

**KANSAS STATE BOARD OF EDUCATION  
MEETING MINUTES**

**December 12, 2006**

**CALL TO ORDER**

Chairman Abrams called the meeting to order at 10:00 a.m. on Tuesday, December 12, 2006, 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	Carol Rupe
John Bacon	Iris Van Meter
Sue Gamble	Bill Wagnon
Kathy Martin	Janet Waugh
Connie Morris	Ken Willard

The Board stood for recitation of the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Chairman Abrams asked for approval of the agenda. Mrs. Martin moved, with a second by Mrs. Van Meter, that the agenda be approved as presented. The motion carried.

Mrs. Waugh introduced Veneta Ward, Coordinator of the Walk a Mile program that she reported on last month, and Misty Whisenant the person she was paired with.

**APPROVAL OF MINUTES**

Mrs. Morris moved, with a second by Mrs. Van Meter, that the November minutes be approved. The motion carried.

**INTERIM COMMISSIONER'S REPORT**

Interim Commissioner Dennis reported that Legislative Post Audit would be conducting a review of other states to see if any used a centralized accounting system. He discussed how such a system might work, with local districts entering attendance center expenditure data into a large computerized system and standardized reports being sent back to the local districts. Mr. Dennis noted that local districts lose some flexibility in the type of report they could ask for if, for instance, they wanted to analyze a particular local trend. Mr. Dennis stated that the question that would have to be addressed was whether the information provided by the standardized system would be worth the cost.

Mr. Dennis reported that the Kansas Department of Health and Environment no longer wanted to administer Part C, Special Education, the Infant/Toddler program. Some discussion had taken place about transferring it to Social and Rehabilitation Services (SRS). He indicated that the decision about where the program would be placed, whether with SRS or the Department of Education, would not be made until new rules and regulations were available. Many special education directors, he pointed out, would prefer to deal with one entity for all their special education programs and it would make sense for it to be placed with the Department of Ed. In response to a question from Dr. Wagnon, he reported that the Governor would be involved with the decision, along with the Interagency Coordinating Council. He reported that he had expressed his opinion that it should be moved to the Department, adding that the 2010 Commission had taken the position that should not be place with SRS. Dr. Wagnon asked if there was any action the Board should take and Mr. Dennis suggested that it might want to discuss the issue when finalizing its legislative package later in the day.

Mr. Dennis reported that the customer service survey was being analyzed and would be available to the Board later in the week. On a related issue, Mr. Dennis shared that in an effort to improve customer, each team would produce a fact sheet which would help direct members of the public with questions to the appropriate individual.

The Board Secretary shared with Board members details about inaugural events and the swearing-in ceremony on January 8<sup>th</sup>. She noted that the State of the State address by the Governor would be Wednesday evening, the 10th. Mrs. Waugh asked when new board member orientation would be held and Chairman Abrams indicated a decision had not yet been made, but Wednesday afternoon, after the Board meeting and prior to the State of the State address, had been brought up as a convenient time.

### **MODEL STANDARDS FOR DRIVER EDUCATION**

Joan Peterson, Education Consultant in School Improvement and Accreditation reported on the development and focus of new model driver education standards that were written under the guidance of a committee comprised of driver education instructors from across the state. She reported that with the help of the national driver education association, ADTSEA (American Driver Training and Safety Education Association), the standards were tailored to not only meet the existing approved curriculum in the state, but, also to give schools guidelines for best practices. The standards parallel the national standards and also incorporate Kansas laws and requirements. Mrs. Gamble asked how districts which did not offer their own program, but relied on commercial driving schools, could guarantee that the standards were incorporated into their programs. Mrs. Peterson pointed out that local districts could make them a requirement in their contracts.

### **CITIZENS' OPEN FORUM**

Chairman Abrams declared the Citizens' Open Forum open at 10:32 a.m. Addressing the Board was Steve Case, Overland Park, representing a number of members of the science standards writing committee. He indicated that some of the committee had continued to meet and had alternative to the standards that had been adopted in November of 2005. Dr. Abrams asked him if it would be possible to do a comparison of the two sets of standards. Dr. Case said it would be, if he were compensated. Mrs. Gamble asked if the comparison document could be available by the Board's January meeting and Chairman Abrams expressed concern about whether the time would be adequate. Chairman Abrams declared the open forum closed at 10:40 a.m.

The Board took a break from 10:40 until 10:45 a.m.

### **2006 MILKEN NATIONAL EDUCATOR**

Mrs. Karla Denny, Coordinator for Recognition Programs, reviewed the background of the Milken Family National Educator Award and introduced Karla Reed, a reading specialist at Moonlight Elementary School in Gardner ,USD 231, who as the only Kansas educator to receive the prestigious 2006 Milken award. Ms. Reed reported how the teachers at Moonlight Elementary overcome the challenges of lack of time and resources with a balanced and eclectic approach with various reading methods in their reading program. She noted that the key to successful reading was identifying reading difficulties early. She reviewed for the Board how assessments were used to help do that, as well as evaluating the effectiveness of strategies used to correct problems. Among the strategies Ms. Reed described were how guided reading groups, family literacy night, and peer tutoring were used.

In the questions that followed, Mrs. Gamble was interested in why the state reading assessment was not adequate for the testing. Ms. Reed explained that she used the Diebold assessment because it gave a picture of the behaviors that underlie reading success and need to be present in very early readers, whereas the state assessments were good for older children. Mrs. Gamble was also interested in how Ms. Reed got parents to participate in family literacy night. Ms. Reed described several strategies, including giving students a book to take home and read with their parents. In response to a question from Mrs. Rupe, Ms. Reed further described the KPAL - peer tutoring - program. She also explained that the teachers in her school were fortunate to have the support of building and district leadership to provide adequate reading instruction to the earliest readers, when many schools, because of the pressures of NCLB, were focusing more resources on the grades that NCLB required be assessed. At Dr. Wagnon's request, Ms. Reed described how she, as a reading specialist, functioned in a school. At the conclusion of her presentation, Ms. Reed was given a certificate of recognition and had her picture taken with the Chairman and the Interim Commissioner.

