

**KANSAS STATE BOARD OF EDUCATION
MEETING MINUTES**

December 13, 2005

CALL TO ORDER

Chairman Abrams called the meeting to order at 10:00 a.m. on Tuesday, December 13, 2005, in the Board Room of the State Board of Education Building, 120 SE 10th Avenue in Topeka, Kansas. Chairman Abrams announced that the meeting was being broadcast live over the internet via KAN-Ed Live! through the Board of Regents.

Members present were:

Steve Abrams	Carol Rupe
John Bacon	Iris Van Meter
Sue Gamble	Bill Wagnon
Kathy Martin	Janet Waugh
Connie Morris	Ken Willard

APPROVAL OF THE AGENDA

Chairman Abrams asked that an executive session be added at the end of the day as item 12. Mrs. Waugh asked to pull item 10 b., confirmation of appointment of Director of Communications and Recognition Programs, from the Consent Agenda. There being no further changes, Mrs. Waugh moved, with a second by Mr. Bacon, that the agenda be approved as amended. The motion carried.

APPROVAL OF THE MINUTES

Mrs. Morris asked that the last sentence regarding her comments during the discussion of the resolution to approve the science standards be corrected to read, by an addition at the end of the sentence, "She read several of the indicators, which illustrated that it was not the Board's intent to exclude or devalue evolution in the science standards, *as well as clarifying that there were no religious references in the standards.*" Mrs. Morris moved, with a second by Mr. Bacon, that the minutes of the November meeting be approved as amended. The motion carried 9-1, with Mrs. Gamble voting "no".

COMMISSIONER'S REPORT

In addition to reviewing his written report, Commissioner Corkins reported that he had met with representatives of twenty charter schools; was scheduling, through the United School Administrators, informal meetings with school district superintendents; would be touring the Hutchinson area and other cities in Board District 7 with Mr. Willard on December 19th and 20th; and had implemented a policy for flexible work hours for KSDE employees. He also noted that Thursday, December 15th, was the 214th anniversary of the Bill of Rights drafted by James Mason. Asked by Mrs. Gamble how flexible schedules would be monitored to guarantee that the Department remained responsive to the field, Commissioner Corkins indicated they would be approved and monitored by Department directors at the team level, with the Commissioner only involved if mediation was necessary.

Mrs. Waugh asked if the Transition Team had plans to meet with the field and other stakeholders to see what their recommendations might be. Mr. Corkins explained that members of the field were represented on the team. When Mrs. Waugh stated that stakeholders felt that they had been left out of the process, he noted that the experience and expertise from members of the field on the Transition Team, as well as the expertise and experience of Department staff, were represented in the recommendations that the Board would be considering.

CITIZENS' OPEN FORUM

Chairman Abrams opened the Citizens' Open Forum at 10:17 a.m. Those addressing the Board were: Howard Blackmon, Topeka; Larry R. Combs, Minneapolis, representing North Central Area Superintendents; Maurice R. Holman, Kansas City, representing the Northeast Kansas City Business Association; Ron Johnson, Gardner; Sandra Lassiter, Sparkle Sherrod, Joyce Hilmer, and Melissa Sellers; Topeka; T. J. Clark, Olathe; Anna Leitch, Overland Park, and Kirsten Sneid, Leawood, representing the Autism Society of Johnson County; Sharon Zoellner, De Soto, representing USD 232; Dr. Patrick Call, Hill City, representing Graham County Schools, USD 281; Beverly Mortimer, Concordia, representing USD 333; Bruce Nicholson and Phyllis Major, Maize, representing USD 266; Steve Roberts, Overland Park; Laura Kaiser, Topeka, representing Kansas PTA; Doug Conwell, Wamego, representing USD 320; Kathy Cook, Shawnee, representing Families United for Public Education; Peg Dunlap, Topeka, representing Kansas NEA; and Kirk Fast, Ozawkie. Chairman Abrams declared the Open Forum closed at 11:19 a.m.

The Board took a break from 11:19 until 11:26 a.m.

PRESENTATION ON THE CHALLENGER LEARNING CENTER OF KANSAS

Commissioner Corkins introduced State Representative Bill McCreary, Wellington, who introduced Kevin Eikenberry, the Executive Director of the new Challenger Learning Center of Kansas. Mr. Eikenberry explained that the Challenger Center for Space Science Education was founded in 1986 by the families of the seven astronauts who lost their lives in the Challenger disaster with the goal of creating a living memorial to the crew members of the Challenger flight and to preserving the primary educational goal of the mission. It was one of the very first space science education programs created. Space flight, he noted, was an enticing subject to students and the Challenger program allows them to get real world experience in math and science at the same time they are involved with a simulated space mission. Mr. Eikenberry gave some background on why the Center was located at Wellington, pointing out that it was close to Wichita and the aerospace industry and reminding everyone of the importance of the aerospace industry to the economy of the state. He reported the Center was scheduled to open January 18th and invited all Board members to attend. Mr. Eikenberry introduced Kay Tibbs, Director of Instruction, and she described how the hands-on project-based learning built on earlier classroom training. Four to six weeks before a class participates at the Center, the teacher attends a preliminary training session and returns to the classroom with a math and science curriculum tied to what the students will be doing at the Center. It is designed for the teacher to work it into his or her daily class schedule. She noted that the curriculum is aligned with state and national standards in math, science and technology, but students engage other skills as well, particularly in reading, communication and problem solving.

Other offerings of the Challenger Center will include professional development training for teachers, a scouting program, programs available to corporate entities for team building, and parent/child missions. A distance learning program is also being developed.

The Board was asked to endorse the Challenger Curriculum and, after discussion of the issue, it was suggested that Department staff look at the curriculum for alignment with state standards.

RECOGNITION OF 2005 MILKEN NATIONAL EDUCATORS

The State Board had the opportunity to hear from two Kansas educators who recently received the 2005 Milken Family Foundation National Educator Award. Matt Copeland, an English teacher at Washburn Rural High School in Topeka, Auburn Washburn USD 437, and Stanley Bergkamp, a science (physics and

Advanced Placement chemistry) teacher at Maize High School, Maize USD 266, shared with Board members the greatest challenges they face in helping all students achieve high academic standards as well as the strategies they use to overcome those challenges. After answering questions from the Board they were presented with certificates of recognition by Chairman Abrams and had their pictures taken with the Chairman and the Commissioner.

The Board took a break for lunch from 12:30 until 1:30 p.m.

CHARTER SCHOOLS

Kansas Charter School Annual Report

Deputy Commissioner Posny reported on approved Kansas charter schools that were in operation during the 2004-2005 school year. She began by reviewing changes that had been made to the charter school law that had removed the limit on the number of charter schools in the state and extended the length of time for which approvals of charters were granted from three years to five years. Dr. Posny reported that of the 27 charter schools in Kansas during the 2004-2005 school year, 25 will continue in operation in 2005-2006, with the charter schools in Augusta and Stockton dropping out. Two additional charter schools had been approved for 2005-2006, but of the 2, only the Stafford charter school began operation. Dr. Posny pointed out that Kansas charter schools were distributed geographically throughout the state and were located primarily in rural areas. Though they spanned all grade levels, the largest number, 18, provided instruction at the high school level, with 13 at the middle school level, and 11 at the elementary level. Kansas charter schools, she reported, were varied in their programs and the strategies used to accomplish their missions. She noted, though, that 83% of the charter high schools were alternative or credit recovery programs. She also pointed out that charter high schools addressed the needs of low socio-economic students at almost twice the rate of the state average for high schools, and that mobility and late enrollment were more of a factor in charter high schools. She suggested that these three factors were probably responsible for the lower reading and math scores for charter high schools which tend to have programs for students with borderline academic performance and are those normally most likely to drop out of school. Dr. Posny demonstrated how to find information for Kansas charter schools on the KSDE website. The information available includes when the charter was granted, the description of the program and how well that mission has been accomplished.

Dr. Posny also reported on a recent meeting of KSDE staff and twenty charter school administrators. Participants were asked to respond to four questions regarding charter schools that might help provide guidance to the Board regarding charter schools. Dr. Posny reported on responses to questions about regulatory flexibility, an appeals process for charter schools, funding and allocation of resources for charters, and how to encourage the growth of charter schools. She noted that a common understanding was not reached at the meeting nor was there a consensus in the responses.

