITIZENS' OPEN FORUM**

Chairman Waugh declared the Citizens' Open Forum open at 10:35 a.m. Addressing the Board were: USD 279 Board President Scott Lienberger, Jewell, requesting the Board's approval of the district's Petition for Disorganization without appointing a hearing officer; USD 273 Board President Joe Harrison, Beloit, expressing the urgency for approving the USD 279 Petition for Disorganization in order to attach the land to the Beloit district so planning for the next school year could begin; Danny Reichenborn, Dodge City, questioning the starting age for kindergarten and urging the development of an assessment of academic and social readiness for beginning kindergarten and to test into the next grade; USD 381 Vice President Earl Shafer, Spearville, thanking the Board for coming to western Kansas and asking it to consider sharing the audio-video record of Board meetings with the Smoky Hills Public Television Network in order for western Kansans to view the Board meetings. Chairman Waugh declared the Open Forum closed at 10:45 a.m.

#### **APPROVAL OF THE MINUTES (CONTINUED)**

Returning to the discussion of the minutes, Dr. Chappell inquired if the Board had a process for Board members to make corrections and additions after they have received the draft of the minutes and prior to the Board meeting. He stated that some Board members comments had been included, while others had not. The Board secretary explained how she had made corrections to the minutes after revisiting the audio record after hearing from Dr. Chappell and Mrs. Campbell. Dr. Chappell reiterated his concern, pointing to his comments he wanted to add to the record of the career and technical education discussion. He said he felt it was important to have a record to show what concerns and input Board members had as the curriculum and standards are developed. Chairman Waugh suggested to Dr. Chappell that the corrections he wanted to see made were fairly lengthy and only dealt with what he had to say, noting that other members spoke on many issues and their comments had not been included. She cited that as the reason she was in favor of the "skinny" minutes. Chairman Waugh reported that she had contacted the Board attorney and inquired if they would be appropriate for the Board to use. He indicated that would be very appropriate in light of the availability of the archived recordings of the meetings.

A discussion of the quality of the recordings followed. Commissioner Posny reported it was hoped that by the May meeting there would be an individual microphone for each person at the Board table, as well as a sound board that would be able to control the individual mikes to ensure quality. Dr. Chappell said, based on the comments received, he would withdraw his motion. Mr. Willard agreed to withdraw his second.

Returning to the original motion to accept the minutes as presented with the Board materials, Chairman Waugh asked for further discussion. There being none, the motion carried 9-0.

The Board took a break from 10:50 until 11:02 a.m.

#### **DISCUSSION OF FORMAT OF BOARD MINUTES**

Mrs. Shaver moved with a second by Mr. Dennis, that the Board secretary prepare minutes in the “skinny” minutes format beginning in May, contingent on having the technology in place to access a clear copy the audio-video minutes. The motion was amended to “beginning when the technology has been tested and is in place”. Mrs. Martin indicated she would vote against the motion because she enjoyed the minutes in their current format and that if members were interested in having specific comments included, as she had in the past, they could make a point of providing a written copy to the secretary at the meeting. Mrs. Campbell stated that her concern since she had come on the Board was that her comments were also not reflected. She proposed if the shortened format is used, that it include the names of Board members who participated in any discussion of an issue. Mr. Willard stated that he would not vote in favor of the motion, commenting that the current format was fine, giving a fair representation of what took place at the meeting. He noted that members have the opportunity to offer corrections to be voted on at the next meeting. He added that he felt it was important to have some general idea of the discussion and attitude of the Board. Mr. Dennis stated that he had supported the motion because it was contingent on having the technology in place that would produce a quality recording of the meeting. Dr. Chappell stated he would not vote for the motion because he felt the current format was very well done. Additionally, he felt that it was important to having something in writing that could be quickly read without having to listen to a lengthy recording of the meeting. The ease of moving through the recording to locate a discussion and adding the location of agenda items to the skinny minutes were discussed. Mr. Willard and Mrs. Campbell suggested that it might be best to postpone a vote until it was verified that the technology was functional and provided the quality the Board desired. Mrs. Shaver and Mr. Dennis withdrew the motion. Chairman Waugh directed the Board secretary to do minutes in both formats for the May meeting.