### **2005-2006 STATE REPORT CARD**

Deputy Commissioner Tom Foster gave a PowerPoint presentation on the 2005-2006 State Report Card. He reported that in both reading and math, the participation rate was high, including that of all subgroups. Student achievement in reading and math in the top three performance categories – meets standard, exceeds standard, and exemplary – remained strong, he reported, though he noted a drop in the performance at the 8<sup>th</sup> grade level for English Language Learners (ELL) and explained some of the factors that may be involved. A drop off in math scores at the high school level was also seen and Dr. Foster noted that when the option for testing after the opportunity to learn was available it should make a difference in high school math scores. Mr. Willard was interested in the percent of ELL student taking the math assessment in Spanish.

Dr. Foster reported that the 85.6percent of students with significant cognitive disabilities performed at or above the standard in reading, as did 85.4percent did in math. Of students with IEP's that qualified for the Kansas Assessment of Modified Measures, 81.3percent performed at or above the standard in reading, with and 62.2percent in math.

Dr. Foster reviewed the definition of a Highly Qualified Teacher (HQT) and shared data on the percent of core content classes that were taught by teachers that met the definition. In elementary school 94.4percent of classes are taught by HQTs, with 89.5percent at the middle and high school level. He also reviewed attendance and graduation rates.

Dr. Foster reported an increase in the number of schools reaching the Standard of Excellence (SOE). He noted that the same formula used in 2004-2005 was being used for 2005-2006. He indicated he felt it was a better measure of school status than AYP because it looks at all students in a building and is determined by multiple measures. He noted it was not part of NCLB. He reviewed trends in SOE in reading and math from 2000 through 2006.

Dr. Foster also reviewed changes for 2006-2007 and plans for 2007-2008, including the addition of the writing assessment and the piloting of the history/government and science assessment items next year with implementation of the history/government and science assessments the following year.

Among the questions the Board will need to consider in upcoming months, he noted, is the development of vertically integrated standards if a growth model assessment program is adopted.

During the discussion, Dr. Foster was asked to provide an easily accessed link to the state report card on the KSDE website.

The Board recessed for lunch at 12:10 p.m. and the meeting resumed at 1:30 p.m.

#### **UPDATE ON TECHNICAL ASSISTANCE PROVIDED TO THE FIELD**

Sarah Thomas, Director of the Improvement and Support Team and Jeannette Nobo, Director of the Professional Learning Communities Team, both part of the School Innovations Division, updated the board on the work being done to provide technical assistance to schools.

##### ***Improvement and Support Team***

Ms. Thomas reported on guidelines and procedures, as well work done with districts “on watch” or “on improvement”. Some of the next steps to be done were: integrating elements of Focused Assistance and Monitoring with QPA; continued development of a manual for districts on improvement; the development of guidelines for corrective action and restructuring; and the development of online technical support regarding the use of data and for submitting accountability plans.

Dr. Wagnon was interested to know how districts were interpreting their improvement status to their local communities. Mrs. Gamble was interested in learning about how the current process would be modified to meet growing needs. Ms. Thomas indicated there would be more use of regional meetings, peer review of district action plans, and online technical support. Mrs. Gamble was also interested in whether a network of successful districts was being developed to help those on improvement. Ms. Thomas reported that the Professional Learning Communities Team was identifying exemplary schools to provide help and that Improvement and Support would also use the experience of schools that had been on improvement for three or four years. Asked how much preparation, knowledge of current improvement plans and familiarity with districts team members had before making technical assistance visits, Ms. Thomas responded that the plans were on file and that staff was becoming more familiar with them.

##### ***Professional Learning Communities Team***

Mrs. Nobo reported that the three areas of focus for her team were: collaborative work with service centers; development of regional professional learning communities; and professional development in the area of online standards and assessments. She reported that initial contact with service center directors had taken place as part of the commissioner’s regular meeting with them. At the meeting, the concept for regional Professional Learning Communities was shared and discussion of establishing regular meetings with the service centers had taken place. The first meeting will be in February. Mrs. Nobo passed out copies of the Professional Development Framework which illustrates how services and regional needs will be identified and partnerships developed for collaboration to meet those professional development needs. Mrs. Nobo reported that the first meeting with potential partners has been held and others scheduled through the end of January. Institutions of higher education, special education cooperatives, regional libraries, Blue Ribbon Schools, Challenge Award Schools and Kansas educational organizations are just a few of the types of organizations that are being brought together as partners for the regional professional learning communities. Mrs. Nobo shared some of the next steps that will be undertaken such as obtaining letters of commitment and support, developing regional steering committees and implementing regular regional meetings.

In response to a question about how districts and schools are working collaboratively, Mrs. Nobo commented that Professional Learning Communities and Improvement and Support Teams are the next

step in the long learning curve that has gone with the implementation of QPA and NCLB and that there is the hope to take technical assistance and professional development to a new level through the collaborations and partnerships that are being formed. Mrs. Gamble wanted to know where teachers will be able to get support. Mrs. Nobo explained the online standards training available through the online Kansas Instructional Resource Center (KIRC) and the assessment training and model standards training to be developed. Mrs. Nobo also explained why initial efforts to implement the professional learning communities concept came to a halt. It was due in part to a lack of funds, a lack of facilitators and the need for the Department to organize and integrate its activities before further steps were taken.

## **LEGISLATIVE MATTERS**

### ***Policy Recommendations for the 2007 Legislative Session***

The Board went through options for policy recommendations for the 2007 legislative session that they had been discussing in their past few meetings, including additional ones that staff had been asked to add.

1. *Teachers Not Licensed in the Classroom – Reports to Local Board of Education* - Mrs. Martin moved, with a second by Dr. Wagnon that superintendents be required to provide a quarterly report to local school boards on the number of unlicensed teachers in their districts. The motion carried 8-2, with Mrs. Rupe and Mrs. Gamble voting “no”.

*Teachers Not Licensed in the Classroom – Scholarships* – Mrs. Martin moved, with a second by Mrs. Rupe, that the Board request a state appropriation that would be used for scholarships that a student would repay by teaching in hard to fill positions as determined by the State Board, one year for each 15 credit hours paid by the scholarship. The motion carried 9-1, with Mrs. Morris voting “no”.