During the discussion that followed, several issues were raised. One of them was the low scores in reading and math at the high school level. Dr. Wagnon first inquired about them. Dr. Posny noted that high school charters had an overabundance of disadvantaged students who tended to drop out and had not been highly successful in the first place. Dr. Wagnon further inquired if the low scores meant that the charter schools were not helping the students they were designed to serve. Dr. Posny responded that according to the data, that would appear to be the case. Later in the conversation, Mr. Willard also brought up the issue. He noted that it was his experience that many of the students in charter schools would not otherwise be in school and that any progress they made would be progress they would not have otherwise been experiencing. Dr. Posny responded that was why she had pointed out the make up of the population

being served, noting that at the high school level, the variance in the populations between charter schools and regular public schools could account for some of the differences in scores.

Dr. Wagnon asked how many of the current charter schools were doing things that could not be done under normal waivers from state regulations. Dr. Posny responded that most of the charters had not asked for any waivers from state regulation. She added that most were doing things in addition to what they would primarily be doing and that probably the reason a lot of them had sought establishment as charters was because federal funds had become available, giving them access to additional dollars to start up new initiatives. She agreed with Dr. Wagnon's conclusion that much of the innovation that was being done in current charter schools could be done in any school without becoming a charter. Dr. Wagon was interested in knowing what happened when the federal funding was no longer available. Dr. Posny reported that in many cases the innovations continue to be utilized, but because of the expense of operating a separate program, they become embedded in a current regular school. Dr. Wagnon asked if there was any data on the number of charter proposals in the state that had been turned down because of resistance on the part of local boards and if there was a backlog of expectations that were quashed by unsympathetic local boards unwilling to support innovative ideas. Dr. Posny said she didn't know of any, but would get the information for Board members.

Mrs. Morris asked about the recommendation from the charter administrator group that it be ensured that the appeals "process chosen is open". Dr. Posny, referring to notes from the meeting which she had been unable to attend, said she thought those proposing charters would like a process that could help serve to open minds if a bias against charters had existed initially, and that would ensure there wasn't a bias one way or another within the group hearing the appeal. Because the Commissioner had attended the meeting, she asked his thoughts were on the issue. Commissioner Corkins responded that one of the basic bits of information that came out in the discussion was that none of the existing charters in Kansas had ever requested a waiver from regulations and, when asked why, had indicated that they knew from the outset it would be very unlikely that the local school board would approve one, so the attempt was never made.

A discussion between Mrs. Morris and Dr. Posny regarding waivers followed. Dr. Posny clarified what types of waivers have been available to schools in Kansas, including charter schools. She reported that waivers from state regulations are still available, with Board approval, but the federal Ed-Flex waiver for Title I schools, charter or regular, was no longer available after January 1st because the federal government had not reauthorized it. Mrs. Morris asked about what types of things could be waived, mentioning her frustration when teaching with requirements that seemed to take time away from doing her job of teaching children. She asked why, if there were things that hinder the educational process and academic success, that same burden would be put on charter schools, if the point is to encourage innovation. Dr. Posny replied that there were so many things tied up in laws that cannot be changed, it would be difficult for her to answer without a specific issue to address and that decisions about waivers would probably have to be made on a case-by-case basis. Mrs. Morris asked if Dr. Posny felt that charter schools and traditional schools should have the same access to waivers. Dr. Posny stated that access currently exists, as she felt it should. She provided an example of a waiver that had been granted to virtual schools: seat time, the amount of time a child spends in a classroom seat, adding that it shouldn't be tied to whether a child graduates because it doesn't prove anything in terms of what has been learned. Mrs. Morris noted that Dr. Wagnon had suggested some time ago that there be a review of all the paperwork and other requirements for schools and suggested the review should be pursued if they are a posing a problem for public schools. She asked if a list of all the paperwork required of schools could be

assembled. Dr. Posny stated it could be done, but pointed out that much of the paperwork was tied to funding, which would not follow without it.

Mrs. Gamble asked whether, in light of the different choices currently within the system such as virtual schools, charter schools and alternative schools, there was any information on how many were exercising those choices. Asked if the KIDS system would enable the tracking of that information, Dr. Posny replied that it would be a great help because the system could be queried in terms of the type of program and/or school in which a child is enrolled. Mrs. Gamble also noted that variance in determining attendance was perceived as a problem in terms of charter schools. She indicated that the regulation eliminating seat time as a QPA requirement had become effective in July of 2005. She asked if the information had not been disseminated to districts. Dr. Posny stated that some of it was a misunderstanding between the requirement that attendance be taken prior to and after Sept. 20th for funding purposes and the QPA regulations' requirement for seat time, which no longer exists because a child can test out. Dr. Posny indicated she would make a point to clarify the issue for schools. Mrs. Gamble also asked why there was so much late enrollment in the alternative schools. Dr. Posny said that there are students throughout the year who, whether successful or not, may choose an alternative route, adding that those decisions are usually not made at the beginning of the year. She pointed out that there were also students who may not enroll and start school at the beginning of the year. Mrs. Gamble concluded that those alternative programs were actually encouraging enrollment and providing a choice to students rather than limiting access.

Mr. Bacon mentioned that Yoder might have had a waiver at one time for sex education and asked if they still had one. Dr. Posny said she would find out. He also asked if charter school teachers were part of the payroll system of the local district and the same contract negotiations with the teachers unions. He asked if there had been any that had requested waivers for that and if it would be possible under the current system in the state. Dr. Posny indicated that, though there had not been any requests in Kansas, she was aware that some other states have waived some of those requirements. Mr. Bacon was also interested in information regarding charter school budgets and asked if districts kept separate budget numbers for them. He was particularly interested in figures on the cost of charter schools compared to other schools. Dr. Posny indicated that perhaps that information was something she and Deputy Commissioner Dennis should work on together. Mr. Willard asked how many of the current charter schools were still receiving federal seed money. Dr. Posny indicated that all those approved in 2004 will continue to receive funds for the 3-year period of the grant. Because many of the schools have been in existence for longer than three years, he concluded, and Dr. Posny agreed, they were not operating strictly to get federal money.

Mr. Willard expressed an interest in what funding charter schools received from local districts and the costs associated with charters. Mrs. Waugh stated that she, too, was very interested in the cost information regarding charter schools. Later in the meeting a report on funding sources for the 2005-2006 charter schools was provided to Board members.

Mrs. Morris and Dr. Posny discussed the difference between a charter school and a magnet school. Dr. Posny explained a charter school could have a magnet theme and it was not uncommon for a charter school to have a primary focus in the same way that magnet schools do. She mentioned the entrepreneurial charter schools which were on the agenda to make presentations. Dr. Posny explained that when one talks in terms of magnet schools, they are probably more in the urban areas, where one school has been defined with a specific focus. Magnet schools, she added could be formed at any time and students attended because of the school's focus. Dr. Posny also explained the sources of and limitations for federal funding of charter schools and magnet schools, noting they were separate federal programs

with different criteria. She pointed out that charter schools were set up to be separate schools and are funded for innovation. Magnet schools, on the other hand, are primarily set up for the urban core with very strict criteria in terms of what schools can apply for the funds.

Entrepreneurial Charter School Presentations

Stafford Economic Development Charter

Dr. Mary Jo Taylor, Superintendent of the Stafford School District, USD 349, gave a presentation about the Stafford Entrepreneurship and Economic Development (SEED) Center. Students in the program, she reported, were either juniors or seniors who take their academic core courses or whatever classes they need to complete their requirements for graduation at the high school and then attend the SEED Center for work, which is located in a storefront in the downtown area of Stafford. Dr. Taylor explained that Stafford is a rural district of 306.5 students and the economic anchor of the community is agriculture. The challenges that the district face include slightly declining enrollment with a high population of students, 57% at the high school and 65% at the elementary school, eligible for free and reduced lunch. She added that 25% of the students in the district come from families that live below the federal poverty level and the county is the 6th highest in the state for per capita SRS expenditures. She also reported that almost 18% of Stafford students have special learning needs. On the plus side, she reported that 10% of students in the district were gifted; because of the size of the district there was an excellent student/teacher ratio; and district facilities were excellent. Dr. Taylor reported that the district had a very progressive board which supports a leadership philosophy of curricular integration, authentic engagement in the learning process, improvement in the learning climate, and expanded use of technology. Among district technology initiatives Dr. Taylor highlighted was a “learn anywhere/anytime program” for students, which is a one-on-one laptop initiative for every student in grades 6-11, adding grade 12 next year. When considering the start-up of a charter school, the district already had the technology in place for it.