#### **COMMISSIONER’S REPORT**

Commissioner Posny informed the Board that she has been invited to be a member of the 2009 class of Leadership Kansas. She also reported that she had been asked to chair a federal task force looking at assessing students with disabilities. Dr. Posny invited the State Board members to the KSDE Annual Conference in Wichita April 30–May 1. Governor’s Scholars invitations were also given to Board members. Dr. Posny further reported that she is part of the Commission which is looking at the feasibility of closing Rainbow Mental Health, the Kansas State School for the Deaf and the Kansas State School for the Blind. Initial visits of the sites had taken place earlier in the month. Public hearings will be held as the Commission looks at this issue.

#### **PRESENTATION BY USD 443, DODGE CITY**

As is the practice when the State Board of Education meets outside of Topeka, it had the privilege of hearing about activities in the host district. Superintendent Alan Cunningham gave a brief overview of the demographics of the district and challenges the district faces, such as addressing the educational needs of a diverse and growing student population; funding for additional facilities, learning time, and timely interventions and enrichment;

overcoming the effects of the geographic isolation of southwestern Kansas; and implementing 21<sup>st</sup> Century Learning, including career pathways. Opportunities, alternative programs, teacher recruitment and retention efforts and services for students in the Dodge City district were outlined by Assistant Superintendent for Elementary Education Judy Beedles-Miller, Assistant Superintendent for Secondary Education Greg Springston, Assessment and Curriculum Director Ray Wipf, and Director of Human Resources, Joni Clark. They finished up their presentation by sharing many of the causes of celebration in the district: achieving AYP on the 2008 Kansas State Assessments, thirty Standard of Excellence awards, three Challenge Awards from the Confidence in Kansas Public Education Task Force, a Governor's Award for academic achievement, and a NCLB-Blue Ribbon Schools award.

The meeting was recessed for lunch at 12:10 p.m.

The Dodge City Middle School Mariachi Quintet entertained the State Board during lunch. Members of the quintet included Steven Gonzalez, Hector Aldaz, Genaro Tonche, Victor Molina, and Adrian Agundis. Their director was Adam Keda. Following lunch, the Board meeting resumed at 1:30 p.m.

#### **APPOINTMENT TO THE PROFESSIONAL PRACTICES COMMISSION**

It was moved by Mrs. Martin and seconded by Mr. Dennis that the State Board of Education appoint Phil Clark to serve on the Professional Practices Commission as a representative of secondary principals for a two month period from May 1, 2009 to June 30, 2009 to complete a term as a result of a resignation and that he also be appointed for his first full three-year term commencing July 1, 2009 through June 30, 2012. The motion carried. Dr. Chappell asked when the regulations for the Professional Practices Commission had last been reviewed.

#### **AUTHORIZATION TO APPOINT HEARING OFFICER**

Department of Education General Counsel Dea Lieber provided the Board with the basis for the staff recommendation that it authorize the Commissioner to appoint a public hearing officer to conduct a public hearing on the Petition for Disorganization filed by USD 279 Jewell. She explained that the Board must make two specific findings of fact before it can issue an order disorganizing a school district. The first is that the disorganizing school district cannot provide, or contract with another district to provide, the 30 credit hours required for high school graduation. The second determination is what is in the best interest of education in the area. Mrs. Lieber indicated that USD 279 did not state definitively in its Petition for Disorganization that it would not be able to provide the required 30 credit hours. The Petition, if approved, would also attach all of USD 279's territory to Beloit. Mrs. Lieber pointed out that the April 7<sup>th</sup> election to consolidate with USD 107, Rock Hill, 45% of the voters in the Jewell school district voted for the consolidation. Therefore, staff was recommending that a hearing officer be appointed to conduct a public hearing on behalf of the Board in order to gather the facts necessary for the Board to make the findings required by statute. Discussion followed about the length of time that might be involved before the issue would be brought back to the Board for a vote. Mrs. Cauble moved that State Board authorize the Commissioner of Education to appoint a hearing officer immediately to conduct a public hearing on the Petition for Disorganization filed by USD No. 279 (Jewell) and that the results be brought back to the May meeting for Board deliberation. Mr. Willard seconded the motion.

Issues raised in the ensuing discussion were concerns about students and teachers in this district. It was noted from comments made in the Open Forum USD 279 was going to lose enrollment and not be able to offer the curriculum to provide the 30 hours required for graduation. In addition, if the Board required a public hearing, and action on the disorganization was postponed teachers would have no idea about their status regarding a contract and district personnel would not be able to move forward in a timely manner to reorganize in a different form to prepare for the coming school year. This was compounded by the need of students to know where they would attend school in the coming year. At the same time, other concerns were voiced about where the territory

of USD 279 would be attached. Several members stated their inability to make a decision without having enough information from all constituents of the dissolving district. Ms. Storm called for the question, with a second by Mrs. Wims-Campbell. The motion passed 8-1, with Mr. Dennis voting "no". The Board vote on the motion to appoint a hearing officer passed 7-2, with Chappell and Dennis voting in opposition.