*Teachers Not Licensed in the Classroom – Elimination of the the KPERS surcharge for retired teachers returning to practice* – Mrs. Martin moved, with a second by Mrs. Van Meter that the State Board request that the legislature eliminate the 15 percent KPERS surcharge on all licensed teachers who have retired and are willing to continue teaching. Discussion followed about adding that the retired teachers are willing to continue teaching in hard to fill positions. Mrs. Martin was opposed to the addition because she felt what she proposed would provide an avenue for teachers to make a decent living in later years without getting an advanced degree. The motion failed 5-5, with Mrs. Rupe, Mr. Bacon, Mr. Willard, Mrs. Van Meter and Dr. Abrams voting “no”.

*Elimination of the KPERS surcharge for retired teachers returning to practice and willing to continue teaching in hard to fill areas* – Mrs. Rupe moved, with a second by Dr. Wagnon, that the State Board request that the legislature eliminate the 15 percent KPERS surcharge on all licensed teachers who have retired and are willing to continue teaching in hard to fill areas as determined by the State Board. The motion carried 9-1, with Mrs. Morris voting “no”.

Mrs. Morris said she would encourage the State Board and the Department of Education to support the Kansas Association of School Boards’ efforts to create more flexibility in hiring and retaining persons who have not completed traditional licensure requirements, but can demonstrate competence through performance.

2. English Immersion – *Fund ESOL programs for one year only* – Mrs. Morris moved, with a second by Mrs. Martin that the Board request that the legislature fund ESOL for one year only, with school districts using any program they choose. Opposition to the motion centered on the many factors that might require more than one year for English Language Learners (ELL) to become proficient. The NCLB requirement of proficiency for all subgroups was also mentioned. Mr. Bacon and Mr. Willard mentioned the need to look at possible abuses by school districts that might keep students in programs longer than necessary because of the extra money the ELL weighting provided. Mr. Willard said he couldn't support limiting the program to only one year and Mr. Bacon suggested that perhaps the program could be opted into after one year, if parents felt more time was necessary. The motion failed on a vote of 2-6-1, with Dr. Abrams, Mr. Bacon, Mrs. Gamble, Mrs. Rupe, Mrs. Waugh, and Mr. Willard voting "no", and Dr. Wagnon temporarily absent.

*Request the Kansas Legislature for a special grant that would be made available to school districts to pilot an English immersion program for one year* – Mr. Willard moved, with a second by Mrs. Rupe, that the State Board request that the Kansas Legislature fund a special grant that would be made available to school districts to pilot an English immersion program for two years. Mr. Willard indicated that two years would give districts more of an opportunity to judge program effectiveness. The motion carried 6-3, with Dr. Wagnon, Mrs. Waugh and Mrs. Morris voting "no".

3. All-Day Kindergarten – *Fund the enrollment of kindergarten students based upon the amount of time the student is enrolled up to 1.0* – Mr. Willard indicated he saw no need for funding all-day kindergarten in light of the fact that two-thirds of school districts were currently offering it and would have more money coming in over the next few years. He pointed out that the three-year school finance plan that had been enacted would allow the use of at-risk funds to pay for the part of all-day kindergarten currently not funded by the state. Mrs. Morris agreed, but Mrs. Rupe stated that she felt districts shouldn't be made to use their at-risk funds for all-day kindergarten and that they should be paid for those students for the time they are in the classroom. Dr. Wagnon moved, with a second by Mrs. Waugh, that the State Board request that the Kansas Legislature fund the enrollment of kindergarten students based upon the amount of time the student is enrolled up to 1.0. The question of whether there was research that supported the long-term effectiveness of all-day kindergarten was discussed, as was the issue of whether all children need it. Mr. Willard suggested that it also becomes an issue of childcare for some parents wanting the all-day program. Mrs. Waugh noted that schools needed to provide appropriate programs to ensure long-term effectiveness. She also pointed out that all children, not just at-risk, were accomplishing much more in all-day kindergarten programs. The motion failed on a vote of 5-5, with Dr. Abrams, Mr. Bacon, Mrs. Morris, Mrs. Van Meter and Mr. Willard voting "no".
4. Campaign Finance and Governmental Ethics – *Amend the campaign finance and governmental ethics laws* – Mrs. Gamble moved, with a second by Mr. Willard, that the State Board request that the Legislature amend the campaign finance and governmental ethics laws to provide that members of the State Board of Education would follow the same requirements as a state senator in regard to campaign finance and follow the same requirements as a legislator for governmental ethics. The motion carried 10-0.
5. High-Density At-Risk – *Develop a linear transition on high-density at-risk* – Mr. Willard moved, with a second by Mrs. Rupe that the State Board request that the Legislature develop a linear transition on high-density at-risk to eliminate the large increases/decreases at 40 percent and 50 percent. Mrs. Morris asked if they shouldn't first have a discussion in how at-risk students are determined. She was

interested in the impact of changing the determination of at-risk from those receiving free lunch to a broader definition that would include a student meeting one or more of certain criteria, such as the student: is not working on grade level; is not meeting the requirements necessary for promotion to the next grade; is failing subjects or courses of study; is not meeting the requirements necessary for graduation from high school (e.g., potential dropout); has insufficient mastery of skills or is not meeting state standards (e.g., is below proficient on state assessments); has been retained; has a high rate of absenteeism; has repeated suspensions and expulsions from school; is homeless and/or migrant; or is identified as an English Language Learner. Mr. Dennis explained that more students would be identified and the price tag would be higher. Mr. Bacon asked what the fiscal note was on the linear transition on high-density at-risk that was being proposed. Mr. Dennis indicated that it would be approximately \$1.8 million to \$2 million. The motion carried 10-0.

6. Nonproficient At-Risk – *Continue funding the nonproficient at-risk program* – established by the 2006 Kansas Legislature which provides \$10,000,000 of funding for the entire state for students that are not on free lunch and do not meet proficiency.