Circumstances that led to the development of the charter school were community concerns about the economic climate and the lack of opportunities for young people to earn a living in the community after completing school. The idea of developing an entrepreneurial charter school which could showcase the way technology can facilitate economic development, whether in a small rural community or a population center, was born as a way to address those concerns. When the idea was presented to the local board, it was immediately accepted, Dr. Taylor reported. The charter application was approved by the State Board in March of 2005, even though no funding was available. Once the charter was approved, the local board rearranged district spending to make funding the charter school a priority. In addition to district funds, the charter school had the support of the community and was helped by the work of volunteers, donations to the local educational foundation, and in-kind funding; including the rent-free gift of the storefront that houses the charter facility. Dr. Taylor reported that the purpose of the charter school is to provide an innovative approach for school-to-work preparation for juniors and seniors by providing students the opportunity to learn entrepreneurship and marketing principles while participating in individual and group business projects. In addition, there is the desire to provide an educational opportunity that is beneficial to the students, the school and the community. Each student has an individual learning plan developed by the student, their parents and their teacher at the beginning of the year that incorporates the core academic requirements as well as the entrepreneurial experience. In addition to the students’ individual businesses, they are required to initiate some kind of economic development activity for the community. The hope is to double the size of the charter school to ten students next year. There is also the hope to get some vocational funding to help with the costs of the school.

E3 Charter School in Newton

Brian Huxman, Coordinator of the Entrepreneurial Education Enterprise (E3) School, a charter school in Newton, presented the Board with an overview of the programming offered at the school. He reported that the school was in its second year of operation, but because it had not been fully funded initially it is in its planning year. He noted that there were a lot of parallels to the program offered in Stafford. The charter school initiative was started after Superintendent Morton attended a meeting of the Harvey County Economic Development Council, the focus of which was on entrepreneurship and the need for more entrepreneurs in the community. When federal charter school dollars became available, a plan was developed and submitted to the State Board. Mr. Huxman described the charter school's relationship with the Newton School District, noting that it was located on the Newton High School campus and one of the entrepreneurial classes was held in the high school. An addition to USD 273's Brooks Trade Center is planned to house the vocational and technical education programs for the district, which will be closely tied to the E3 School. Mr. Huxman stated that the vision for E3 is to empower students to be visionary in their thinking and successful in their actions, whether by enabling them to be contributing members of the business community by starting their own businesses or by giving them the skills and knowledge they need to become better employees when they enter the business world. He noted that E3 was currently working to become a regional center for entrepreneurship education and hoping to offer the program to the 18 area school districts that USD 273 currently offers other career and technical programs. A summer academy will be a year one entrepreneurship class for students from the 18 area schools, since only Newton High School juniors and seniors are enrolled in the class for the 2005-2006 school year. The class will be a prerequisite for Entrepreneurship II. He reported that the district recently purchased a laser engraving machine and it is envisioned that the Entrepreneurship II class will operate a school-based business by coming up with and marketing a product line that will be produced by a Laser Works class that will be trained to use the machine.

Mr. Buxman reported that last year, fifteen students had been enrolled; seventeen were enrolled for the current year. Hopes are to double the enrollment for next year, partially aided by inclusion of students from the summer academy. The year one curriculum, for the Entrepreneurship I class, is based on curriculum provided by the Youth Entrepreneurs of Kansas (YEK), a non-profit program located in Wichita. He noted that several high schools in Kansas also use the curriculum. Part of the curriculum is to build a business plan by the end of the school year. Local and regional business plan competitions are held through YEK, and a Newton student won a \$2,000 scholarship for his business plan during the first year of the program, Mr. Huxman reported. Mr. Huxman asked Jonelle Lucas, Director of Career and Technical Services for USD 273, to report on future plans. Ms. Lucas reported that USD 273 had twelve vocationally-funded programs, including a marketing program, of which the entrepreneurship program is a spin-off. The plan is to have students develop a viable business plan that can be implemented, or go on to further post-secondary education and then come back to the community and pursue their business plans. Ms. Lucas reported that the areawide students were a very important part of their programs and that strong recruiting will begin for enrollment next year. Ms. Lucas noted that the program was a strong collaboration between many institutions and the community, and was in place because of an expressed need of the community. The Board of Directors is composed of entrepreneurs in the community whose main focus will be to choose other businesses in the community as mentors for students in the program. Ms. Lucas also reported on the partnership with Hutchinson Community College (HCC) which has approved the E3 curriculum for dual credit. Eventually, it is hoped that adults can be brought into the program. Another goal for the future is for the program to be offered through a virtual classroom in order to serve students in other areas of the state. Ms. Lucas reported that the charter school dollars are being

used for start-up expenses and that the district fully intends to continue the program once the grant dollars are gone because it fills a niche in the community that needed to be addressed.

Questions from Board members followed. Mrs. Morris expressed her enthusiasm for the programs, because of her interest in establishing a statewide entrepreneurship program. She asked if they would recommend a statewide program, or recommend that districts continue the way they are, establishing entrepreneurship programs if they chose. Ms. Lucas, speaking for all of them, responded that they were all for the ability to be innovative and creative and would look forward to collaborating and sharing ideas with other similar programs across the state. She added that their interest would probably fall short of a supporting a structured program across the state that would regulate and limit what could be done. Mrs. Morris agreed that programs needed to be specific to the communities in which they were located, but asked what they thought about someone who could facilitate the administrative functions in one place and allow the local programs to more quickly get to what needs to be done. Ms. Lucas noted that they would probably all be better off if they could collaborate and share ideas with one another. Dr. Taylor agreed that it was important that collaboration take place, but had never experienced a situation where colleagues were unwilling to offer advice or help when asked. She added that providing background on the Stafford community was to help the Board understand why a charter school was formed rather than an alternative school, and stated the importance of the community by community piece in the entrepreneurial programs in the state. Mrs. Morris expressed her appreciation for their ideas and shared her eagerness to move forward with promoting entrepreneurship in the state and asked for the schools to work with the Board to expand it and move forward to help everyone statewide. She pointed out that the entrepreneurship idea was not something that all communities in the state had thought of and that it was important that it be shared with the rest of the state. She expressed the hope that the Board could build a relationship with the two schools and share ideas and thanked them for coming.

Mrs. Gamble asked Dr. Taylor, because the SEED School was in a storefront, if she could see her entire school system in a storefront as a means of saving tax dollars and being more efficient. Dr. Taylor said she had not given the idea any thought, but considering the graduation requirements and the need for science labs and other facilities she didn't think the storefront would be adequate, though in the case of the SEED School it was helpful to have both. Mrs. Gamble also inquired of both schools if they felt being under the wing of their local districts was a handicap. All three representatives felt they wouldn't be able to accomplish their goals without district support in providing facilities and administrative support. Asked by Mrs. Waugh about the costs of the charter school programs, Dr. Taylor reported that in their case, with no outside funds for the program, the district had moved funds around to start the program, and the costs were a 5/8 salary of a teacher, utilities for the building, and the cost of an internet line. Ms. Lucas reported that in addition to the charter school funds received, the district had put in another \$200,000 for the program. In discussing with Mr. Huxman the YEK curriculum which was being offered at schools in Kansas City, she concluded that the coursework alone could be offered without the school being a charter. He agreed.

Dr. Wagnon, noting that he was skeptical about charters, added that he was not skeptical about the innovation that was taking place across the state. He noted that it was obvious that many innovations could not be implemented without extra funds being made available. Dr. Wagnon asked Dr. Taylor about the community development function of the SEED school and she reported on the establishment of a youth center by this year's class. In the future, it was envisioned that perhaps students would work with the Chamber of Commerce to promote the community or similar projects, though any project would be up to the students to conceive and implement. Dr. Wagnon noted that there were career and technical

education (CTE) programs in schools across the state and asked if what the charter schools were doing couldn't be accomplished through those programs. Ms. Lucas responded that in many of the CTE areas there are regulations, limitations and a structure that a program must fall under. She added that the charter school allowed them to be free from that and be innovative and creative. She noted, though, that their programs were still tied to students achieving specific competencies as in other CTE programs. Mr. Willard also asked about the community element in the programs. Dr. Taylor responded that the SEED School idea originated with the school but that the community had been receptive to it; Mr. Huxman reported that theirs originated with a Harvey County Economic Development project.

