

**KANSAS STATE BOARD OF EDUCATION
MEETING MINUTES**

December 9, 2003

Chairman Waugh called the meeting to order at 10:00 a.m. on Tuesday, December 9, 2003, in the Board Room of the State Board of Education Building, 120 SE 10th Avenue in Topeka, Kansas.

ROLL CALL

All members were present:

| | |
|---------------|----------------|
| Steve Abrams | Iris Van Meter |
| John Bacon | Bill Wagnon |
| Sue Gamble | Janet Waugh |
| Connie Morris | Ken Willard |
| Carol Rupe | Bruce Wyatt |

The Board stood for recitation of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Chairman Waugh asked that an executive session for discussion with the Board Attorney in order to maintain attorney-client privilege be added after the consent agenda.? She asked if there were any other changes to the agenda.? Mrs. Gamble moved, with a second by Mr. Wyatt, that the agenda be approved with the addition of the executive session.?? The motion carried.

APPROVAL OF THE MINUTES

Dr. Wagnon moved, with a second by Mrs. Gamble, that the minutes of the November meeting be approved as submitted.? The motion carried.

COMMISSIONER'S REPORT

Commissioner Tompkins reviewed items from his written report, providing an update on: activities related to technical assistance to schools for improvement strategies; progress to date with the determination of highly qualified teachers; an application for a school leadership training grant from the Wallace Readers Digest Fund; and work on the development of guidelines for virtual schools.? A discussion followed about the development of guidelines for existing virtual schools and new ones which may arise before the State Board addresses the question about whether there should be a single virtual education provider in the state.?

Dr. Wagnon brought up several issues about the state assessment program and asked that the Board be kept updated on the status of computerized assessments.? He also asked for a reevaluation of the state assessment program at the elementary level in light of the proficiency and testing requirements of NCLB.

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INTERNATIONAL READING ASSOCIATION'S FIVE STAR AWARD AND ACTIVITIES OF THE KANSAS READING ASSOCIATION

Kansas recently received the International Reading Association's (IRA) Five Star Award, which recognized the reading initiatives of the Kansas State Department of Education. Only five states in the nation have met the stringent requirements to achieve the award. LeAnn Clark, President of the Kansas Reading Association (KRA), shared information regarding the award, as well as information and a PowerPoint presentation about the professional development opportunities that membership in KRA provides for teachers across the state.

CITIZENS' OPEN FORUM

Chairman Waugh opened the Citizens' Open Forum at 10:44 a.m. Addressing the Board were: Valerie Walthall accompanied by Barbara Stapleton, Topeka, representing College Goal Sunday; and Mark Tallman, Topeka, representing the Kansas Association of School Boards. Chairman Waugh declared the open forum closed at 10:54 a.m.

The Board took a break from 10:54 to 11:04 a.m.

RECOGNITION OF 2003 MILKEN NATIONAL EDUCATORS

The Board heard presentations from two Kansas educators, Jesus ?Jesse? Bernal, a Spanish teacher at Garden City High School, Garden City USD 457, and Charles Jenney, a seventh and eighth grade math and science teacher at Robinson Middle School, Wichita USD 259, who recently received the 2003 Milken Family Foundation National Educator Awards. They shared with Board members successful strategies they have incorporated into their classrooms that they felt have resulted in student achievement gains. After answering questions from Board members, each was presented with a certificate of recognition and stood for pictures with Chairman Waugh and Commissioner Tompkins.

LEGISLATIVE MATTERS

Deputy Commissioner Dennis reviewed the issue discussed at the November meeting concerning the counting of students in alternative programs/schools. He noted that current law provides for a count on September 20th and that efforts have been made to treat September 20th as any other school day. However, some school districts try to ensure that all students, as well as part-time students enrolled in alternative programs/schools, are in school on September 20th even though most of the students are enrolled and attending part-time. Mr. Wyatt moved, with a second by Mrs. Gamble, that the State Board approve the staff recommendation to add to the State Board's legislative proposal a request to amend current law to count the full-time equivalent enrollment during the week of September 20th for students enrolled in certain alternative programs. After discussion of alternatives to the proposal, the motion carried 9-1, with Dr. Abrams voting ?no?.

Mr. Dennis also raised the issue of counting for general state aid purposes out-of-state students enrolled in virtual programs sponsored by Kansas public school districts. He suggested that the Board recommend to the legislature that only Kansas students who are enrolled in Kansas virtual schools be included in the

enrollment count.? A discussion followed about the similarities between the virtual school enrollment issue and the issue of out-of-state students attending Kansas schools.? Because many out-of-state students have families with ?close economic ties? to the Kansas district they attend, it was recommended that a definition of a ?close economic association? be developed for inclusion in any legislative proposal developed for addressing the virtual school and out-of-state student issues.?