#### **UPDATE ON KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY**

Mr. Joseph Glassman, Chairman of the Postsecondary Technical Education Authority, came before the Board to provide an update on Authority activities. He stated that he believed that Kansas was in the right place and time to take advantage of the national interest in "green jobs and energy", as well as the new biohazard lab in Manhattan. He also reported on the technical education resources that will be required by the mandate made by the Commander at Fort Riley that all soldiers will have technical education by the time their period of service at the Fort is complete. Mr. Glassman urged board members to lobby for legislative funding of the Career Pipeline and discussed the important contribution it was making to career planning for students. Mr. Glassman also suggested, with several Board members in agreement, that a joint meeting of the Kansas Postsecondary Technical Authority and the Kansas State Board of Education be held.

The Board a break at 3:04 and returned at 3:10 p.m.

#### **REQUEST TO PRESENT ORAL ARGUMENTS**

Dea Lieber presented a request by Mr. Douglas Wright to present Oral Arguments in response to the recommendation by the Professional Practices Commission to deny him a teaching license. She reported that it had not been the Board's practice to grant oral arguments and it was the staff recommendation that the Board deny Mr. Wright's request. Mr. Dennis moved, with a second by Ms. Storm, that the Board deny Mr. Wright's request for oral argument.

Questions regarding process and other comments followed. Mrs. Wims-Campbell asked for the rationale behind the Board's practice to deny oral arguments. Chairman Waugh explained that if the request were granted the Board will have set a precedent that would open the door to other requests and the Board could find itself spending a lot of time on hearing other oral arguments, or arguing the merits of requests. When asked if allowing oral arguments in this in every case would require allowing oral arguments in every case, Mrs. Lieber indicated the Board would have to find a way to make a distinction that would set this situation apart. More than one Board member expressed the opinion that the Board should look at each case individually and determine if it warranted the Board's consideration. Dr. Chappell produced copies of on-line responses to news articles about the Wright case and spoke at length about giving him a second chance, quoting others who felt the same. He stated Wright's request for oral argument was a due process issue, a right owed to any individual. Mrs. Wims-Campbell also spoke in support of Mr. Wright, both in his request for oral argument, as well as his request for a teaching license. She shared her personnel experiences with him, in addition to conversations she had had with education administrators, public leaders, retired teachers and others regarding their feelings about the appropriateness of the Board approving his request for a teaching license and giving him a second chance. Many, she reported spoke of the example he would set for the young people he taught. Mrs. Wims-Campbell indicated she would be voting to approve the request for oral argument. The motion failed on a vote of 5-4, with Martin, Wims-Campbell, Willard and Chappell voting against the motion.

Mrs. Wims-Campbell moved that Oral Arguments be allowed in the Doug Wright case, 08-FC-29. Mr. Willard seconded the motion. Dr. Chappell stated he felt Mr. Wright had paid for his mistakes and made restitution. He added that the Board should thank Mr. Wright for choosing the education profession because people with his kind

of life experiences were needed to teach Kansas kids. Ms. Storm indicated she would vote against the motion because she did not need any more information to make her decision regarding Mr. Wright's request for a teaching license. Mr. Willard felt it was appropriate to allow Mr. Wright the opportunity to speak because it would show due diligence on the part of the Board to hear and question Mr. Wright about his intentions. The motion failed 4-5 with Cauble, Storm, Waugh, Dennis and Shaver voting no.

Dr. Chappell moved, with a second by Mrs. Wims-Campbell, that the Board approve Douglas Wright's application for licensure. Mrs. Martin indicated she would abstain because she would have liked to hear Mr. Wright's oral presentation before making her decision. The motion failed 3-4-2 with Waugh, Shaver and Dennis voting "no", and Cauble and Martin abstaining.

#### **RECOMMENDATIONS OF THE PROFESSIONAL PRACTICES COMMISSION**

It was moved by Mr. Willard, with a second by Mrs. Shaver, that the Kansas State Board of Education adopt the findings of fact and conclusions of the Professional Practices Commission and approve the recommendations of the Commission in cases 08-FC-18, 08-FC-24, 08-FC-27, 08-FC-30, 08-FC-31 and 08-BR-33. Dr. Chappell asked for more information regarding case 08-BR-33, a voluntary surrender of license. The motion carried 8-1, with Chappell voting in opposition.