Mrs. Gamble asked about the cost to other programs of broadening charter schools in the State. Mr. Dennis noted that some charters were counting additional students that had not been enrolled before while in other charter schools it might be the same students, but with different programming. In the first instance it would be new funds, in the second, it would be a shift of funds from one part of the district budget to another. Discussion followed about whether there needed to be a change in the way charter school budgets were reflected on district budgets.

The Board took a break from 3:10 to 3:17 p.m.

CONSENT AGENDA

Mrs. Waugh, who had asked for further information on 12 b., asked if the appointment of David Awbry as Director of Communications and Recognitions Programs was an at-will appointment or a contract. Commissioner Corkins responded that it was an at-will. Mrs. Rupe moved, with a second by Mr. Willard, that the Consent Agenda be approved as presented. The motion carried 9-1, with Mrs. Waugh voting "no".

In the Consent Agenda, the State Board:

- Received the monthly personnel report.
- Confirmed the appointment of David Awbrey to the position of Director of Communications and Recognition Programs in the State Department of Education, effective December 16, 2005 at an annual salary of \$76,000.
- Confirmed the appointment of Patricia Gray to the position of Assistant Director of Student Support Services Team, Learning Services Division, effective October 2, 2005 at an annual salary is \$64,000.00.
- Approved school construction plans for USD 394, Rose Hill Public Schools; USD 367, Osawatomie; USD 373, Newton; USD 443, Dodge City; and USD 449, Easton.
- Appointed Vernon Welch to serve on the Licensure Review Committee as a representative of Chief School Administrators through June 30, 2007.
- Appointed Alice Morris to serve on the Professional Standards Board as a representative of Middle Level Building Administrators through June 30, 2007.

- Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Adaptive Special Education*: Patrick Lankton, USD 245, LeRoy-Gridley; Angeline Payne, Brett Loewen, Candis LaSaunte, Donna Reiche, Heath Peine, Janis Hastings, Katie Wilson, Kimberly Moore, Mary Bridges, Michelle Burrow-Jacobs, Pamela Dawson, Rachel Gegen, Roshelle Ford, Ruth Ann Alber, Theodore Zogg, William Ledford; USD 259, Wichita; Jenny Plantz, USD 261, Haysville; Angela Reese, Brenda Blocker, Helen Rettie, Janelle Nelson, Janelle Riedy, Jeremy Harmison, Julie Moore, Kerry Ingram, Tina Lawrence, Valerie Bradford, Victoria Bruner, USD 305, Salina; Bradley Qualls, USD 348, Baldwin; Robin Huffman, USD 368, Paola; Janita Witty, and John Lane, USD 379, Clay Center; Aliasha Daniels and Tracy Bethea, USD 383, Manhattan-Ogden; Sean Cochran, USD 450, Shawnee Heights; Andrea Shepard, Carolyn Hund-Moody, Katie Guy and Robin Crim, USD 453, Leavenworth; Buffi Nichols, USD 457, Garden City; Joanna Erichsen and Stacy Zielke, USD 475, Geary County Schools; Justin Deges, USD 489, Hays; Catherine Morris and Jeffrey Dolezal, USD 497, Lawrence; Brock Hartshorn, Catherine Randall, David Veatch, Richard Reeves and Tammy Smallwood, USD 500, Kansas City; Jolene Wilcoxson, USD 501, Topeka; Melissa Reed and Nancy Cavenee, D0 602, Northwest KS Educational Service Center; Phyllis Loomis and Tammy Mentzer, D0 603, ANW Special Education Cooperative; Lisa Lowrey, Monica Stratford, Ryan Cunningham, D0 605, South Central KS Special Education Cooperative; Deborah Wise, D0 607, Tri County Special Education Cooperative; Charles Davis, D0 614, East Central KS Cooperative in Education; Heather Adcock, D0 615, Brown County KS Special Education Cooperative; Amber Latta, Bill Rhiley, Bonnie Phillips, Eunice Kerbs, Jolene Kaufman, Lynn Bartel, Melissa Baysinger, and Tina Boley, D0 618, Sedgwick County Area Educational Services; and Chad Herren and Ryan Vaughn, D0 620, Three Lakes Educational Cooperative; *Debate/Forensics*: Jeannette Shields, USD 447, Cherryvale; *Early Childhood Special Education*: Jill Brillhart and Robyn Butler, USD 259, Wichita; Brandi Bechard, USD 379, Clay Center; Amy Toll, USD 383, Manhattan-Ogden; Maria Morales, USD 457, Garden City; Karol Moyer, USD 475, Geary County Schools; Jade Parrson, USD 489, Hays; Cristin Cox, USD 490, El Dorado; Samantha Reeves, USD 495, Ft Larned; Cheryl Soderlund, D0 602, Northwest KS Educational Service Center; Danielle Smith, D0 603, ANW Special Education Cooperative; and Brandi Thornton, Lake Mary Center; *Emotional Disturbance*: Susan Williams, D0 713, Leavenworth County Special Education Cooperative; *English as a Second Language*: Elizabeth Rivera, USD 231, Gardner Edgerton; Patricia Ryland, USD 260, Derby; and Melanie Hill, USD 494, Syracuse; *English Language Arts*: Staci Montgomery, USD 212, Northern Valley; *Family and Consumer Science*: Brandi McClure, USD 240, Twin Valley; and Cathy Ochs, USD 403, Otis-Bison; *French*: Kathryn Johns, USD 457, Garden City; *Functional Special Education*: Kinzie Gibson, USD 475, Geary County Schools; Stephen Dawson, USD 497, Lawrence; and Donald McFarland, D0 618, Sedgwick County Area Educational Services; *General Social Studies Topics*: William Pitko, USD 389, Eureka; *Gifted*: Tina Elsey, USD 102, Cimarron-Ensign; Billy Biggs, USD 233, Olathe; Christina Foster, Denise Bowen, Lisa Wright, Mary Stroot, and Molly Lavacek, USD 259, Wichita; Sandra Boutz, USD 263, Mulvane; Charlotte Barrett, USD 273, Beloit; Keith Entress, USD 290, Ottawa; Kendra Sweet, USD 305, Salina; Amy Bradley, Emily Schmidt, and Shanda Lane, USD 368, Paola; Amber Cook, USD 385, Andover; Cara Craig Rhonda Wegner, and Sheri Nakai, USD 418, McPherson; Julie Strathman, USD 442, Nemaha Valley Schools; Mary Bowen, USD 497, Lawrence; Catherine Hotz, USD 500, Kansas City; Michelle Murray, D0 607, Tri County Special Education Cooperative; Sherri Sells, D0 617, Marion County Special Education; Jean Noller, D0 618, Sedgwick County Area Educational Services; and Virginia Judy, D0 636, North Central Kansas Special Education Cooperative Interlocal; *Interrelated*: Diane Petermann, USD 202, Turner-Kansas City; Forrest Terrell Jr., USD 232, De Soto; Racele Bilby, USD 238, West Smith County; Chablise Milby, Cynthia Baker, David Dunbar, David MacAdam, Dennis Cox, Dorian Highland, Heather Bartkoski, John