Chairman Abrams asked that the Board continue discussion of how at-risk students are determined before proceeding with the issue. Mr. Dennis explained that the number of students receiving free lunch determines the amount of money available for at-risk students. Those funds may be spent on students that meet any one of the criteria that define an at-risk student (noted in item 5, above). Dr. Abrams asked about the impact of using the percentage of students who took the assessment and did not meet proficiency in math or reading times the total enrollment of the school district to determine at-risk funds, suggesting that as proficiency increases, the amount of funding would decrease. Mr. Dennis noted that as the AYP targets increase, the number of students not reaching proficiency would likely increase, because the scale will become so steep. He also reported that the possibility of districts underperforming in order to receive more funds would be an issue of great interest to the legislature. Dr. Abrams asked if the Post Audit study that found that schools were receiving more at-risk funds than they should based on free lunch would have an impact on how the legislature addressed the at-risk issue and, if so, should the State Board have a position on it. Mrs. Rupe spoke in favor of continuing to determine at-risk funds based on the number of students receiving free lunch. She also stated her belief that funds should be available for students not reaching proficiency in districts that don't have many free lunch students. Mrs. Gamble discussed the importance of maintaining a clear understanding of the difference between using free lunch as the funding mechanism for at-risk and the criteria for determining which students should receive at-risk services.

Mrs. Rupe moved, with a second by Mrs. Gamble, that the State Board encourage the Legislature to continue funding for an additional year the nonproficient at-risk program established by the 2006 Kansas Legislature until sufficient data is obtained to evaluate the effectiveness of the effort. The motion carried 10-0.

7. School Finance – *The State Board would recommend to the 2007 Legislature that they support a three-year school finance plan* – Dr. Wagon moved, with a second by Mrs. Martin, that the State Board encourage the Legislature to maintain a three-year school funding plan. Discussion focused on the benefits of a having a three-year or a two-year plan. The importance to schools to be able to plan ahead was mentioned as a reason to support a three-year plan. Better knowledge about the funds that would most likely be available, while still providing a planning benefit for local boards, was mentioned as a reason to support a two-year plan. Dr. Wagon was asked if he wanted to stay with

his motion for a three-year plan or change it to a two-year. He noted the precedent set by the 2006 Legislature in accepting the responsibility to look ahead and provide stability for schools. He added that he would stay with the three-year plan in his motion, because the State support it would demonstrate to districts for long-term planning and for relating expenditures to outcomes. The motion failed on a 5-5 vote, with Dr. Abrams, Mr. Bacon, Mrs. Morris, Mrs. Van Meter and Mr. Willard voting “no”.

Chairman Abrams moved, with a second by Mrs. Van Meter, that the State Board encourage the Legislature to adopt a two-year school funding plan. Brief discussion followed and Dr. Wagnon and Mrs. Waugh both said they would support the motion. The motion carried 9-1, with Mrs. Morris voting “no”.

8. E-Transcript Initiative – *Propose a joint project with the State Board of Regents that would permit schools and colleges/universities to transfer student transcripts electronically* – The initial cost would be approximately \$31,118 and an annual cost of \$487,697 each year for three years. Mrs. Kathy Gosa, Director of Information Technology, provided information about the project which had been proposed by the Midwestern Higher Education Compact and for which the Compact was hoping to get the support of all eleven member states. She indicated that some of the states had already implemented the program and others were in the process of implementing it. The program would provide secure on-line access and transmission of student transcripts. She pointed out the many advantages both to the requesting institution and the sending institution. Issues discussed were whether the system provided adequate security. Mrs. Gosa was to gather information about the experience of other states that are using the E-Transcript system, as well as information about system security. She was asked to report to the Board in February, the deadline for introducing a bill.
9. Building-Based Reporting of Expenditures – *The State Board would request the Legislature to require local boards of education to develop an expenditure reporting system by attendance center* – Mrs. Van Meter moved, with a second by Mr. Bacon, that the State Board request the Legislature to require local boards of education to develop an expenditure system by attendance center showing the enrollment and cost per pupil and make the information available to the public. Discussed was the question of how helpful such a system would be to districts and the cost of implementing it. Also discussed was the concern that allocation of funds was not following at-risk students. It was also pointed out that valuable information could come to light if such a system were implemented, as well as the accountability for expenditures such a system would provide. The motion carried 6-4, with Mrs. Gamble, Mrs. Rupe, Dr. Wagnon and Mrs. Waugh voting “no”.
10. Teacher Association Authority – *Request that the Legislature authorize local teacher associations access to teacher mail boxes* within each school attendance center for the distribution of association business. Presentations concerning this issue were made by Douglas S. Barnett, Executive Director, Kansas Association of American Educators (KANAAE), and Peg Dunlap, Director of Instructional Advocacy, Kansas NEA. Mr. Barnett gave background on his involvement with KANAAE and noted that after joining he wanted to put literature about it in teachers’ mailboxes, but was prohibited because only one negotiating organization can represent a school. In his presentation, Mr. Barnett pointed out that KANAAE was a nonprofit professional educators association and not a negotiating entity. He also pointed out that it was less expensive to belong to KANAAE than KNEA and that the liability insurance it offered also cost less and provided more coverage.

In her presentation, Mrs. Dunlap reviewed the law and noted that there no provision for automatic access to teachers' mailboxes for anyone and that access must be negotiated by the district and the local bargaining unit. The law did not give the responsibility for contract negotiations to the State Board of Education, but to the Department of Labor. She also reported that the U.S. Supreme Court had ruled that the exclusive bargaining agent has a special responsibility as the bargaining agent in the district. Ms. Dunlap indicated that the KANAAE, though not currently a bargaining agent, was moving in that direction. She pointed out that there are other avenues Mr. Barnett and others could use to share information about their associations.

After some discussion of the issue, Mrs. Morris moved, with a second by Mr. Bacon, that the State Board include in its legislative package a request to the Legislature to explore ways to allow KANAAE access to teachers' mailboxes. Several Board members expressed the desire to see the access provided for other organizations and it was mentioned that, perhaps, the motion was too narrow when naming a specific group. Chairman Abrams expressed his concerns, noting he didn't feel the issue of contract bargaining was one with which the State Board should be involved. Mrs. Martin shared her experiences as a teacher with the limits KNEA placed on forming a local education association unless members also belonged to the state and national organization. She mentioned the law Oklahoma had passed as an example that Kansas could follow. She indicated she would abstain from voting on the current motion because she was a member of KANAAE. Mrs. Rupe pointed out that if mailbox access is a negotiated item, local boards don't have to agree to allow it. Because there was some concern about the way the motion was worded, Mr. Bacon withdrew his second and the Chairman suggested that Board look at the issue the next day.