#### **REQUEST TO PRESENT ORAL ARGUMENTS - Continued**

Mr. Willard then moved that the Board allow Oral Argument from Doug Wright, Case No. 08-FC-29, at the regularly-scheduled May meeting in Topeka. Mrs. Wims-Campbell seconded the motion, which passed 6-3 with Waugh, Shaver and Dennis voting "no".

#### **REVISED TIMELINE FOR REVIEW OF STANDARDS AND ASSESSMENTS**

Deputy Commissioner Diane DeBacker reviewed for Board members a proposed timeline for the revision of the math and reading standards. She reported that the timeline reflected postponement for beginning those revisions by a year. Because of the way standards revisions are scheduled within the Department, the proposal would also move the revision of all other standards back a year or two. She indicated that the Standards and Assessment staff would be comfortable with the change. Advantages included the fact that it would give the state one more year to use the current assessments. Also advantageous was it would allow more time to see what changes might occur with the reauthorization of the Elementary /Secondary Education Act (ESEA). Another factor was the possibility for the development of common standards across states. Dr. DeBacker pointed out that the only standards not affected were the Career and Technical Education standards because they are guided by the timeline for the Career Cluster Partnership with the federal Department of Education. Also discussed was a proposed one-year hiatus in giving the history-government and writing assessments. Dr. Chappell questioned the direction the Department was taking with integration of academics into career and technical education and suggested that before work moves forward on the standards development, that the Board, the Kansas Postsecondary Technical Education Authority and the P-20 Council meet together. Commissioner Posny indicated staff would work on scheduling the meeting, cautioning it would be very difficult to coordinate the schedules of the memberships of the three groups.

#### **DISCUSSION AND ACTION ON APPOINTMENT OF A BOARD ATTORNEY**

Dr. Chappell had requested to time to address the Board prior to going into executive session to discuss selection of the Board attorney. He shared a proposed amendment to the statute requiring that currently requires that the attorney of the Board attend all meetings of the Board and render legal services as directed by the Board or the commissioner. The amendments in Dr. Chappell's proposal would change the requirement for attorney attendance at all board meetings to "as requested by a majority of the state board". It would also remove the

commissioner's right to direct the board attorney to render service. Dr. Chappell indicated that there were legislators willing to see that this amendment pass this legislative session. Dr. Chappell also handed out a summary of payments to Mr. Biles from 2000 through the current date and a summary of the total paid to the Gates, Biles, Shields and Ryan law firm for FY 2007 and FY 2008. In an effort to save the state and the Department money, Dr. Chappell moved, with a second by Mrs. Martin, that the Board delay its decision to hire a board attorney until May. Dr. Chappell noted that the Board would continue to be covered. After questions and discussion the motion failed on a vote of 2-6-1, with Wims-Campbell, Cauble, Storm, Waugh and Dennis voting "no" and Willard abstaining. Mrs. Wims-Campbell suggested Dr. Chappell request the change in statute be added to the Board's legislative package for 2010.

#### **Executive Session**

Mrs. Shaver moved, with a second by Mr. Willard, that the Kansas State Board recess into Executive Session for a period of twenty minutes for the purpose of reviewing proposals for the State Board attorney, that the open meeting of the Board resume 4:35 p.m. The motion carried. The open meeting resumed at 4:35 p.m. and Mrs. Shaver moved with a second by Mr. Willard, that Executive Session be extended for a period of ten minutes and that the open meeting of the Board resumed 4:45 p.m. The motion carried. The open meeting resumed early at 4:43 p.m.

The Board took a short break until 4:48 p.m.

#### **Appointment of a Board Attorney**

Ms. Storm moved that the State Board appoint Mark Ferguson of the law firm of Gates, Shields and Ferguson to be the attorney for the Kansas State Board of Education. Mr. Dennis seconded the motion. The motion carried unanimously.

Information on the Board's liability insurance was requested.

#### **LEGISLATIVE MATTERS**

Deputy Commissioner Dennis reviewed the American Recovery and Reinvestment Act (ARRA) and its implications for Kansas with the Board. He also reviewed the status of education legislation with the Board following the first adjournment of the 2009 Kansas Legislature. The status on the funding of K-12 education for fiscal years 2009 and 2010 was also reviewed.