Buckendorff, Julie Vargas, Justin Hawpe, Michael Zimmerman, Patricia Stucky, Rebecca Anderson, Sarah Wolff, Shane Koranda, Tabitha Barker, and Tamara Creech, USD 259, Wichita; Angela Bell, USD 261, Haysville; Tracy Kilpatrick, USD 263, Mulvane; Denise Signer, USD 282, West Elk; Linda Rohr, USD 305, Salina; Michael Woolsey, USD 333, Concordia; Trenton Giffin, USD 364, Marysville; Jane Janssen, and Sonia Hofstetter, USD 418, McPherson; Anne Hobbs, USD 442, Nemaha Valley Schools; Michelle Irvine, and Zachary Lawrence, USD 475, Geary County Schools; Angela Kippes, USD 489, Hays; Michelle Schippers, Cari Dull, Jill Springer, Kasey Buller, Kathryn Kayser, and Rebecca Wilson, USD 490, El Dorado; Duane Mellenbruch, Layne Meyer, Michelle Jensen, and Patricia Ashley-Hiscock, USD 497, Lawrence; Breanne Orth, David DeLoach, Kathryn Van Keuren, and Tony Diehl, USD 500, Kansas City; Dee Siruta, Grace Kastens, ReNae Mann, Sherri Kuhlman, and Tonya Applegarth, D0 602, Northwest KS Educational Service Center; Brent Hoelting, Denise Warhurst, Erica Hunter, Erin Mumma, Heather Baker, Jill Cleaver, Julie Riebel, and Penny Blanchet, D0 603, ANW Special Education Cooperative; Marci Adams, D0 605, South Central KS Special Education Cooperative; Tammi Hammeke, D0 611, High Plains Educational Cooperative; Ryan Hoopes, D0 617, Marion County Special Education; Tiffany Arnold, D0 618, Sedgwick County Area Educational Services; Bonny Giesen, D0 619, Sumner County Educational Services; Angela Harris, Arlene Mayes, and Lonnie Morford, D0 620, Three Lakes Educational Cooperative; Cher Greving, D0 636, North Central Kansas Special Education Cooperative Interlocal; and Arlene Cathey, D0 637, Southeast Kansas Special Education Interlocal; *Math*: Ty White, USD 259, Wichita; *Math - Middle Level*: Steven Bixler, USD 259, Wichita; and Margo Ochs, USD 407, Russell County; *Psychology*: Curtis Allen, USD 230, Spring Hill; and Terry Thoeke, USD 231, Gardner Edgerton; *Resource Room - supplemental instruction*: Laurie Diaz, USD 233, Olathe; Marlise Tiffany, USD 364, Marysville; and Taylor Colbert, USD 383, Manhattan-Ogden; *School Counselor*: Jillian Toews, USD 460, Hesston; *Spanish*: Norma Acevedo-Pando, USD 102, Cimarron-Ensign; *Visual Impaired*: Susan Meigs, D0 605, South Central KS Special Education Cooperative; and *World History*: Bianca Elliott, USD 469, Lansing.

- Approved accredited status for USD 209 Moscow Elementary and Moscow High School, and USD 482 Dighton High School.
- Issued FY 2006 licenses to these recommended commercial driver training schools: Behind The Wheel Inc., Overland Park; Behind The Wheel Defensive Driving School, Wichita; Bi-State Driving School, Overland Park; Buggin' & Cruisin' Driving School, 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, Dodge City; Little Apple Driving School, Manhattan; MidState Driving School, Salina; Midwest Driving School, Lawrence; Midwest Motorcycle Training Ctr, LLC, Olathe; NorthEast Kansas Driving School, LLC, Atchison; Pro-Tech Driving School Inc, Hutchinson; Royal Driving School, Salina; Safety First Driving School, Liberal; Stop-N-go Driving School, Wellsville; Sunflower Driving School, Topeka; Topeka Driving School Inc, Topeka; Twin City Driver Education, Overland Park; Varsolona Driving School, Frontenac; Wichita Collegiate Commercial Driving School, Wichita; and Wichita Driving School, Wichita.
- Approved the recommendations for funding the No Child Left Behind 21st Century Community Learning Centers Continuation Grants for 2006 in an amount for :USD 214n Ulysses, \$268,099; USD 256, Marmaton Valley, \$104,610; USD 260, Derby, \$200,000; USD 365, Garnett, \$105,696; USD

413, Chanute, \$121,367; USD 435, Abilene, \$127,300; USD 443, Dodge City, \$155,330; USD 475, Geary County, \$272,057; and USD 505, Chetopa, \$179,075.

- Approved a State Improvement Grant LEA Phase II Implementation subgrant for Fredonia USD 484 in an amount not to exceed \$47,000.
- Approved the Kansas Model Curricular Standards for Family and Consumer Sciences.
- Issued an order authorizing USD 413, Chanute, Neosho County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

Contracts Authorized

The State Board of Education authorized:

- the KSSB Superintendent to negotiate and enter into contract with Linda Ray, Assistive Technology Consultant, provide Assistive Technology services to campus based students and through KSSB's statewide outreach services from November 14, 2005 through June 30, 2006 in an amount not to exceed \$15,000; and
- the Commissioner of Education to negotiate and enter into a contract with the Kansas Department of Health & Environment for the continued support of an interagency information/resource service for persons with disabilities, with the contract amount not to exceed \$25,000.

LEGISLATIVE MATTERS

The Kansas State Board of Education's 2006 Legislative Proposals

As a follow up to the Board's consideration of school choice options at the November Board meeting, the United School Administrators had asked for the opportunity to address the issues. Dr. John Morton, Superintendent of USD 373, Newton, and Dr. Brenda Dietrich, Superintendent of USD 437, Auburn Washburn, provided their perspectives and recommendations. Following them, Dr. Milt Dougherty, Superintendent of USD 444, Little River, and Greg Forster, senior fellow and the director of research at the Milton and Rose D. Friedman Foundation, Indianapolis, Indiana, also offered their perspectives.

Presentations on School Choice Issues: Dr. Morton and Dr. Dietrich

Dr. Morton, in his remarks, suggested that if Kansas educators embraced the idea of leaving no student in Kansas behind, a drastic alteration must be made at all levels of the education enterprise. He noted that the Board had just had a presentation on the E3 charter school in his district and pointed out that in order to create new opportunities for students, the district had to try and fit its proposed program into the mold for charter schools, though it was not a perfect fit. He suggested that instead of looking at legislation to modifying the charter school law, that the Board move beyond the limitations of charter schools and consider a way to promote the foundation of new Kansas schools which would promote 21st century teaching and learning that could be supported by both the State Board and local boards of education throughout the state. He stated that he believed that effort would be supported both by educators and the local boards who should retain ultimate oversight responsibilities.

In addition to changes the Board was considering in the charter school law, Dr. Morton addressed the choice options the Board was considering. Directly addressing the invitation to Dr. Greg Forster from the Friedman Foundation, Dr. Morton proposed that the work of the Foundation appeared to target huge urban districts with large numbers of failing schools and that those solutions might not easily transfer to Kansas, which is very different demographically and geographically. He noted that the largest district in Kansas was Wichita, with a 2004-2005 FTE enrollment of 44,483, and the smallest district for the same school year was Nes Tre La Go, which enrolled 28. The questions he posed were how to make the

historical perspective and the research of the Friedman Foundation and others who have been strong advocates for school choice work for all the schools in Kansas; and how the viability of the smallest districts in the state can be assured in the future while assisting the state's largest districts. Dr. Morton proposed that the Board look beyond choice initiatives and consider, instead, cooperation and collaboration with other education entities. He shared ways the Newton district invited involvement from private and church-based schools in the areas, as well as students that were being home-schooled, for the benefit of all students in the community. Dr. Morton suggested that legislation mandating choice and vouchers might actually limit choice by creating an atmosphere of competition instead of cooperation.

Among Dr. Morton's recommendations was the formation of sustained educational partnerships between the 150 largest and 150 smallest school districts in the state. Instead of vouchers, he recommended that the Board explore new financial incentives for both school districts and families which could lead to "a 21st century solution and an abundance of new century schools". He proposed that the Commissioner convene a 21st century education summit, involving all stakeholders—public, private and home school, to begin working on a vision for Kansas education. He suggested that it was important to find common ground in order to benefit all students. He also recommended that teachers needed to be supported with professional level salaries and quality professional development opportunities to help them remain current with advances in teaching and learning.

Dr. Dietrich shared her experience with de-regulated charter schools and legislated school choice programs in Massachusetts. She related how charter schools were state controlled and operated independently of local school boards. She noted that, though the primary purpose for the establishment of charter schools in Massachusetts in 1993 was to encourage innovative educational practice, today they are more highly regulated in some ways than public schools. Dr. Dietrich shared her concern that even though charter schools are supposed to be at the cutting edge of education reform, the concept and practice are old enough that there is now research that shows that the results are mixed, at best, for making a positive difference in student achievement. She made available for Board members' review a study of North Carolina charter schools which highlighted the inconsistencies of student achievement gains. She reported that the de-regulated charter schools in other states she has had the opportunity to observe closely have high student turnover rates, unstable staffing patterns, and no greater level of achievement than traditional public schools in the same areas.