11. Infant/Toddler Special Education – Dr. Wagnon moved, with a second by Mrs. Gamble, that the State Board add to its legislative package the request that the responsibility for the Infant/Toddler Special Education Program be transferred to the Kansas Department of Education. The motion carried 8-1-1, with Mrs. Van Meter voting “no” and Mr. Bacon abstaining.

### **CONSENT AGENDA**

Mrs. Rupe moved, with a second by Mrs. Morris, that the Consent Agenda be approved as presented. The motion carried.

In the consent agenda, the State Board:

- Received the monthly personnel report.
- Approved school construction plans for USD 206, Remington-Whitewater; USD 211, Norton Community Schools; USD 229, Blue Valley; USD 250, Pittsburg; USD 490, El Dorado; USD 500, Kansas City, KS Schools; and St. Cecilia Catholic School, Haysville.
- Confirmed the appointments of Sheryl Folkert to the position of Research Analyst in the Information Technology team, effective November 20, 2006; and Michael Wallis to the position of Education Research Analyst in the Research and Evaluation team, effective October 18, 2006.
- Approved Waiver Review Committee recommendations for school districts to utilize individuals outside their areas of endorsement as follows: *Adaptive Special Education*: Stephen Finley, USD 202, Turner-Kansas City; Andrew Millikan and Benjamin Sutherlin, USD 229, Blue Valley; Janell Kinkaid Kewley and Leonard Biggs, USD 253, Emporia; Rhonda Crabtree, USD 259, Wichita;

Angela Butts, USD 290, Ottawa; Dustin Delaney, Ellie DeHaven and Linda Perrin, USD 308, Hutchinson Public Schools; DeAnna Carter, USD 407, Russell County; Jay Mastin, USD 450, Shawnee Heights; Tiffany Sandlin, USD 453, Leavenworth; Shelly Journey and Lance Nelson, USD 453, Leavenworth; Stacy Hall, Kip Nichols, Troy Janssen, Heather Stapp, Rebecca Denney, Derrick Dizmang, and Buffi Nichols Brimm, USD 457, Garden City; Dawna Pate and Judy Haynes, USD 465, Winfield; Joanna Erichsen, USD 475, Geary County Schools; Carol Harrell, USD 497, Lawrence; Angela Lujan, Belinda Young, Melissa Ainsworth, Dustin Figge, Jennifer Branscum, Pete Cirrintano, Zachary Davies, Cheryl Wright, James Thompson, David Veatch, Barry Casey and Sandra Zugelder, USD 500, Kansas City; David Keil, Kristina McDowell and Jolene Wilcoxson, USD 501, Topeka Public Schools; Jerlyn Sullivan, Heather Maze and Marshalla Allen, D0 615, Brown County KS Special Education Cooperative; Arlene Mayes, D0 620, Three Lakes Educational Cooperative; Nick Cheney, William King, D0 637, Southeast Kansas Special Education Interlocal; *Deaf or Hard of Hearing*: Cinthia Schroeder, D0 602, Northwest KS Educational Service Center; *Early Childhood Special Education*: Laura Evins and Angela Larson, USD 253, Emporia; Brandi Bechard, USD 379, Clay Center; Kylee Ward Brenn and Ashley Maloney, USD 465, Winfield; Karol Moyer, USD 475, Geary County Schools; Wilena Peterson, USD 495, Ft Larned; Deborah Wise, D0 603, ANW Special Education Cooperative; and Julie Eck, D0 613, Southwest Kansas Area Cooperative; *English as a Second Language*: Sheryl Bonnet, USD 253, Emporia; and Heidi Braun, Yvonne Venerable Richmond and Somphachanh Vongphrachanh, USD 500, Kansas City; *Functional Special Education*: Deena Ferguson, USD 260, Derby; Dawn Mills, USD 500, Kansas City; and Amanda Caley, D0 610, Reno County Education Cooperative; *General Music*: Alice Collett, USD 314, Brewster; *Gifted*: Sarah Sanders, USD 321, Kaw Valley; Mary Bessey, USD 368, Paola; Sheri Nakai, Cara Craig and Zachary Hull, USD 418, McPherson; Sara Hall, USD 450, Shawnee Heights; Micheal Beauchamp, USD 465, Winfield; Meshell Barker Thornley, USD 475, Geary County Schools; Kyle Corman, USD 495, Ft Larned; Leon Burgardt, D0 636, North Central Kansas Special Education Cooperative Interlocal; and Megan Glenn, D0 637, Southeast Kansas Special Education Interlocal; *Interrelated*: Erica Hufford, Richard Schroeder, Kristie McBratney and Diane Petermann, USD 202, Turner-Kansas City; Jill Bichelmeyer Norman, Kevin Rolston, Mark Dodge and Karen Morgan, USD 232, De Soto; Tabitha Barker, USD 259, Wichita; Nicholas Traugott, USD 386, Madison-Virgil; Kyle Jeffrey and Janelda Lane, USD 428, Great Bend; Ryan Smith, USD 450, Shawnee Heights; Adam Barrier, George Lowe and Jean Phillips, USD 465, Winfield; Janette Bowen, USD 475, Geary County Schools; Elizabeth Carlson and Lisa Naab-Bullock, USD 495, Ft Larned; Layne Meyer, USD 497, Lawrence; Connie Jacobs, Marci Adams, Kendy Johnson, Kelly Knoblauch, Gail Ferguson and Monica Stratford, D0 605, South Central KS Special Education Cooperative; Audrey Smith, D0 607, Tri County Special Education Cooperative; Angela Rosebrough and Ann Wilhelm, D0 608, Northeast KS Education Service Center; Shannon Palmer, Barbara Rhaesa and Aaron Cox, D0 610, Reno County Education Cooperative; Tammi Eckert, Hope Pierson and Joy Jacquart, D0 611, High Plains Educational Cooperative; Tamara Ogorzolka and Richard Noblet, D0 613, Southwest Kansas Area Cooperative; Casson Schmidt, D0 617, Marion County Special Education; Michelle Dusang, D0 620, Three Lakes Educational Cooperative; and Arlene Cathey, D0 637, Southeast Kansas Special Education Interlocal; *Math - Middle Level*: Vanessa Pinkston, USD 259, Wichita; *Resource Room - supplemental instruction*: Lesa Peitz, USD 457, Garden City; *Science - Middle Level*: Deanne Howell, USD 253, Emporia; *Visual Impaired*: Nancy Gieseke, USD 229, Blue Valley; Annalee Crotinger, USD 428, Great Bend; Susan Barber, D0 605, South Central KS Special Education Cooperative; Myra Horton, D0 610, Reno County Education Cooperative; and Jaynann Donker, D0 618, Sedgwick County Area Educational Services.

