

**KANSAS STATE BOARD OF EDUCATION**

**MEETING MINUTES**

**February 10, 1998**

**CALL TO ORDER**

Chairman Gilmore called the meeting to order at 10:00 a.m. on Tuesday, February 10, 1998, in the Board Room of the State Board of Education Building, 120 SE 10<sup>th</sup> Avenue in Topeka, Kansas.

**ROLL CALL**

Members were present were:

Steve Abrams

Mary Douglass Brown

Kevin Gilmore

Linda Holloway

Mildred McMillon

Wanda Morrison

I.B. "Sonny" Rundell

Mandy Specht

Bill Wagon

Chairman Gilmore announced that Mr. Hill would be late. He arrived at 10:10 a.m.

**APPROVAL OF AGENDA**

Chairman Gilmore asked for approval of the agenda. Mrs. Brown moved approval of the agenda. Mrs. McMillon seconded the motion and the motion carried.

**APPROVAL OF THE MINUTES**

Mrs. Specht moved, with a second by Dr. Wagon, that the minutes be approved as submitted. The motion carried.

**JUVENILE JUSTICE AUTHORITY PRESENTATION**

Commissioner Tompkins introduced Mr. Albert Murray, Commissioner of the Kansas Juvenile Justice Authority (JJA). Accompanying Commissioner Murray was Denise Musser, the Authority's Public Information Officer. Also introduced was Judi Miller, Department of Education staff who had been working closely with juvenile justice issues during the development of the enabling legislation for the Authority and its start-up over the past year.

Commissioner Murray reviewed for the Board statistics on the incarceration facilities for young offenders under the control of the Juvenile Justice Authority and discussed the goals of the legislation which established it, passed in 1996 and 1997. He cited an emphasis on public safety and the enhancement of accountability for juvenile offenders. He reported that strong vocational and educational programs were being put into place to address the problems of young offenders before returning

February 10, 1998

Page 2

them to their communities, schools or homes. Commissioner Murray stressed that one of the goals of the Authority was to change from a state-based to a community-based system to address the issues related to juvenile offenders. He also reported on a model program, "Communities That Care," and how it was being implemented in Kansas in the judicial districts to help communities develop integrated local programs with strong prevention and early intervention components. Board questions followed.

## **QUARTERLY REPORTS**

### **Kansas State School for the Blind (KSSB)**

Mr. Bill Daugherty, Superintendent, reviewed highlights of his written report which covered the quarter October 1 to December 31, 1997. He indicated the school would be requesting \$25,000 of the \$100,000 appropriated by the legislature as a dollar for dollar match for an Access Technology Lending Library. He also reported on the daily living skills program and several academic and campus activity opportunities such as the Quiz Bowl, martial arts, and Girl Scouts. Mr. Daugherty indicated corrective work was being undertaken on the new student residence building and students would be moved in prior to the March Board meeting. Mr. Daugherty also reviewed the reports of several inspections undertaken on the facility during the period and corrective action taken if required.

### **Kansas State School for the Deaf (KSSD)**

Superintendent Johnson was unable to be present, but a written report for the Kansas State School for the Deaf had been made mailed to the Board with materials accompanying the meeting agenda. Mr. Johnson will present an oral report when the Board makes its annual visit to the school in March.

## **CITIZENS' OPEN FORUM**

Chairman Gilmore opened the Citizens' Open Forum at 11:00 a.m. Christy Leavings, KNEA, and Pat Baker, Kansas Association of School Boards, both of Topeka, Kansas, addressed the Board. Chairman Gilmore closed the forum at 11:09 a.m. The Board took a short break and reconvened at 11:25 a.m.

## **GRADUATION CEREMONIES AT KSSD AND KSSB**

Mrs. McMillon was selected to represent the Board at graduation ceremonies at the Kansas School for the Deaf a 6:00 p.m., Thursday, May 21, 1998. Mrs. Brown was selected to represent the Board at graduation ceremonies at the Kansas School for the Blind at 2:00 p.m., Sunday, May 24, 1998.