In response to a request from the State Board at its March meeting, Mr. Dennis reviewed the 2007 HB 2389 which would have allowed the State Board of Education to override local board of education's decisions on charter schools. This bill was introduced and referred to the House Education Committee with no other action taken during the 2007 legislative session.

#### **CONSENT AGENDA**

Deputy Commissioner Diane DeBacker reviewed the amendment to an existing contract to provide support services to the Partnership in Character Education Program. Dr. Chappell asked that it be voted on by the Board as a separate item. Mr. Willard indicated that he had received the information he needed on the two items he had pulled from the Consent Agenda and they could be added back to be voted on with the other items on Consent. Mrs. Cauble moved, with a second by Mrs. Shaver, that the Board approve all items on the Consent Agenda, with the exception of item i. The motion carried. In the Consent Agenda, the State Board:

- Received the monthly personnel report.

- Approved school construction plans for USD 265, Goddard and USD 233, Olathe.
- Approved the agreement for the Educational Services and Staff Development Association of Central Kansas (ESSDACK) Interlocal Agreement #622.
- Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Adaptive Special Education*: Deborah Koehn, South Central Kansas Special Educational Cooperative; and Jaxon Autry, Jennifer King and Alexa Redding, High Plains Educational Cooperative.
- Accepted the following recommendations of the Evaluation Review Committee for "Program Approval" for: Fort Hays State University - Early Childhood Unified (I, Birth-Grade 3), History Comprehensive (I, 5-8), Mathematics (I, 5-8), and Science (I, 5-8); Friends University – “New Program Approved with Stipulation” status for Physical Education (I, PreK-12) ; Kansas Wesleyan University - Physical Education (I, PreK-12), Health (I, PreK-12) , and “Approved” status, Biology (I, 6-12) with areas for improvement through December 31, 2014; McPherson College - ESOL (I, K-6, 6-12) , Health (I, PreK-12), and Physical Education (I, PreK-12) ; and The University of Kansas - Building Leadership (A, PreK–12), District Leadership (A, PreK-12) , Elementary (I, K-6), Mathematics (I, 5-8), and Mathematics (I, 6-12).
- Accepted the recommendations of the Commissioner of Education regarding a Visiting Scholar license for Ron Hale as a biology teacher for grades 9-12 in USD 452 for the 2008-09 school year.
- Approved funding for the Advanced Placement Incentive sub grants for 2008-2009: USD 443 Dodge City, \$15,000; USD 449 Easton, \$11,973; USD 234 Ft. Scott, \$9,500; USD 436 Caney Valley, \$14,893; USD 480 Liberal, \$15,000; USD 259 Wichita, \$32,274; SEKESC Greenbush, \$50,000; SCKESC Clearwater, \$50,000; USD 501 Topeka, \$29,700; USD 233 Olathe, \$15,385; USD 418 McPherson, \$11,250; and USD 265 Goddard, \$10,025.
- Issued an FY 2009 license to the commercial driving school, Hyplains Driving School of Garden City, Garden City, Kansas, effective from April 15, 2009 to December 31, 2009.
- Approved local inservice education plans for Cheylin USD 103, Turner USD 202, Piper USD 203, Clearwater USD 264, Colby USD 315, Lorraine USD 328, Mission Valley USD 330, Kinsley-Offerle USD 347, Morris County USD 417, Sedgwick USD 439, Kismet-Plains USD 483, and Pawnee Heights USD 496.
- Approved charter school status and funding for Hugoton Learning Academy, Hugoton USD 210, and Caney Valley Virtual Charter Academy, Caney Valley USD 436.
- Approved funding for the school improvement grants for 2008-2009 for USD 202, Turner-Kansas City - \$331,200; USD 352, Goodland - \$87,050; and USD 480, Liberal - \$241,650.
- Approved continuation of funding for the Kansas Middle School After School Activity Advancement Grant Summer Programs for 2009 for USD 101, Erie-Galesburg - \$25,000; USD 200, Greeley County - \$ 7,492; USD 250 , Pittsburg - \$20,000; USD 259 , Wichita - \$22,578; USD 291, Grinnell - \$25,000; USD 310, Fairfield - \$11,500; USD 312, Haven - \$17,848; USD 408, Marion-Florence - \$19,254; USD 500, Kansas City - \$25,000; and Butler Community College Foundation - \$19,879.

- Approved the Motor Vehicle Accident Prevention course approval procedure.
- Approved requests from USD 255, South Barber, and USD 263, Mulvane, for authority to hold elections on the question of issuing bonds over the school districts' bond debt limitation.