- Approved Fifth Year funding for the No Child Left Behind 21st Century Community Learning Centers Continuation Grants for 2007 as follows: USD 413 Chanute, \$106,951; USD 505 Chetopa School District, \$159,181; USD 475 Geary County, \$238,053; USD 435 Abilene Public Schools, \$111,388; USD 443 Dodge City, \$135,914; USD 365 Garnett, \$92,484; USD 260 Derby, \$175,000; USD 214 Ulysses, \$233,490; and USD 256 Marmaton Valley, \$91,534; for a total of \$1,343,995.
- Approved additional funding for 2006-07 Reading First grants for USD 250 Pittsburg, \$15,500; USD 253 Emporia, \$15,500; USD 260 Derby, \$24,000; USD 305 Salina, \$15,500; USD 457 Garden City, \$42,796; USD 470 Arkansas City, \$18,000; USD 497 Lawrence, \$30,000; USD 500 Kansas City, \$20,000; USD 501 Topeka, \$50,000; and USD 503 Shawnee Mission, \$20,000.

Issued FY 2007 commercial driver training school licenses from January 1, 2007 through December 31, 2007 to: A+ Driving School, LLC, Iola; Behind The Wheel Defensive Driving School, Wichita; Behind The Wheel, Inc., Overland Park; Bi-State Driving School, Overland Park; Buggin' & Cruisin' Driving School, LLC, Olathe; BWB Driving Academy, Olathe; Drive-Right School of Johnson County, Overland Park; Drive-Right School of Lawrence, Lawrence; Drive-Right School of Wichita, Wichita; Harder Performance Driving School, Overland Park; HyPlains Driving School, Inc, Scott City; Jumpstart Driving School, Manhattan; Little Apple Driving School, Manhattan; Midwest Driving School, Lawrence; Midwest Motorcycle Training Center, LLC, Olathe; North East Kansas Driving School, LLC, Atchison; Pro-Tech Driving School, Inc, Hutchinson; Royal Driving School, Salina; Safety First Driving School, Liberal; Sunflower Driving School, Topeka; Topeka Driving School, Topeka; Twin City Driver Education, Overland Park; Varsolona Driving School, Frontenac; Wichita Collegiate Commercial Driving School, Wichita and Wichita Driving School, Wichita.

- Issued an order authorizing USD 434, Santa Fe Trail, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

*Contracts Approved:*

Authorized the Interim Commissioner to:

- enter into a contract with Second Language Testing, Inc. to conduct a translation verification of the Spanish version of the State mathematics assessment, in an amount not to exceed \$21,000; and
- enter into a contract with Norman L. Webb to conduct an alignment study of the Kansas Standards and Assessments for grades 3-8 and 11 in Reading and Mathematics in an amount not to exceed \$65,000

**RECESS**

There being no further business, Chairman Abrams recessed the meeting at 6:08 p.m.

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Steve Abrams, Chairman

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Penny Plamann, Secretary

# **KANSAS STATE BOARD OF EDUCATION MEETING MINUTES**

**December 13, 2006**

## **CALL TO ORDER**

Chairman Abrams called the meeting to order at 9:01 a.m. on Wednesday, December 13, 2006, 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	Carol Rupe
John Bacon	Iris Van Meter
Sue Gamble	Bill Wagnon
Kathy Martin	Janet Waugh
Connie Morris	Ken Willard

## **APPROVAL OF AGENDA**

Chairman Abrams asked for approval of the agenda. Mrs. Martin moved, with a second by Mrs. Morris, that the agenda be approved as presented. The motion carried.

## **BOARD REPORTS**

### **Chairman**

Chairman Abrams presented outgoing Board members, Connie Morris and Iris Van Meter, with plaques recognizing their distinguished service on the State Board of Education.

### **Board Attorney's Report**

Mr. Biles reviewed and answered questions about issues in his written report. Mrs. Gamble moved, with a second by Dr. Wagnon, that the Board pay Mr. Biles' fees for services and expenses for November as presented. The motion carried.

### **Board Policy Committee**

Policy Committee Chairman Ken Willard reported that the Committee had met at the request of the Board to review the travel policy and guidelines. He presented the committee's recommended change to the guideline on out-of-state travel which would prohibit out-of-state travel for a Board member not seeking re-election or defeated in a primary or general election following the applicable election unless the member was traveling as the Board's designated representative. Mrs. Morris moved that the Board adopt the change in the guidelines. Chairman Abrams pointed out that a motion to vote on the issue was required because of the Board policy to receive an item one month and act on it the next. He indicated that Board policy also provided that, with an affirmative vote by seven members of the Board, action was allowable the same month the recommended change was received. Mrs. Morris changed her motion and moved that the Board vote on Section E, the recommended change to the Board travel guidelines. Mr. Willard seconded the motion.

In the discussion that followed, Mrs. Rupe asked why the Board would be asked to vote on the issue when it would normally wait a month. There was further discussion about the policy that would allow a vote upon receipt of a recommended change in policy. Chairman Abrams indicated he was in favor of proceeding because the issue had arisen from criticism of Mrs. Morris for an upcoming trip even though she had been complying with the Board's policy in obtaining approval for the travel. He indicated that he understood that, as a member of the Policy Committee, she was in favor of the recommended guideline change and he felt she should have the privilege of voting on it. Mr. Bacon said he had seen nothing wrong with Mrs. Morris'

travel request and didn't understand why it had become an issue, because she was within her budget. He pointed out that Board members are elected by their constituents to serve until they are replaced and that won't occur until January. Mr. Bacon expressed some concern with the proposal because of national convention attendance, particularly NASBE, which occurs in October. He brought up the question of whether someone fulfilling an office at the national level would fall under the provision in the proposal that would allow travel to out-of-state meetings, if attending as a designated representative of the Board. It appeared to be the consensus of the Board that travel by someone in a national office would be allowed.