Dr. Dietrich also addressed the idea that providing school choice improves public schools by creating competition. She noted that in Shawnee County, where her district is located, all five local boards have policies allowing parents to request that their children attend as out-of-district students. She also pointed out that there were several parochial schools, private schools, an independent school, a home school and a virtual school, creating built-in competition and choices for parents without them being legislated. Dr. Dietrich further suggested that there is no universally accepted evidence or agreement that student achievement improves with school choice or that students that attend private schools with vouchers or charter schools are more advantaged or higher achieving than other students. She cautioned that there was not one single educational strategy that would address the challenges of working with disadvantaged or ELL students. She further cautioned that non-public schools are not equipped to meet the needs of students with learning disabilities, or who are severely mentally handicapped, or have behavior disorders. Dr. Dietrich also suggested that because Kansas gifted students have IEP's, schools could lose their best and brightest students if scholarships for gifted students with IEP's were allowed.

Dr. Dietrich stated her belief that public schools were established by the constitution to serve the common good and the public's interest. She expressed her concern that the options the Board was considering would divert the energy that is currently going into innovative educational initiatives that are closing the achievement gap in Kansas schools. She urged the Board to consider Dr. Morton's proposal for collaboration and use its time to promote opportunities that will further strengthen the Kansas education system.

A time for questions followed Drs. Morton's and Dietrich's presentation. Addressing comments made by Dr. Dietrich, Mrs. Martin indicated it was not her understanding that the proposal the Board was considering was designed to minimize local board control and grant the state more regulatory authority over charter schools. Dr. Dietrich responded that she was basing her comments on the Transition Team's recommendations and articles she had read in the press. Dr. Morton suggested that the Board could take action to create new 21st century schools which would give every district in the state the latitude to do some things that might be more pervasive than a limited charter school proposal and would give the Board some regulatory authority over an initiative that wouldn't require any external approval.

Mr. Willard asked Dr. Morton if his proposal would leave any latitude for additional choices. Dr. Morton said that his proposal encompassed those choices, noting that he has always favored an inclusive rather than an exclusive approach. He said that his concern was that if the Board moved to a limited system of scholarships that schools will never be able to totally serve underserved populations, stating that he believed he had a responsibility to every child in his county, to the superintendents in other school districts, to home school parents, and to private schools educators, noting that he meets with private school administrators regularly. He added that he didn't want to be put into a competitive situation where either/or choices have to be made and didn't want parents or their children to be forced into making those kinds of choices as far as their education is concerned. He stated that he saw his proposal as being more encompassing and providing more choices. During the discussion with Dr. Morton, Mr. Willard suggested that perhaps there were places where children needed better choices than were currently available. Dr. Morton agreed and indicated that was why he would like to have the opportunity to enter into a dialogue with the Commissioner and the Board and explore those possibilities. He added that they were facing some very serious issues in Kansas and he was very concerned about what education was going to look like in ten years. He noted that there were always going to be children in very rural geographic areas and solutions were going to have to be found to serve them. Dr. Morton reiterated his recommendation that larger districts be paired with smaller one to collaborate and share resources. He stated that there were many very talented, energetic and innovative administrators in the state who could be called upon to work collaboratively and be part of the solution rather than perceived as the problem. Mr. Willard said he appreciated Dr. Morton's comments and that he agreed with many of them.

Mr. Willard also asked for some specific ideas associated with his recommendation for financial incentives for schools and families. Dr. Morton said he didn't have any specific ideas, but added he didn't think that consolidation was necessarily an answer, suggesting again that sharing resources and providing some reward for districts that collaborate in that way should be considered. Among the suggestions he made were using service centers to a better advantage and financial incentives for sustained learning partnerships.

Mrs. Gamble asked Drs. Morton and Dietrich if they believed it was possible to make policy for the individual or for the common good; and if for the individual, when did it become self-limiting. Dr. Dietrich responded that in her experience one makes policies for guidelines for the general good of one's

population. She said it was never possible to legislate for individuals and that policies needed to be broader than that. She noted that policymakers should take the position that they can never legislate for every possible contingency, issue or situation that may arise. Policies should be broad enough to provide guidelines with enough gray areas to use the best judgment in specific situations. Dr. Morton agreed, adding that policymakers need to deal with individual issues within the parameters of the policies they have.

Mrs. Gamble also asked if Drs. Morton and Dietrich believed, in light of comments they had made about the path of continuous improvement that the state was on, that the recommendations of the Transition Team were leading down a separate path. In the discussion that followed, they both agreed, stating their preference for collaboration instead of competition. Dr. Dietrich reported on how much collaboration and cooperation existed between her district and the private schools in the area such as sharing teachers and professional development opportunities. She said she would hate to see competition injected and upsetting the good relationships that exist. Mrs. Martin asked if their districts allowed out-of-district students after September 20th, and if they did, was there a cost to the parents. Dr. Morton indicated that his district did allow it, but it was the decision of the principal based on available space. Dr. Dietrich responded that her district did, but it was a local board decision. Neither district charged out-of-district tuition and the only cost to the parent would be normal enrollment and textbook fees, prorated based on the date of enrollment.

Presentations on School Choice Issues: Dr. Dougherty and Dr. Forster

Dr. Dougherty stated that he believed teachers were working harder than ever and had more responsibilities than ever before, but as an organization educators don't want to accept the facts of the reality they are facing. He shared data from the KSDE website on student performance in reading and math. He noted that when the statewide drop-out rate was factored in with the percentage of students that scored below proficient, it showed there were between 30% and 50% of students that the system was not successful with. He noted that the goal of education has always been to prepare students to be productive members of society. Dr. Dougherty pointed out the educational system continues to use the processes designed to produce the skill sets used fifty years ago and a productive member of society doesn't look the same as it did fifty years ago. He noted that frequently when innovation is tried in schools it is not accepted because it does not fit the concept of a school that people are accustomed to.

Dr. Dougherty also mentioned the issue of local control. He stated that he had not heard of any proposal being considered by the Board that suggested getting rid of local control, only one that may get rid of who locally is in control. He added that he did not believe that was really the issue, stating that if educators really cared about educating kids and all agreed to the same standards, why would they care who is in control. He stated no proposal he had seen suggested that the state wanted to have more control, something he said he adamantly opposed. He said what he had read indicated that the Board would give people more options. In the case of charter schools, if one can't be approved locally, the state would provide another opportunity. He noted that the State Board already had a lot of control over public schools and that the proposal to modify the charter school law was not proposing something completely different. He countered an argument that he had heard that charter schools would hurt public education, questioning whether there was data to support it. He also questioned whether educators were working to protect public education as they know it, or working to have an educated public, suggesting that they did not have to be two different things. He suggested that if educators were most concerned about student success, maybe public schools were not the best place for them. He stated that he believed in the value of

public schools, but cautioned that if steps were not taken to save them, they will disappear. He stressed that he was trying to save them by giving people more opportunities to be successful.

Dr. Forster noted that Kansas is facing a crucial decision in education policy because the courts have declared that at-risk and disabled students in Kansas public schools are not receiving a constitutionally adequate education. He questioned the claim that the problem was insufficient resources and schools are under funded. He also questioned the validity of “adequacy studies” which show the need for more money, noting that those studies do not collect any empirical data on how much money schools need. He stated his belief that the Kansas legislature and the courts were ready to add a massive amount of new money to the public school system, in the belief that it will produce improvement. Dr. Forster reported that the evidence shows that throwing huge amounts of new money into the same old broken system has been attempted constantly, nationwide, for decades and has failed.