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The Board recessed for lunch at 12:06 and returned at 1:30 p.m.

LEGISLATIVE MATTERS (continued)

The Board briefly continued with its discussion of the virtual school enrollment issue.? Mr. Dennis also shared a presentation he had made to the Legislative Education Planning Committee on district budget profiles.

UPDATE ON CHARTER SCHOOL RENEWALS

Department of Education General Counsel, Rod Bieker, reviewed the Kansas charter school law, and highlighted the changes made in the law in 2002.? Those changes, he noted, provided criteria for Board approval of requests to establish charter schools and renew exiting ones.? He indicated that the State Board can approve the renewal of a charter school only if the charter school has demonstrated progress in achieving the program goals established in its charter petition.?? Mr. Bieker reported that of the 23 charter? schools whose charters are to expire at the end of the 2003-2004 school year seven districts, with eight charter schools, have indicated they intend to seek renewal. Discussion followed about charter renewals as well as the rubric that will be applied to new charter requests.? Commissioner Tompkins pointed out that technical assistance had been offered to all seeking new charters.? Also discussed was whether the Board could request assessment results as part of the renewal process.? Asked if corporate sponsors are required to work through the local school district to establish a charter school, Mr. Bieker indicated they would, because in Kansas charter schools are local public schools.?

PROPOSED INSTITUTIONAL ACCREDITATION AND PROGRAM APPROVAL REGULATIONS

Dr. Martha Gage, Director of Teacher Education and Licensure, reviewed proposed regulations 91-1-230, 91-1-231, 91-1-232, 91-1-235 and 91-1-236 which provide procedures for accreditation of teacher education units at higher education institutions and approval of educator preparation programs offered by those institutions. The proposed regulations would replace current regulations numbered 91-1-68a, 91-1-68b, 91-1-68c, 91-1-68d and 91-1-68e.? She noted that the Board would be asked at its January meeting to approve the submittal of the proposed regulations to the Department of Administration and the Attorney General for review.? The Board discussed the changes and Dr. Gage answered questions.? In the discussion, Mr. Bacon suggested that it would be helpful if the definitions of ?review team?, ?onsite review team?, and ?combined onsite review team? were clarified.? Expectations regarding the extent to which new teachers coming out of Kansas teacher preparation programs are prepared for the realities of the classroom were also explored.?

APPOINTMENT TO THE SPECIAL EDUCATION ADVISORY COUNCIL

Mrs. Gamble moved, with a second by Mr. Wyatt, that the Kansas State Board of Education appoint Georgia Masterson to serve on the Special Education Advisory Council as a representative of other state agencies involved in the financing or delivery of related services to exceptional children. The motion carried. The term of office for Ms. Masterson would run through June, 2004, to complete a unexpired term as a result of a resignation.

CONSENT AGENDA

Dr. Abrams moved, with a second by Mr. Bacon, that the State Board approve the consent agenda as presented. The motion carried. In the consent agenda, the State Board:

- ? Received the monthly personnel report.

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- ? Confirmed the appointment of Stacey Farrar to the position of Administrative Assistant in the School Improvement and Accreditation and State and Federal Programs teams, effective November 9, 2003, at an annual salary of \$18,865.60.
- ? Approved school construction plans for USD 231, Gardner Edgerton; USD 259, Wichita; USD 262, Valley Center; USD 258, Humboldt; USD 323, Rock Creek; and Bishop Miega, Shawnee Mission.
- ? Approved accredited status for: USD 312, Mount Hope Elementary; USD 373, Northridge Elementary, South Breeze Elementary and Walton Elementary; and USD 383, Frank V. Bergman Elementary.
- ? Approved waiver of K.A.R. 91-31-18(c)(2), for Faith Lutheran School, Derby, Kansas, to allow it to target for improvement the two academic areas of mathematics and reading during its first cycle of state accreditation.
- ? Approved waiver of K.A.R. 91-31-18(c), 91-31-18, and 91-31-24 for Peoria Street Charter School, USD 416, to allow additional time to meet the requirements of QPA and to postpone the school's first on-site visit until May 31, 2004.
- ? Approved waiver of K.A.R. 91-31-18 and 91-31-24 for Indian Creek Elementary School, Seaman USD 345, to allow it to delay its first Cycle III onsite visit until December 2004.
- ? Approved waiver of K.A.R. 91-31-24 for Baxter Springs Middle School and Baxter Springs High School to allow them to have visiting team members that are internal to USD 508 for their Cycle III on-site visits.
- ? Approved waiver of K.A.R. 91-31-18(c)(2) for Seneca Elementary School and Nemaha Valley High School, USD 442, to allow them to target the two academic areas of mathematics and reading

during Cycle III of state accreditation.