Mr. Willard explained his rationale for recommending the change. He pointed out that the Policy Committee had looked at the travel policy and guidelines twice at the request of the Board and had not felt any changes needed to be made. He reported that he would not come back after the third request by the Board recommending that no changes should be made. He indicated that he had recommended the proposal, as it addressed the question that had arisen regarding Mrs. Morris' travel and the issue of travel after a member fails to get through an election cycle.

Mrs. Waugh indicated that she was opposed to rules or regulations that addressed one individual – Mrs. Morris, in this case. She asked the Chair if the Board were to adopt the recommendation, if Mrs. Morris intended to follow it. Both Chairman Abrams and Mr. Willard indicated that the proposal was not retroactive and Mrs. Morris' travel had already been approved under the Board's current policy. Mrs. Waugh added that because there would be a new Board in January, she was confident it would re-address many of the issues in the travel policy.

Mrs. Rupe noted that she completely understood Mr. Willard's position in not wanting to have the Policy Committee deal with the issue again and, thus, had made the recommendation that no out-of-state travel be allowed. She reported that she had suggested that after someone loses an election, they have to provide justification for any out-of-state travel requested, and that none would be allowed following the member's final Board meeting. She indicated that she had brought up the issue of attendance at NASBE meetings giving the example of membership on a study committee, which would be completely justifiable. Though her proposed change had not been accepted, she had been willing to bring to the Board the proposal they had before them, adding she would not be voting for it. Mr. Willard indicated that he saw no other way to fulfill the Board's request to address the perceived problem in the travel policy. If the Board chose not to adopt the proposed change, it would indicate to him that the current policy is working, noting that he felt the current policy was fine. If any issues arise from a member's request and no questions are raised, the policy has not failed, the Board has.

The motion carried 7-3, with Mrs. Rupe, Mrs. Gamble and Mrs. Waugh voting "no".

Mrs. Morris moved, with a second by Mr. Willard, that the Board approve new Section E in the Board's *Guidelines for Approval of Meeting Attendance*. Mr. Bacon, noting that each Board member is allowed one out-of-state conference per year, asked if the proposal would preclude attendance by a member who was not re-elected or chose not to run again, if that one out-of-state conference fell in November. It was agreed that it would.

Mrs. Morris expressed her feeling that if she was going to be held to a different standard, other Board members should be held to the same standard. She added that she felt it was important that Board members understand the Board's and the public's expectation for them about when their term ends. If it is after the loss of an election or after a member chooses not to run, it should be clearly stated in the Board policies. She

indicated that Mrs. Rupe's proposal for requiring justification for the travel was no different than what was already in place. Board members can currently ask for justification, but in the case of her request, no questions were asked and the motion to approve travel requests passed by a unanimous vote. Mrs. Morris also noted, that as a member of the Policy Committee, how bad it would appear if she did not come back with a recommendation to address the issue of out-of-state travel after the loss of an election, when asked by the Board to do so, particularly when she was the topic of discussion. Mrs. Morris Board felt it was a shame to write this change to Board policy because Board members are elected to serve the people who elected them to the last day their terms, which was something she intended to do. She indicated she would continue to work after her term is over and the information she would gain in her meetings in Washington would be important and effective. She reported that she had worked hard on her schedule, the travel was approved and she was not going to cancel meetings with people who had worked hard to fit her into their schedules. She stated that the issue to her was not about money, but to do a good job for those who elected her. Discussion followed about appropriate Board member behavior when dealing with one another and with the public.

Dr. Wagon gave an overview of how some of the travel policies and guidelines had originated during his ten-year tenure on the Board, particularly the guideline about how dollar amounts were apportioned to each Board member. He pointed out that Mrs. Morris' was based on the large size of District 5 where a lot of travel would be involved; the amount would be different for someone whose district was in Johnson County. He added that the amount apportioned was based on what it would cost to legitimately interact with a member's constituency – providing field services to superintendents and local school boards and meeting with those in the district.. He noted that it was unfortunate that a member's share of the amount of travel funds that had been appropriated for Board travel was looked at by some as an entitlement. Dr. Wagon indicated that he felt that concerns that had been raised about travel already approved prior to a decision not run or an election loss or that was required as a representative of the Board, should be allowed after the justification for it had been made. Dr. Wagon indicated he would support the motion in an attempt to clarify the rules and minimize abuses arising from poor judgment.

Mrs. Waugh indicated she would vote against the motion for several reasons. First, she said she believed the proposed addition to the guidelines was being made because of one individual and she didn't feel rules and regulations needed to be made because of one individual's action. Secondly, she noted that she felt that voting on a proposal the same day it has been received is a mistake and she has always been opposed to the Board not following its normal standard procedure of receiving a presentation on an issue one month and voting on it the next. She noted there would be a new Board in January and a new Policy Committee which would be reviewing Board policies and felt certain that travel policies and guidelines would be reviewed at that time and recommended change would be made to address all Board members, not just one. Lastly, she indicated she would be voting against the proposed change because it would not apply to the travel of the Board member about whom the issue arose.

The motion failed on a 5-5 vote, with Mr. Bacon, Mrs. Gamble, Mrs. Martin, Mrs. Rupe and Mrs. Waugh voting "no".

On another issue, Mr. Willard reminded Board members that in response to a legislative request, the Board had been asked to look at the feasibility of having all Kansas school districts adopt policies mandating schools to conduct a check of the KBI website for registered sex offenders for all visitors to a school campus for any reason while students were present. He noted that, as reported to the Board several months ago, the Policy Committee had determined that it was not feasible. Mr. Willard reported that he had signed the letter with the decision that the mandate would not be feasible and it would be sent to legislative leadership.

### **Other Board Member Reports**

Mr. Wagon reported on several activities over the last month, including a meeting of the Steering Committee of the Education Commission of the States (ECS) that he had just attended. One discussion had been about the key role an organization like ECS plays in bringing together across the states, state school policy makers, legislative leaders, governors, state boards of education and representatives of postsecondary education, to enjoy the benefits of common research and common support in dealing with local issues and the federal government. He reported that ECS provides an important research resource available to all the states. Dr. Wagon also reported that there had been a meeting with representatives of several foundations that provide education-related grants who talked about how they saw their resources impacting education. He indicated that ECS depended on foundation support and grants from the U.S. Department of Education for many of its programs and that he was impressed by the impact that foundations made on education policy. He suggested that it might be helpful to have an agenda item to look at the ways the Kansas Department of Education interacts with private foundations and what kind of impact that interaction has on policy development. Dr. Wagon reported that in addition to being a member of the steering committee, he was also the Vice Chair of the ECS Finance Committee for the next two years. He told the Board how much he appreciated the opportunity to serve as its representative and participate in activities that gave him a view of the broader picture and put Kansas educational issues in perspective.