He noted the rapid increase in education spending since 1970, both nationwide and in Kansas. He pointed out that, adjusted for inflation, Kansas spending per student grew by over 120%, currently spending approximately \$8,000 per student. He stated that the increased funding had not removed the problems that have caused the courts to intervene and declare the system unconstitutionally inadequate. To back up his claim about the absence of a relationship between increased spending and improved performance he referred to a large body of statistical studies, including one by Eric Hanushek of Stanford University who had collected every available statistical study on the question. Of the 163 studies Dr. Hanushek identified, 136 were unable to find any relationship at all between increased spending and improved academic performance. Instead of advocating for more money, Dr. Forster recommended that the Board look at reform strategies that have been proven to work, noting that they generally have one thing in common: they change institutional incentives. He stated that public schools are currently a monopoly that has little incentive to improve and that there is a lack of positive consequences for success and negative consequences for failure. Consequences, he noted, give schools an incentive to perform.

Referring to earlier statements about the choices parents have in the Kansas education system, he stated his belief that choice programs that only move students around within the public system, public school choice programs, do not give the public system incentives to reform. He also responded to a recommendation made by Dr. Morton, stating that attempts at seeking consensus among all stakeholders, by holding a big summit and getting everyone together and coming up with a consensus solution to the problem missed the point, if it does not address the problem of incentives to perform.

Dr. Forster felt that the most promising, and best proven, of all the reform strategies was school choice, pointing out that every child has unique educational needs, and school choice allows parents to find the best school for their children. More importantly, he added, school choice puts parents in charge, which means public schools can’t take students for granted anymore. Public schools exposed to school choice must either improve their performance or watch their students walk out the door to find better schools, he said. He noted that the students who have the most difficulties leaving the public system are at-risk and disabled students. He stated that those were the students that schools take for granted and fail to serve with no negative consequences for their failure. He noted that school vouchers allow parents to send their children to the public or private school of their choice. He indicated that there were seven empirical studies that have shown that students using vouchers had better academic outcomes than control groups made up of similar students who stayed in public schools. He added that no empirical study has ever found that students using vouchers had lower academic outcomes anywhere in the U.S. He countered the

claims that the research showed mixed results, or that the evidence was inconclusive, or that there was no evidence that was universally accepted.

Dr. Forster pointed to a number of studies that have found that academic outcomes improved in public schools that were exposed to voucher programs. He also stated that no empirical study has ever found that outcomes went down in public schools exposed to vouchers anywhere in the U.S., contradicting those who claim that vouchers will destroy public schools. He referred to three independent studies of a Florida voucher program for students in failing schools that have confirmed that the program produced dramatic improvements in the public schools targeted for vouchers.

Dr. Forster also pointed to evidence that shows that vouchers improve education for disabled students and indicated he had assisted in an evaluation of a Florida program that provides a voucher to students with disabilities. The data collected, he reported, indicated that disabled students using the program received far better services in their private schools than they had received in their prior public schools. He noted that they received more individualized attention, had fewer behavior problems, and were victimized and assaulted far less by their peers because of their disabilities. Vouchers, Dr. Forster noted, provide disabled students with an escape hatch that allows them to leave the special education system in public schools and seek better services elsewhere. Speaking to the concern that disabled students using vouchers lose their legal rights, he stated it was true that they lose the right to sue their schools. He added that Florida's voucher parents overwhelmingly reported that their legal rights weren't worth very much compared to the power of choice. Dr. Forster also responded to claims that private schools won't accept disadvantaged or disabled students, stating the performance of existing voucher programs disproves the claim. He cited the Milwaukee voucher program for at-risk students that had grown to over 15,000 participants, or 15% of the city's public school population, and Florida's voucher program for disabled students which has grown to over 15,000. He said that his analysis found that the private schools were not selecting the least disabled students or otherwise selecting for demographic criteria and that the population of students who got into private schools with the voucher generally mirrored the population of all disabled students in Florida.

Dr. Forster reported that existing voucher programs contain regulations that hold private schools accountable for obeying safety codes, health codes, anti-discrimination codes, and all other relevant laws, but cautioned against imposing unnecessary limitations on participating private schools. He stated that any limitation that goes beyond reasonable regulations to prevent practices that are fraudulent, unsafe, unhealthy, or discriminatory will hinder parental accountability by restricting the range of choices they are offered. The most important accountability that vouchers provide, he pointed out, is parental accountability. If a school fails to provide an education, parents can take their children elsewhere. He added that was the kind of accountability parents want for their children, and it's the kind that gets results. If a public school fails to teach its children, parents without access to choice have no way to hold it accountable. Private schools in voucher programs are, therefore, much more accountable for results than public schools. Dr. Forster also stated that a voucher program can be expected to have a larger impact if it allows a larger number of students to participate, and provides them with a more generous dollar amount. The more students are allowed to participate, the greater the incentive for public schools to improve. And the more dollars the voucher provides, the broader the choice of schools those students will have. With Kansas public schools spending \$8,000 per student, he said there was no excuse for providing a skimpy voucher.

Dr. Forster also addressed charter schools, calling them a halfway house to school choice because they provide a limited amount of parental choice. He reported that the empirical evidence shows that where

charter schools are free to innovate, they provide a modest benefit to academic outcomes. He added that the problem with many charter school programs, including the nominal charter law currently on the books in Kansas, is that innovation in charter schools is held hostage to the whims of local school boards, which have a strong institutional incentive to prevent the growth of healthy competition and innovation.

Questions and discussion followed. Mrs. Rupe pointed out that Dr. Hanushek, whose work Dr. Forster had cited in his argument that there were no relationship between increased school funding and improved performance, had been an expert witness in the recent school finance case. She noted that Dr. Hanushek had stated that additional funding that is not focused produces no results. Mrs. Rupe said she believed everyone in Kansas would agree with that and that the superintendents present would not use any additional money, if they had any, in an unfocused way.

Mrs. Gamble discussed with Dr. Forster the \$8,000 per pupil he reported was spent in Kansas and questioned some of the costs he had included when he broke out operational costs. Also in their discussion, Mrs. Gamble pointed out that in the past 30 years, the period during which Dr. Forster reported that Kansas had seen a 120% increase in spending on public schools, the federal special education law was enacted and had increased the cost of education both at the federal level and the state level. She noted that she knew of many students who, if they had been educated prior to passage of the law in 1976, would have graduated from high school completely illiterate because of their educational needs; yet because of the law they are productive citizens. She pointed out that more students are being educated to a higher level than ever before. Dr. Forster agreed, adding that without the law to force the public school systems to serve disabled students, many would not have been educated. He stated that the problem is that there is no incentive for improvement under the current system. He noted that if there was an improvement in their academic outcomes that was consonant with a doubling of spending it would be seen in the nation's report card outcomes and in increased graduation rates. Mrs. Gamble also discussed with Dr. Forster changes in the economy that have increased expectations for educational outcomes. Dr. Forster agreed that outcomes have not gone down, adding that they had not risen either. Pointing to the current school finance case in Kansas, he noted that the attempts to raise outcomes by spending more money had not been successful. Mrs. Gamble also discussed the percent of school budgets dedicated to salaries and benefits, noting the increase in all average salaries over the past 30 years. She pointed out that salaries probably had accounted for much of the increased spending on schools at the same time expectations for educational outcomes have increased. She noted that she did not begrudge the amount of money and costs that have gone up to have a teaching force that is well-compensated for the work that it does. She added that she did agree with him in that she was unwilling to spend additional money without having higher expectations.

Mrs. Waugh took exception to Dr. Dougherty's statement that the Kansas education system is broken, particularly when Kansas students rank in the top ten in the nation in every category. He agreed that Kansas does a better job than most states, and meets the needs very well of about 30% of the students, but added that he believed it was not good enough and must realign to meet different expectations. He indicated he was not advocating that the system be completely gotten rid of, but that there should be other options for those for whom it didn't work. Mrs. Waugh also expressed objections about Dr. Dougherty's proposal to change who controls schools locally, pointing out that local boards are totally controlled by the local people who have the right every two years to vote for changes in representation. Dr. Dougherty said he wasn't saying that local school boards should be eliminated, but if there was a group of parents in a district that wanted something different than what was being provided for the majority in the

community, they should have the opportunity to do it. He added that they should also fall under the same standards, but without having to go through the local school board.