Page 3

## **MINUTES**

February 10, 1998

## **KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION**

### ***Amendments to Bylaws***

Mr. Gary Musselman, Executive Director of the Kansas State High School Activities Association (KSHSAA), presented two amendments to KSHSAA bylaws for approval by the State Board of Education in accordance with K.S.A. 1997 Supp. 72-130. The first of these bylaw amendments was an addition to Bylaw Article IV, Board of Directors, Section 4a and defined the minimum size of a league eligible for representation on the KSHSAA Board of Directors. New language stated that "anytime any league's membership of KSHSAA member schools drops to three (3) or less, the league will lose the right to representation on the Board of Directors." The second amendment was the adoption of an indemnification policy which would authorize KSHSAA to pay for defending its directors, employees and agents in civil or administrative proceedings related to the association's business, allow payment of judgments or fines and allow KSHSAA to buy insurance to cover those obligations.

Mr. Musselman noted that the minimum league size definition would be presented to the KSHSAA Board of Directors for their approval at their meeting in April. Board discussion followed and included questions concerning KSHSAA's interpretation of the Kansas statute to require KSBE approval prior to submission of proposed changes to the KSHSAA's Board of Directors. It was the consensus of that Board that its approval was necessary before *implementation*, not passage, of any bylaw change by KSHSAA. Dr. Abrams moved that the State Board of Education approve the requested changes to the Bylaws of the Kansas State High School Activities Association subject to approval by the KSHSAA Board of Directors. Mrs. Morrison seconded the motion which carried on a 9-0 vote, with Chairman Gilmore abstaining.

The Board recessed for lunch at 11:38 a.m. and reconvened at 1:30 p.m.

## **LEGISLATIVE MATTERS**

## Community College Funding

Deputy Commissioner Dennis provided several handouts to the Board. He reviewed the House proposed finance plan which included: a repeal of out-district tuition; an increase in out-district state aid from \$24 to \$36 per credit hour; an increase in credit hour state aid from \$30.50 to \$38 per credit hour; an increase in general state aid of \$8 million, from \$2.6 million to \$10.6 million; an increase in vocational education weighting from 1.5 to 1 to 2 to 1 for the fourteen community colleges which do not have area vocational technical school designations; provision for operating grants to community colleges whose state aid increase results in a mill levy of more than 15 mills; a requirement that all community colleges have a minimum student tuition equal to 20 percent of their operating budget; a minimum of 30 Page 4

## MINUTES

February 10, 1998

percent of the operating budget in state aid; exemption from the current tax lid and imposition of a 15-mill limitation on the general, vocational, and employee benefit funds; and continued determination of budget and student tuition by the board of trustees. Mr. Dennis also explained a chart which illustrated the effects of the funding plan on the community colleges.

Mr. Dennis next presented a funding plan recommended by the Select Committee on Higher Education for additional postsecondary funding which would also include property tax relief for community colleges and Washburn University; enhancements for faculty salaries, state of the art technology, and capital outlay and capital improvements at technical colleges and area vocational schools; and scholarship and excellence funding. The plan would cost \$137.9, phased in over four years. This funding plan would accompany the Select Committee's plan for restructuring postsecondary education in Kansas and would, upon passage of a constitutional amendment, create a new Kansas Council on Higher Education. The new Council would be responsible for coordination of all public postsecondary activities, including the public universities, community colleges, technical colleges and area vocational schools. It would have direct governance responsibilities over public universities. Mr. Dennis briefly reviewed the report of the Select Committee and its schedule for touring the state to brief community leaders and education stakeholders about the Committee's plan.

Mr. Dennis also gave the Board a summary of the Governor's recommendations for postsecondary education funding from the state general fund.

## Fiscal Year 1999 Budget Request

Mr. Dennis gave a brief status report on the KSDE FY 1999 budget and provided Board members with outlines of the Senate Ways and Means Subcommittee's recommendations and the Governor's recommendations for FY 1999. Mr. Dennis suggested that funding for in-service education aid should be put into the base state aid per pupil formula - that the \$3,000,000 recommended by the Governor was too

little when spread to all districts across the state

## **Proposed 1998 Education Legislation**

Mr. Dennis gave Board members a current Senate and House bill summary of education-related bills and briefly reviewed the status of bills of interest. It was noted that the Kansas Association of Community College Trustees would appreciate Board support of HB 2749, which amends the definition of "credit hour" for community colleges.