Mr. Rupe reported on her visit to Pleasant Valley Elementary in Wichita, as part of a showcase across the state of technology-rich classrooms. She reported how impressed she had been with what was being done with technology in the 3<sup>rd</sup> and 4<sup>th</sup> grade classrooms and the skills the students were gaining at such a young age. Mr. Willard reported that he would not be able to attend the NASBE Board of Directors meeting in January. Mrs. Martin reported that she, too, had visited Pleasant Valley Elementary and she was also impressed about how technology was enhancing the learning process for the students. She also reported that she had attended the Smoky Hill Education Service Center legislative luncheon at which a proposal for statewide technical college system was presented.

Mrs. Van Meter reported that she had visited the Chetopa district. The superintendent wanted Mrs. Van Meter to share with the Board her appreciation for its approval of the land transfer of St. Paul to the Chetopa district, indicating that all the schools were happy and that the move was working well. Mrs. Van Meter noted it was one of the actions taken by the Board that had been especially rewarding to her. She also thanked Board members for the opportunity to get to know them and work with them over the past four years. She also thanked the staff for its help during her tenure.

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

Dr. Wagon requested a session with Doug Reeves on leadership for learning; a discussion of policy and procedures for the commissioner search; a review and update on the Core Principles of Redesign and the white papers that were developed from them; a discussion of the science standards; a discussion of problems with the restricted license; a presentation on the University of Kansas' ICAN TEACH program; and an ongoing study of teacher retention and teacher shortages. Mr. Willard asked for a presentation about the difficulties out-of-state teachers have in getting a Kansas license and staff recommendations for streamlining the process. He also asked for an accounting of ESOL usage and for information about how districts were monitored to ensure that students were not being kept in ESOL programs in order to collect the extra funds. Mr. Willard indicated that he did not understand the need to review the science standards again, noting that they had just undergone a lengthy review and it appeared irregular to be reviewing them again. He noted that the normal cycle was for a review every seven years. Mrs. Martin agreed, as did Mr. Bacon. Mr. Bacon indicated that he felt that perhaps there should be vote on whether it should be an agenda item. He added he didn't feel that staff should spend any time or money on pursuing the issue until a vote was taken.

The Board took a break from 10:15 to 10:21 a.m.

### **CROSSLAND EDUCATION CONNECTION PRESENTATION**

Linda Oborny, Assistant Director for Technical Education, talked about the importance of preparing all students for postsecondary education and for the workplace. She also stressed the need for business and industry partnerships in workforce development. She reported that the Crossland Education Connection is an excellent example of what a business/school partnership can be. She noted that Crossland was one of two entities using curriculum developed by the National Center for Construction Education and Research (NCCER) in Kansas. The Associated General Contractors of Kansas (AGC) is the other organization using the NCCER curriculum. She noted that each had a slightly different purpose. Crossland's objective is for students coming out of construction programs to have a set of certifiable knowledge and skills recognized by the construction industry on a national scale. Students that successfully complete each module of the program will take the National Construction Career Test and will be on the NCCER national registry with portable skill certificates. Objectives of the existing AGC sponsored programs are to inform students of the career opportunities and provide introductory skills in construction rather than to train credentialed workers. Mrs. Oborny spoke of the challenge with the reauthorization of the Carl Perkins Act in ensuring that students that come out of an educational program with the knowledge and skills needed for the workplace and for postsecondary education. She introduced Clay Kubichek, Education Director for Crossland Construction Company, Inc.

In his presentation, Mr. Kubichek gave the history of Crossland's involvement with education and explained how the partnerships with the Frontenac, Girard, Erie and Arma districts worked. He pointed out the need for high quality programs and opportunities for students, noting the inconsistency in quality in programs across the state. Mr. Kubichek pointed out the need to develop rigorous academic programs tying subject matter to career applications. He noted the importance of developing processes for integrating career links to academic subjects. Mr. Kubichek provided information about the opportunities for students in programs that were in partnership with Crossland that successfully complete each module of the program. In the discussion that followed his presentation, staff was asked to come up with a plan for developing a process for every school in Kansas to implement a construction education program that would allow students to receive national certification upon completion.

### **DISCUSSION ON THE REAUTHORIZATION OF NO CHILD LEFT BEHIND**

Mrs. Miller, Assistant Director of State and Federal Programs, was asked if her presentation on the discussion of the reauthorization of NCLB could be postponed until January. She indicated she would provide the Board with a proposal that followed the themes presented in the materials they had been sent for the December meeting.

### **ACCESS TO TEACHERS' MAILBOXES**

Chairman Abrams passed out a proposed motion for discussion about opening up access to teachers' mailboxes. He stressed that it was not his intention that the Board become involved in the Professional Negotiations Act. After brief discussion, Mrs. Rupe moved, with a second by Mrs. Martin, that the State Board recommend that the Legislature amend state law so that local boards of education will ensure that access to information from and about content and subject-matter related organizations is available to employees and that in no way does the State Board of Education wish to become involved in the issues relating to the Professional Negotiations Act, K.S.A. 72-5413 et seq. Mr. Willard pointed out that the motion does not mention teachers' mailboxes and deals with the assurance of access to information. Mrs.

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Morris asked if Mrs. Rupe would consider amending the motion to provide for “equal” access. Mrs. Rupe responded that she felt the motion was clear as it stood. Mr. Bacon stated that he felt the motion was a step in the right direction in dealing with an antiquated law. The motion carried 10-0.

**BOARD TRAVEL**

Dr. Wagnon moved that the Board travel requests be approved. Mrs. Martin pointed out a correction that needed to be made where her name instead of Mrs. Rupe appeared by the request for attendance at the Board Policy Committee meeting. She seconded the motion with the correction noted. The motion carried.

**ADJOURNMENT**

There being no further business, Chairman Abrams adjourned the meeting at 11:46 a.m.

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Steve Abrams, Chairman

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Penny Plamann, Secretary