*Contracts Approved*

Authorized the *Commissioner of Education* to negotiate and:

- enter into a contract with the Southeast Kansas Education Service Center to develop on-line Advanced Placement courses that are College Board compliant, in an amount not to exceed \$10,000;
- continue to contract with Dr. Richard Whelan and Ms. Diana Durkin for the purpose of investigating special education complaints, with each contract amount not to exceed \$50,000 and with an hourly rate of \$40 per hour plus expenses.

**AMEND CONTRACT TO PROVIDE SUPPORT SERVICES AS THE CHARACTER EDUCATION PROGRAM COORDINATOR**

Mrs. Martin moved, with a second by Mrs. Wims-Campbell, that the State Board authorize the Commissioner to amend the contract with Coyote Consulting, Inc. to provide support services for the Character Education Program to include reimbursement for expenses in an amount not to exceed \$10,000 and to reimburse consulting fees at the rate of \$44 per hour not to exceed \$5,000 per month. The motion carried 8-1, with Chappell voting "no".

**RECESS**

There being no further business, the meeting was recessed at 5:32 p.m. Board members had dinner at 6:30 p.m. with area education administrators, superintendents and members of local boards.

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Janet Waugh, Chairman

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Penny Plamann, Secretary

**KANSAS STATE BOARD OF EDUCATION  
MEETING MINUTES  
APRIL 15, 2009**

**CALL TO ORDER**

Chairman Waugh called the meeting to order at 9:00 a.m. Wednesday, on April 15, 2009, at the Learning Center at 308 West Frontview, in Dodge City, Kansas.

**ROLL CALL**

Members present were:

Carolyn L. Wims-Campbell	Jana Shaver
Sally Cauble	Sue Storm
Walt Chappell	Janet Waugh
David Dennis	*Mr. Willard was unable to be present because of a work commitment
Kathy Martin	*Mr. Bacon was unable to be present because of a work commitment

**APPROVAL OF THE AGENDA**

Mrs. Cauble moved approval of the agenda as presented. Mrs. Martin seconded the motion. Dr. Chappell moved that the Board set aside some time on the morning's agenda to discuss ways the Board could help the legislature reduce the costs of education to address the budget crisis. Dr. Chappell's motion died for lack of a second. The agenda was approved by a vote of 7-0-1, with Willard and Bacon absent and Chappell abstaining.

**BOARD REPORTS**

**Chairman**

Chairman Waugh reported on a meeting she had attended in Washington, D.C. preceding the NASBE legislative conference. *Meeting the Turnaround Challenge* was attended by state board chairs and chief state school officers. She reported she found it to be very beneficial to have a joint meeting of the two groups. Regarding the NASBE legislative conference she reported there had been an informative presentation on the stimulus package. Kansas Board members attending were able to meet personally with Congressman Dennis Moore and Senator Sam Brownback and aides of other members of the Kansas congressional delegation. Most thought that reauthorization of ESEA would not occur this session. Mrs. Waugh reported that she had also attended several other meetings during the past month, but the most gratifying had been a visit to KSSB to attend its outstanding production of *The Wizard of Oz*.

**Board Attorney**

Mr. Flynn, interim Board Attorney, reviewed his written report, noting that it had been a fairly quiet month. He mentioned that other than the Public Employees Relations Board issue which was resolved by legislation, the only activity was a few phone calls and e-mails. Mrs. Wims-Campbell moved, with a second by Ms. Storm, that the Board approve payment for the professional services for the Board Attorney for March. Dr. Chappell asked for further information about Mr. Flynn's charges. Dr. Chappell expressed his unhappiness about what he felt was an inadequate process for determining what legal activities it should be paying for. Discussion followed and Dr. Chappell was asked if he wanted to make a motion about changing the process. He said he would wait and work with the new attorney. The motion carried 8-0.

### **Communications Committee**

Communications Committee discussed concerns with the Board. The Committee recommended that Board member podcasts be resumed after the Board's goals and objectives are firmed up. Recommendations for Board work sessions and forums, and an update on the revisions of the Department website were also requested. It was agreed that the Chair, Vice Chair and Commissioner would develop recommendations for work sessions to be held the Monday prior to Board meetings and report at the May meeting.

### **Legislative Coordinator**

Ms. Storm urged Board members to contact the Elections Committee conference committee members about the Board's bill on raising the political contributions limit in order to get it addressed this session.