The Board took a short break at 2:30 p.m. and reconvened at 2:40 p.m.

Page 5

## MINUTES

February 10, 1998

### **BRIEFING: "A Report on the Results Achieved by Schools that Piloted the Kansas Quality Performance Accreditation System"**

Assistant Commissioner Sharon Freden introduced Arie van der Ploeg with the North Central Regional Education Laboratory who was the principal investigator who conducted the legislatively authorized study of student academic performance in QPA pilot schools. She also introduced Tim Paris, Senior Research Analyst with Kansas, Inc., the organization that contracted for the study.

Mr. van der Ploeg reviewed the two questions which guided the study:

1. What do longitudinal data show about changes in student academic performance in the QPA pilot schools? and
2. What key factors contributed materially to change in pupil academic performance in QPA pilot schools?

*In response to the first question, the report indicated, "Taken all together and looking back over time, the QPA pilot schools perform on par with all other schools in Kansas: As a group, their performance on the Kansas Assessment annually is not distinguishable from other Kansas schools. (But then, all schools are now part of QPA.) On the other hand, about a fifth of the 135 QPA pilot schools recorded strong, measurable improvement in student academic performance since 1992."*

Mr. Van der Ploeg reported on the data elements used in developing the report, which included choice of

schools to be studied, documents reviewed, principals' narrative summaries of changes over the five years studied, teacher surveys, site visits to twenty schools which had shown a strong improvement trend, and QPA indicators. He also discussed the problems encountered which included the short time available for the study; the lack of comparable data from state assessments because the tests themselves had changed or the scoring of them had changed over the period being studied; that the pilot schools were not randomly selected; and the fact that almost all Kansas schools are now participating in the Quality Performance Accreditation process. He detailed the methods used in normalizing the scoring to build a trend index for the schools being studied. Mr. van der Ploeg summarized the results of staff surveys from the point of view of schools identified as high performing schools, improving schools and low performing schools and pointed out that the differences in the perception of which characteristics matter in positively influencing student academic performance are different for each category.

Page 6

## MINUTES

February 10, 1998

Mr. van der Ploeg concluded by summarizing the factors which staff in improving schools perceived to have made a difference in their schools: school and instructional leadership, monitoring student progress, home-school relations, and staff collaboration and professionalism. The factors which seemed to contribute materially to the changes in pilot schools were the recognition of a problem, which often came from the QPA process itself; the acceptance by staff that the problem could be resolved; and that working together informally or in structured groups was important to address the problem. Board questions and discussion followed.

## CONSENT AGENDA

Chairman Gilmore asked for approval of the Consent Agenda. Mrs. Morrison moved approval of the consent agenda; seconded by Mr. Hill. The motion carried.

In the consent agenda, the State Board:

- Received the monthly personnel report.
- Confirmed the appointment of John Walkenford to an unclassified special project Secretary I position under the Project Partnership IHE grant, effective January 20, 1998, at a hourly pay rate of \$7.86

- Approved school construction plans for Riley County USD 378; Trinity Academy, Wichita; Faith Christian Academy, Fort Scott; and Goessel USD 411.
- Approved modifications to the Twin Lakes Educational Cooperative.
- Approved modification of the Fort Hays Educational Development Center Interlocal Agreement.
- Approved Cycle I accredited status for: USD 457 Garden City - Jennie Wilson Elem; USD 495 Fort Larned - Hillside Elem, Northside Elem, Park Elem, Phinney Elem, Larned Middle School, Larned Sr. High, Pawnee Rock Elem, Pawnee Rock Elem; USD 271 Stockton - Stockton Elem, Stockton High; USD 354 Claflin - Claflin Elem, Claflin Junior/Senior High; USD 373 Newton - Cooper Elem, McKinley Elem Annex, Roosevelt Elem, South Breeze Elem, Walton Elem; USD 368 Paola - Hillsdale Elem; and USD 357 Belle Plaine - Belle Plaine Elem, Belle Plaine High.