? Approved the Inservice Education Plans from: USD 205, Bluestem; USD 252, South Lyon County; USD 302, Ransom; USD 343, Perry; USD 406, Wathena; USD 410, Hillsboro; USD 449, Easton; USD 454, Burlingame; USD 458, Basehor-Linwood; USD 475, Junction City; USD 496, Pawnee Heights; and Brown County SPED Interlocal #615.

? Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Adaptive Special Ed*: Shannon Moser, USD 231, Gardner-Edgerton, Barbara Bogart, USD 263, Mulvane, Sheri Alverson, ?Tracy Dalinghaus, and Anne Hobbs, USD 442, Nemaha Valley, ?Kelly Base, Joel Creel, Charles Dillingham, Brian Dinkel, Elizabeth Duggins, Brenda McFall, Olegina Ortiz and Sandra Schmidt, USD 457, Garden City, Dee Siruta, Northwest Kansas Education Service Center (NWKESC), Aaron Beckman, Sheila Bogart and Riki Kerns, North Central Kansas Special Education Cooperative (NCKSEC); *Early Childhood Special Ed*: Jan Allenbaugh, Katy Dibble, Heather Durler, Amy May, Michelle Solorzano and Annette Wyatt, USD 457, Garden City; and Valerie Stake Koehn, South Central Kansas Special Education Cooperative; *Gited*: Charles Mahoney II, USD 490, El Dorado, Janeil Baxter, NCKSEC, Valerie Brown, NWKESC, and Marcia Smith, Southeast Kansas Interlocal; *Interrelated Special Ed*: Connie Richardson, Sedgwick County Area Education Services Interlocal, and Christine Eveleigh and Charles Foster, NCKSEC, *Library Media Specialist*: Kristy Rivers, USD 329, Mill Creek Valley, and Kathleen Asher USD 443, Dodge City; *Math*: Mike Hulse, USD 400, Smoky Valley; *Spanish*: Celeste Edgar, USD 222, Washington; and *Extend days on an emergency sub license through 12/31/03*: Debbi Kearn, USD 333, Concordia.

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? Approved continuation of funding for State Improvement Grant IHE Continuous Improvement Subgrant Projects totaling \$310,000 for: Emporia State University, \$25,000; University of Kansas, \$40,000; Wichita State University, \$35,000; Washburn University, \$25,000; Pittsburg State University, \$25,000; Fort Hays State University, \$25,000; Friends University, \$25,000; Kansas State University, \$40,000; ACCK Consortium of Colleges - Bethany, Bethel, Kansas Wesleyan, McPherson, Sterling, and Tabor - \$30,000; Haskell Indian Nations, \$5,000; Southwestern College, \$5,000; Baker University, \$5,000; Benedictine College, \$5,000; Ottawa University, \$5,000; Mid America Nazarene, \$5,000; Newman, \$5,000; and St. Mary University, \$5,000.

? Issued FY 2004 licenses to commercial driver training schools from January 1, 2004 through December 31, 2004 for: Behind The Wheel Inc., Overland Park; Behind The Wheel Defensive Driving School, Wichita; Bi-State Driving School, Overland Park; Buggin' And Cruisin' Driving School Inc., Olathe; BWB Driving Academy, Olathe; Cyr's Driving School Inc., Wichita; Derby Christian Driving School, Wichita; Drive Right School of Lawrence, Lawrence; Drive Right School of Wichita, Wichita; Harder Performance Driving School, Overland Park; Horizon's Driving Academy, Salina; Hyplains Driving School Inc., Garden City; Kansas Driving School Inc., Overland Park; Little Apple Driving School Inc., Manhattan; Midstate Driving School, Salina; Midwest Driving School, Lawrence; Midwest Motorcycle Training Center LLC, Olathe; Royal Driving School, Salina; Safety First Driving

Plamann, Secretary

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Chairman Waugh called the meeting to order at 9:01 a.m. on Wednesday, December 10, 2003, in the Board Room of the State Board of Education Building, 120 SE 10th Avenue in Topeka, Kansas.