### **Other Board Member Reports**

Mrs. Shaver reported that the Policy Committee will be meeting shortly and Board members should contact her about any policy issues they would like to have reviewed. Mrs. Wims-Campbell gave Board members copies of a CNN report entitled, "Data: U.S. teachers contracted to work longer than G-8 counterparts." Mrs. Cauble requested that airing Board meetings on the Smoky Hills television channel be considered.

### **Requests for Future Agenda Items**

There was a discussion about how requested items get on the agenda. Mrs. Cauble asked for a discussion regarding developmentally appropriate entrance into kindergarten, with an emphasis on pre-school; the appeals process for individuals who the Professional Practices Commission have recommended revocation of their teaching licenses; and national standards. Mrs. Cauble indicated she did not necessarily need any of her requests she be on the agenda, but would like to perhaps visit them at a work sessions. Ms. Storm requested more information on the teacher leader assessment and the teacher leader endorsement. Mr. Dennis requested a presentation on student coaching. Dr. Chappell requested a presentation by Interactive Special Ed. It was suggested that the Derby school district which is using the product be contacted for a presentation.

The Board took a brief break from 9:58 until 10:06 a.m.

### **OBJECTIVES FOR 2009-2011 SUPPORTING THE BOARDS' MISSION STATEMENT AND GOALS**

Commissioner Posny opened the discussion of the objectives supporting the Boards' 2009-2011 mission statement and goals by reviewing what the Board adopted at the March meeting. She suggested that the Board first prioritize its goals and then decide which objectives under each goal the Board would like focus its energy and resources for the 2009-2011 period. Dr. Chappell stated that he felt, since many of the objectives were carried over from the previous Board goals, the first step should be to determine the status of each. It was pointed out that the information had been provided to new Board members during the orientation period and reviewed again at the board retreat.

After Board members had spent some time talking about the four goals and how they should be prioritized, Mrs. Cauble moved, with a second by Ms. Storm, that the Board approve the current order of the goals as reflective of the Board's priorities. After further discussion, Ms. Storm called for the question. Mrs. Martin provided a second. The motion passed 8-0. The motion to establish the priority order of the goals carried 7-1, with Chappell voting "no".

Further clarification of the process to determine the objectives under each goal followed. Commissioner Posny explained that Board members had proposed additional objectives at the Board retreat. Giving weight to the goals, provided Board members with a guide regarding which goals would require more effort to accomplish and which

additional objectives might need to be added. Dr. Posny also added that there had been additional objectives added after the retreat and that they were provided separately for Board members to decide how they would like to deal with them.

For the record, Dr. Chappell stated that there was no Board discussion at the retreat. There were presentations by the Commissioner and the Deputy Commissioner who reported what they felt had been accomplished. The Board was then presented with the same things to work on for the next two years. He stated that no one had an opportunity to discuss what they wanted to see as objectives. He said he had recorded what was suggested and had given it to the secretary to hand out at the February meeting. He said he felt if it was going to be said that there was a discussion it should be recorded in the minutes, yet there were no minutes taken and no motions voted on. He said he wanted to discuss what Board members wanted to achieve for the next two years before voting, adding he felt a vote was premature. Mrs. Martin disagreed and recalled that at the retreat the Board got sidetracked discussing instead of acting. Mrs. Martin indicated she was ready for the Board to take the next step and determine the objectives. She urged the Board to take action.

After additional discussion, Mrs. Cauble moved, with a second by Mrs. Shaver, that the Board adopt the following objectives under the Board first goal, *"Redesign the delivery system to meet our students' changing needs"*:

1. Develop and implement policy on academic and technical education integration
2. Identify, replicate and promote best practice that can be targeted to specific populations (e.g., high school; middle school reading; early childhood)
3. Study and clarify regulations and identify challenges
4. Examine the definition of a classroom in a redesigned system

In response to objections by Dr. Chappell about the fact the Board would not be establishing the strategies and activities under each objective, a discussion followed about the distinction between policy and administration. The motion carried 7-1, with Chappell voting in opposition.

After Board members had an opportunity to cast individual votes on the second goal, *"Provide an effective educator in every classroom"*, and the votes were tallied, Mrs. Martin moved, with a second by Mrs. Shaver that the Board approve the following objectives in the priority order indicated by the vote:

1. Identify, replicate and promote best practices in teacher preparation and professional development
2. Improve the support system for teachers
3. Assess and improve the alternate licensure program
4. Develop policy on alternative compensation
5. Develop recruitment strategies for future teachers
6. Assess the effectiveness of current professional development practices
7. Identify obstacles

The motion carried 7-0-1, with Chappell abstaining.