Page 7

## MINUTES

February 10, 1998

- Approved a request for a waiver of state special education regulations regarding caseload for gifted education at USD 372 Silver Lake.
- Approved 1997-98 Kansas Charter School Implementation subgrants for: Greenlawn Charter School, USD 493, Columbus; Crawford Charter School, USD 249, Frontenac; Spring Hill Charter School, USD 230, Spring Hill; The Cosmosphere Academy, USD 308, Hutchinson; Peoria Street Charter School, USD 416, Louisburg; and McPherson Alternative Center, USD 418, McPherson.
- Certificates of Approval under the Kansas Proprietary School Act were issued to: Bethany

Medical Center/School of Radiologic Technology, Kansas City, KS; Climate Control Institute, Wichita, KS; Realty School of Kansas, Wichita, KS; Wright Business School, Lenexa, KS; Commercial Federal Bank, Omaha, NE; and Executive Secretarial School, Dallas, TX.

- Approved requests for a waiver of K.A.R. 91-5-2 of the driver education regulations for Ellinwood USD 355, Norton USD 211, and Lyon County USD 252, to implement a performance-based driver education curriculum.
- Issued orders to USD 208 Wakeeny, Trego County; USD 307 Ell-Saline, Saline County; USD 368 Paola, Miami County; USD 415 Hiawatha, Brown County; USD 480 Liberal, Seward County; and USD 481, Rural Vista, Dickinson County, granting them authority to hold elections on the question of the districts' general bond debt limitation.

***Contracts Approved:***

The Commissioner of Education was authorized to:

- Negotiate and enter into a contract with the University of Kansas to provide services during year 6 to the Supported Education in Kansas Severe Disabilities System Change Project, with the contract total not to exceed \$12,000.
- Continue a contract with the Kansas State Department of Health and Environment for the purpose of completing on-site inspections of meal preparation and service sites with the contract amount not to exceed \$10,500.

The Board recessed at 3:50 p.m. and reconvened at 4:00 p.m.

Page 8

MINUTES

February 10, 1998

## **PROPOSAL FOR STATE EDUCATION INSPECTOR GENERAL**

Mr. Greg Gideon was introduced to present his proposal on the creation of an Office of Inspector General for the State Board of Education. Mr. Gideon stated his belief that there was an erosion of public confidence in the effectiveness of the State Board of Education and concern over the quality and extent of Board oversight, which was confirmed by efforts to disband the Board or reduce its scope of power. He stated further his belief that Board oversight through school accreditation, teacher certification, and establishment of education policy did not leave the Board immune to legal liability, either as individual members or as a unit. Mr. Gideon cited several examples which he believed could expose the Board to potential

liability. He also shared several scenarios of possible oversight breakdown where the Office of Inspector General could offer mediation between local school boards, individuals and the State Board. Mr. Gideon's proposal also included a projected cost/benefit analysis of the proposed office, a summary of the proposed duties and structure, and recommendations for Board action to pursue his proposal further. Mr. Dan Biles, Attorney for the State Board, and Mr. Rod Bieker, Department of Education General Counsel, both responded to issues raised by Mr. Gideon. Both Mr. Biles and Mr. Bieker confirmed that the Board's legal liability was limited. Mr. Biles stated that the Kansas Constitution does not confer, but limits the the authority of the State Board of Education. Board questions and discussion followed.

## **DISCUSSION OF RECOMMENDED BOARD POLICY CHANGES**

Dr. Abrams, Chairman of the Board Policy Committee reviewed for the Board the purpose of the Committee's review of Board policies and guidelines: to provide clarification where necessary; to eliminate duplication in policies and between policy and statute; and to update existing language. The Board discussion included: governance policies numbered 1002, Governing Style; 1003, State Board Policies, Regulations and Guidelines; 1010, Operation of the State Board of Education; 1011, Board Member Travel (and the guidelines for approval of meeting attendance); 1012, Citizen's Open Forum; board-staff linkage policy number 2002, Monitoring and Evaluating Commissioner Performance; commissioner limitations policies numbered 3001, Communication and Counsel to the Board; and, 5002, Emergency Executive Session, which was proposed for deletion. The guidelines for recognition of retiring Board members, proposed for revocation, were also discussed.

Chairman Gilmore called a recess for the day at 5:40 p.m.