ROLL CALL

All members were present:

| | |
|---------------|----------------|
| Steve Abrams | Iris Van Meter |
| John Bacon | Bill Wagnon |
| Sue Gamble | Janet Waugh |
| Connie Morris | Ken Willard |
| Carol Rupe | Bruce Wyatt |

APPROVAL OF THE AGENDA

Chairman Waugh asked that an executive session be added after Board reports.? Mrs. Gamble moved, with a second by Mr. Willard, that the agenda be approved as amended.? The motion carried.

BOARD REPORTS

Board Chairman

Chairman Waugh reported on attendance at legislative forums in her district and noted that superintendents are discouraged because of state funding constraints.

Legislative Coordinator

Mr. Wyatt reported that he had met with the members of the Senate Education Committee and had explained the State Board's budget proposal.? He indicated that the letters informing various groups in the state about the Board's budget had been mailed.?? Mr. Wyatt also indicated that the decision about whether the Board would ask for the introduction of a single bill based on its budget proposal would be brought up at the January meeting after the Board heard the Governor's proposal in her legislative message.

Policy Committee Chairman's Report

Dr. Abrams moved, with a second by Dr. Wagnon, that the State Board adopt Policy Nos. 1008 and 1009, and the Guidelines for Issuance of Visiting Scholar Licenses and Charter School Procedures as proposed by the Policy Committee.? The motion carried.

Board Attorney

Mr. Biles reviewed activity in a sexual harassment case brought against the State Board arising from the termination of a probationary secretary at the Kansas State School for the Deaf.?? Mr. Bacon moved, with a second by Mr. Wyatt, that the State Board accept Mr. Biles' report and authorize payment of his fees for

services and expenses for November as presented.? The motion carried.

Requests for Future Agenda Items

Dr. Wagnon reiterated his request for a reevaluation of the state assessment program at the elementary level in light of NCLB.? An update on state revenues and projections for future years was requested by Mr. Wyatt; a review of existing regulations on the educator licensure revocation process was requested by Mrs. Morris; and Mrs. Gamble asked for a discussion of cost studies on K-12 education which have been? undertaken by several states.

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EXECUTIVE SESSION

Dr. Abrams moved, with a second by Mr. Bacon, that the State Board of Education recess into executive session for a period of 15 minutes for the purpose of consultation with the State Board attorney to preserve attorney-client privilege, and that the open meeting of the State Board resume in the Board room at 9:30 a. m.? The motion carried.? At 9:30 a.m. the open meeting resumed.? Mrs. Gamble moved, with a second by Mr. Bacon, that the executive session be extended for 15 minutes and that the open meeting resume at 9:45 a.m.? The motion carried.? The open meeting resumed at 9:45 a.m.

BOARD ACTION IN RESPONSE TO STATE SCHOOL FINANCE ORDER

Mrs. Gamble moved, with a second by Mr. Willard, that the State Board direct its attorney, Dan Biles, to take appropriate action to protect the legal interests of the Board and expedite the Court?s consideration of the issues contained in Judge Bullock?s December 2, 2003 order.? Dr. Wagnon suggested that ?and expedite the Court?s consideration? be changed to ?in any legal consideration.?? When asked by Mrs. Gamble if he felt the removal of the word "expedite" from the motion originally suggested would limit his ability to act, Mr. Biles indicated he didn't feel that it would.? Mrs. Gamble and Mr. Willard accepted the change to their motion, which carried 9-1, with Carol Rupe voting ?no?.

PRESENTATION ON EARLY CHILDHOOD

Continuing the State Board?s study of early childhood education and school readiness, Dr. Pochowski briefly reviewed information presented in November on research findings regarding the effects of early childhood/preschool on school readiness and varying early childhood programs, services and/or initiatives currently operating in Kansas.? She then summarized factors and effective practices that support children?s development physically and socially and support learning, language, cognition and general knowledge development.? She also reviewed several things that policymakers can do that link pre-k programs to K-12 education and provide access to effective programs for preschoolers who need them.? Several issues were raised in the discussion that followed.? The problem of how to involve disinterested parents in effective programs was explored and the idea of the State Board influencing more specific targeting of Parents as Teachers (PAT) was suggested.? Improving Head Start and providing curriculum assistance to faith-based pre-schools were also recommended by Board members.?? Mrs. Van Meter expressed her opposition to mandatory pre-school for all children.? Dr. Tompkins and Dr. Pochowski shared ideas the Board might want to pursue as it develops recommendations in support of early learning opportunities.? They included evaluation of the 4-year-old at-risk program, as well as determining how many children need it that aren?t currently being served; an evaluation of PAT, and development of early childhood standards.? Mr. Willard