After discussion of the proposed objectives under the third goal, *"Ensure a visionary and effective leader in every school"*, Mrs. Cauble moved and Mrs. Shaver seconded that the Board adopt the following objectives:

1. Identify, replicate and promote best practices in preparation and performance
2. Identify and grow visionary leaders focused on learning
3. Study the current leadership programs

The motion carried 7-0-1, with Chappell abstaining.

Dr. Chappell voiced additional objections to the process and additional discussion followed.

After Board members had the opportunity to cast their individual vote, for objectives under goal four," *Improve collaboration with families and communities, constituent groups and policy partners*", Mrs. Cauble moved, with a second by Mrs. Shaver, that the Board adopt the following objectives in priority order indicated by the vote:

1. Hold more work sessions as a board to discuss policy options and how to implement
2. Meet annually with the Kansas Board of Regents
3. Keep the public informed on key policy issues
4. Align pre-k through 16 systems of support in collaboration with identified partners
5. Resume focus group meetings in each board member district
6. Continue sending highlights to predetermined groups/individuals
7. Develop a structure for regularly communicating about education with the legislative leadership of both parties and focus on areas of common interest

The motion carried 7-0-1, with Chappell abstaining.

Commissioner Posny indicated staff would develop strategies, activities and timelines and bring them to the Board at the May meeting.

#### **BOARD TRAVEL**

Mrs. Martin indicated she had been invited to visit the Salina Christian Academy and requested salary and mileage. Mrs. Waugh asked for salary and mileage for the PTA conference in Lawrence. Mrs. Shaver asked for salary and mileage for the Governor's Scholar Awards in Topeka.

A discussion followed about how the Board should deal with travel requests from Board members who had exceeded their travel allocations. Also discussed were the types of events for which it was appropriate for Board members to request travel reimbursement. Mrs. Shaver moved, with a second by Mrs. Cauble, that the Board not approve travel requests from members who had exceeded their allocations. After further discussion the motion was withdrawn.

Ms. Storm moved, with a second by Dr. Chappell, to refer the issue of how the Board should handle travel requests for members who have exceeded their travel allocations to the Policy Committee for a recommendation. The motion carried 8-0. As a member of the Policy Committee, Mrs. Wims-Campbell inquired how far should the Board allow members to go over their travel allocations.

Dr. Chappell voiced additional objections about how the travel budget was established and his lack of knowledge of the Department of Education's budget. Further discussion followed about the Board's oversight of the Commissioner and the Commissioner's oversight of the Department and the budget. How the Board travel budget and the allocations were determined was also explained.

Mrs. Martin moved that the travel requests be approved as amended. Mr. Dennis seconded the motion which carried on a vote of 7-1, with Cauble voting "no".

#### **OTHER**

Chairman Waugh expressed the Board's appreciation to Superintendent Cunningham for the district's warm hospitality during the Board's visit.

Mr. Dennis asked if the Board was going to send the issue of State Board member interaction with local boards to the Policy Committee. Chairman Waugh reported that she had received an email from Mr. Dennis regarding statements and recommendations made by Dr. Chappell at a USD 259 board meeting and emails sent which Dr. Chappell had signed as a member of the State Board of Education. She reported that Commissioner Posny had received a letter from the USD 259 superintendent inquiring if Dr. Chappell was representing a Board position since he had signed his email to him as a member of the State Board. Chairman Waugh reported that the Board Attorney had suggested that Board's policy on Boardsmanship be studied and perhaps strengthened.

Dr. Chappel I defended his positions that he proposed to USD 259. After lengthy discussion, the Board Attorney clarified that the issue was not the quality of Dr. Chappell's ideas or the content of the communication. The issue was one of delivery. He pointed out that when there is confusion by a recipient of a communication about whether a Board member is acting in an individual capacity or a representative capacity it creates an issue that should be addressed. Mr. Flynn stated that he recommended that the Policy Committee look at the policy on Boardsmanship and further define how Board members should go about communicating with the public in order to avoid any confusion.

#### **ADJOURNMENT**

Mrs. Cauble moved, with a second by Ms. Storm, that the Board meeting be adjourned. The motion carried and Chairman Waugh declared the meeting adjourned at 12:16 p.m.

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Janet Waugh, Chairman

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Penny Plamann, Secretary