---

Kevin Gilmore, Chairman

---

Penny Plamann, Secretary

## KANSAS STATE BOARD OF EDUCATION

### MEETING MINUTES

February 11, 1998

#### CALL TO ORDER

Chairman Gilmore called the meeting to order at 9:00 a.m. on Wednesday, February 11, 1998, in the Board Room of the State Board of Education Building, 120 SE 10<sup>th</sup> Avenue in Topeka, Kansas.

#### ROLL CALL

Members present were:

Steve Abrams

Mary Douglass Brown

Kevin Gilmore

Linda Holloway

Mildred McMillon

Wanda Morrison

I.B. "Sonny" Rundell

Mandy Specht

Bill Wagnon

Chairman Gilmore announced Mr. Hill was at a legislative hearing. (Mr. Hill arrived at 9:40 a.m. and left at 10:00 a.m. to attend another meeting.)

#### APPROVAL OF AGENDA

Chairman Gilmore asked for approval of the agenda. Mrs. Morrison, with a second by Dr. Wagnon, moved that the proposed agenda be approved. The motion carried.

#### DISCUSSION

##### Graduation Standards Task Force Recommendations

Assistant Commissioner Sharon Freden introduced Dr. Gary Price, Chairman of the Graduation Standards Task Force, and Maureen Weiss, Task Force member, who were present to assist in the Board discussion of Task Force recommendations. The ensuing Board discussion included:

- how proposed graduation standards would be tied to the Quality Performance Accreditation process and how graduation standards would be implemented;
- what assurance would exist that local measurement and demonstration of achievement would

guarantee the same level of proficiency across all districts and whether the State Board would be overstepping its authority to require that districts demonstrate achievement of certain proficiencies;

Page 2

## MINUTES

February 11, 1998

- the difference between the current practice of fulfilling local and state requirements for graduation and meeting new graduation standards;
- what impact graduation standards might have on instruction, student performance and student accountability and the length of time it would take for the effects of graduation standards to impact those academic components;
- whether implementation of standards at graduation might be waiting too long to require proof of proficiency;
- what subject areas should be addressed by standards;
- how standards of proficiency might affect the current system of dividing schools into grade levels by age;
- and how to address the problem of those students who are unable to perform at the minimum level of proficiency that would be required.

### **Model Physical Education Standards**

Assistant Commissioner Freden introduced Dr. Darrel Lang, Consultant, Health and Physical Education, to respond to Board questions and concerns regarding the proposed model physical education standards. Board questions included concern about the application of the standards to "*all*" students and the use secondary co-educational programs as evidence of exemplary programs. It was suggested that the standards be modified to be applicable "*as appropriate.*" The language used in the values section of the outcomes statements was also questioned. Mr. Lang was asked to incorporate Board member suggestions into the proposed standards prior to submission for approval at the March Board meeting.

### **Timeline for Revision of Curricular Standards**

Assistant Commissioner Freden reported to the Board on the progress of the Mathematics and Communications Arts Curriculum Standards Revision Committees. Though both committees were concerned about being ready for public hearings scheduled for March, the Mathematics Committee was

reported on track to finish as scheduled and planned to bring its revisions and the external review material to the Board in May, with plans to have the Board adopt the standards in June. She also reported that with the current timeline, the communication arts standards would not have a literature strand available. A one month delay in standards revisions, or development of assessments based on the revisions, would narrow the testing window in 1999 to three weeks, with schools receiving the materials in March and testing in April.

Dr. Freden indicated that because next year is scheduled to be the baseline year in mathematics, the test could be lengthened and a pilot test could be eliminated. By adding more test questions, those items which don't work could be removed, unless those elements all end up in the same area, and a Page 3

## MINUTES

February 11, 1998

baseline could still be established. According to Dr. Doug Glasnapp, representing the state assessment contractor who was also present for the Board discussion, they would be able to link workable items from the pilotless baseline year to items in subsequent years. Dr. Glasnapp reported that longitudinal data with prior years would not be available from next year's assessment because the mathematics test would be too different. Longitudinal data would not be available for reading either, nor will next year be a baseline year because in reading, benchmarks cannot be set until the second year of testing. The writing assessment would not change and data will be available, but testing will be in grade 11 instead of grade 10, if the Board approves the change. Mr. Dennis Kear, Co-Chairman of the Communications Arts Committee, was also present. Dr. Freden indicated that because of the interruption in the school improvement process, districts will have to rely on measures other than the state assessment until a baseline in reading is established. Several Board members expressed concern about the test data not being equitable and the interruption in the school improvement process. Dr. Glasnapp explained the different levels of psychometric comparison that are used in interpreting test data. He indicated districts continuing to use the state assessment this year will be able to compare this year's data with prior years, even with the performance assessment eliminated. Dr. Glasnapp indicated that assistance would be needed from the curriculum standards committees in identifying and weighting standards to be assessed. Concern was also expressed about the statutory requirement to perform state assessments.

Mr. Kear reported on the work to date of the Communication Arts Committee and the schedule for what was yet to be done. He outlined the Committee's plan to incorporate public comment from the March hearings. He also indicated the Committee had received the criteria for standards from McREL, the contractor which would be reviewing the revised standards, and that the Committee would be assessing its work and making revisions to see that proposed benchmarks follow the McRel criteria. The Committee has scheduled two days late in April to address McREL's report on the proposed standards. Mr. Kear indicated that meeting dates in May and June were not feasible and the Committee hoped to have its work finished at the end of April. Asked if he felt the Committee could do a better job given more time, Mr. Kear expressed encouragement from comments already received from the field and his

confidence the Committee could finish its work this Spring.

## **APPROVAL OF BOARD TRAVEL**

Members reviewed the composite travel request. Dr. Abrams asked that salary and mileage be added for a Friends University faculty conference and campus tour on February 16, 1998. Dr. Wagnon asked that requests for activities on February 9 and 12, 1998 be deleted. Mrs. Holloway asked that

Page 4

## **MINUTES**

February 11, 1998

registration, mileage, salary and per diem be added to her request for a learning disabilities conference to be held March 27-28, 1998, in Topeka. Mr. Brown moved, with a second by Dr. Abrams, that the travel requests be approved as amended. The motion carried.

## **REPORTS**

### **Chairman**

Chairman Gilmore indicated all Board members were invited to the Public Education Forum luncheon co-sponsored by the Topeka School Fund and the Kansas Business-Education Coalition on March 10, 1998. He asked that mention of the luncheon be added to the agenda for the March 10th Board meeting. Chairman Gilmore also reported that a request had been received for a Board member to participate in a panel discussion on teacher education April 17, 1998 in Kansas City. He asked for anyone wishing to volunteer to call him by February 13, 1998. He also asked for a volunteer from each congressional district to read Byrd Scholarship applications. Mr. Hill, District 1, Mrs. Specht, District 2, Mr. Gilmore, District 3, and Mrs. Brown, District 4, were designated. Chairman Gilmore also commended Dr. Tompkins on his receipt of the United School Administrators' Certificate of Recognition at its annual meeting January 29, 1998.

### **Board Attorney**

Mr. Dan Biles, Board Attorney, reviewed his written report with Board members. Mrs. Morrison moved, with a second by Mrs. Specht, that Mr. Biles' fees for services and expenses for January be paid as presented. The motion carried.

### **Commissioner**

Commissioner Tompkins reviewed his written report to the Board and noted that the Chair of the Select Committee on Higher Education would be addressing the Joint Committee on Governance at its meeting at 3:00 p.m., February 11th, in the KSDE Board Room. He indicated that the agenda and background materials for the meeting were attached as part of his report. Dr. Tompkins was asked by Dr. Wagnon for a brief synopsis of the "close proximity" issues being addressed by the Joint Governance Committee. Dr. Tompkins briefly described the issues. He also reviewed plans for the Board mission and strategic planning meeting to be held March 9th. A brief discussion about obtaining a facilitator for the meeting followed. Dr. Tompkins also noted he had included performance objectives with his written report. He indicated the Board could schedule a brief executive session at the March meeting to review them. Dr. Tompkins commended the fine work being done by Deputy Commissioner Dennis and his staff, as well as that of Mr. Hill, Board Legislative Coordinator, in responding to legislative requests and in their representation of the Board before the legislature.

Page 5

## MINUTES

February 11, 1998

## ADJOURNMENT

There being no further business, Chairman Gilmore adjourned the meeting at 11:50 a.m.

---

Kevin Gilmore, Chairman

---

Penny Plamann, Secretary