Mrs. Waugh, addressing both Drs. Forster and Dougherty regarding the vouchers they were suggesting be offered to low socio-economic and special needs students, asked if the schools that accept them have to accept any student that comes from the public system with a voucher, regardless of their socio-economic status, race, creed, color or disability. Dr. Forster said that he believed in other states with programs serving at-risk students, schools had to take every one that applied; if they wanted to limit the number they had to choose by random lottery. He said that with programs for disabled students you can't require them to take all who apply because not every private school is equipped to handle all types of disability. Mrs. Waugh asked if the program were in Kansas would the schools accepting vouchers have to accept every student. Dr. Dougherty replied that vouchers for special education and at-risk students was not his plan, but that if the program were good for those students, it should be good for all students. Dr. Forster agreed with Dr. Dougherty that vouchers were good for all students. Mrs. Waugh was also interested in knowing if the schools should be held to the same standards as public schools, including NCLB. Dr. Forster reiterated the types of regulations for which he believed private schools should be held accountable, such as safety codes, health codes and anti-discrimination codes and laws, but added that compliance with NCLB should not be required, noting that many students do well in schools where testing is the standard and students are judged by standardized tests, but other do not. Students should be able to be in a school where there is a goal and a timetable if that's what is good for them, or be in a school where that's not the case if that's what is best.

Mrs. Gamble stated that she was in favor of choice, but was not in favor of her money funding someone else's choice. She added that was why she was opposed to the scholarship program being proposed. She also indicated she did not believe it provided a level playing field. She stated that she tended to agree with the studies of the effectiveness of such programs whose results were inconclusive rather than the information provided by Dr. Forster. Dr. Forster replied that there were no empirical studies that find inconclusive results on vouchers, though there are people who say the results are inconclusive. Regarding Mrs. Gamble's statement about not being in favor of using her money to fund someone else's choice, Dr. Forster pointed out that under the current system his money was being used to fund the public schools. He added that if parents were free to have the best approach for their children there wouldn't have to be fights over the one best way that everyone should do.

Discussion of a Motion for an Executive Session and Timetable for Continued Discussion

Mr. Willard moved that the Kansas State Board of Education recess into Executive Session for a period of thirty minutes for the purpose of consultation with the Board attorney so that the attorney-client privilege is preserved. Mrs. Van Meter seconded the motion. Mrs. Gamble asked if the executive session was pertinent to the discussion underway and if action would be taken afterward. In the discussion that followed, Chairman Abrams indicated that he had planned to propose that discussion and action on the Transitions Team's proposals and the legislative reports, items 11 a. 2), 11 a. 3) and 11 b and c. be moved to the following day. Mrs. Rupe said she understood moving 11 b. and c. to the next day and also pointed out that Board Attorney Biles would be present at the meeting on the following day. She noted, though, that the discussion and action on the State Board's legislative proposal were what a great many people had been waiting for all day and to postpone it another day would be very unfair. Mrs. Waugh agreed and stated that she would be willing to stay until seven or eight o'clock if necessary. Mr. Bacon indicated that he was unable to stay that late and asked how long it was proposed the meeting go beyond its scheduled recess. Chairman Abrams indicated there was no reason the executive session couldn't be moved to the

next day and asked for the will of the Board regarding how they wanted to proceed. Mrs. Rupe noted that other than hearing reports and responding to them, the Board had never discussed the legislative issues before them amongst themselves. She indicated there were several things she would like to discuss with Board members that were not in response to reports. She proposed that the Board proceed with its discussion of the issues and give it the necessary time or table the whole thing until the January meeting. Chairman Abrams asked if there would be any objections to postponing the executive session until the next day. Mr. Willard withdrew his motion and Mrs. Van Meter withdrew her second.

Chairman Abrams asked if the Board would like to finish its discussion regardless of the time or set a time for adjournment. Mrs. Morris noted that the room was filled to standing room only with school administrators and that the hallway was also full. From audience responses, she felt their opinions had been heard and that the Board had fulfilled its responsibility to the public. She proposed that the Board table the discussion for the day and continue it the next day. Mrs. Waugh felt that would be unfair and expressed her desire for all Board members to have the opportunity to give their input regarding what she saw as extremely important issues. She also felt it would be unfair if Mr. Bacon would have to leave before the discussion was concluded. She suggested that it be tabled until January. Mrs. Rupe agreed, stating that when the Board indicated it would be taking action on an item it should proceed with it or let people know when action will be taken at a later time. She stated that she liked the idea she had heard earlier in the day about forming a commission to look at all the issues and not rush into one proposal for the legislature. She added that she didn't feel that postponing action on the issue until the next day would allow enough time for the kind of discussion the Board should be having. Chairman Abrams proposed that the Board proceed with the agenda.

Recommendations from the Transition Team

Commissioner Corkins indicated that it was his feeling and that of the transition team that the reforms recommended should address fundamentals, noting that it was impossible to come up with reform ideas that are able to predict all social and economic variables that could come into play. Therefore, they had concentrated on reform measures that would attempt to achieve the overall outcome of improved student performance with the most minimal change possible. That philosophy was reflected in the legislative proposals that were being presented to the Board for its consideration. Because it is impossible to predict the infinite number of variables, he said they had felt that the reforms should facilitate innovation rather than trying to mastermind innovation, noting that if they tried to reach consensus or total agreement on what the outcome might be there would never be the kind of response that would result in the students outcomes everyone desires. He mentioned that he had begun the morning by calling everyone's attention to the important date of December 15th which is the anniversary of the Bill of Rights, a recognition of individual rights as opposed to the powers given to government overall. He indicated it was those fundamental principles of liberty and freedom of choice that they had tried to instill into their recommendation before the Board. He noted that the proposals were not legislative bills, though the bills that had been referred to last month are very good models that he felt should guide the legislative response to the recommendations.

Mr. Corkins explained that the state scholarship programs were for student in cohort groups that the Kansas Supreme Court ruled do not receive a constitutionally adequate education. He stated that it was a court decision for which a solution must be found as soon as possible. The scholarships would be for attendance at non-public schools and the student eligibility would be based on at-risk as defined by statute, or, as recommended by the Transition Team, below-proficient competencies for two consecutive years. The amount of the scholarship would be the Base State Aid Per Pupil increased by the applicable

weighting factors that the state finance formula provides. He stated that he, along with the Transition Team, felt those were the two critical parts of the reform element to be recommended to the Board. Accountability is addressed by requiring that non-public schools which choose to participate be accredited by the state or by a nationally recognized accrediting organization. He indicated that it was the intent that any legislation arising from the proposal deal with accountability measures that address such things as health, safety, financial stability, and non-discriminatory practices that are common to other scholarship programs. Lastly, nonpublic schools choosing to participate must permit the local school district to administer statewide assessments to the scholarship students attending the nonpublic school, which he described as an accountability measure designed to monitor student outcomes.

The eligibility for the special education scholarship is that the student have an IEP. Mr. Corkins mentioned that he wanted to clarify a misconception regarding the special education scholarship that had come up and emphasized that it was not intended for use by gifted students. He also reported that the amount of the scholarship for special education would be what is dictated by federal law, 100% of what they're receiving under the traditional K-12 system now, which would cap the amount they would be able to carry with them to the private institution.

He noted that, with the charter school recommendation, they had, again, attempted to make the most minimal change possible that could facilitate innovation and stay true to the federal legislation that provided funding for charter schools and the state legislation that was passed in Kansas. To do that in the least disruptive manner possible and retain local input, school board input, community by-in, which he noted was important in all successful charter schools across the county, the recommendation was to provide the right of appeal if a local school board rejects a petition for a charter. He reported it was the Transition Team's belief that the existence of the right to appeal would, in and of itself, facilitate good faith negotiations at the local level. It was felt that appeals up to the State Board level would be very rare and that simply knowing that an appeal process exists would add an incentive for honest negotiations and guard against any arbitrary decisions to reject charter applications. The second part of the charter school recommendation, Mr. Corkins reported, would provide reliable funding. The base amount that charter petitioners would be eligible to receive would be equal to the base state aid per pupil plus the weighting factors. He added that if in the negotiations with the local school board there was agreement to spend more it would be possible. Presently, he noted, the funding mechanism is entirely at the discretion of the local school board.

Mrs. Rupe said that she was surprised that the transition team took on the task of developing legislative proposals for the Board to consider. She indicated that she was under the impression that their job was to work on the transition into the State Department. She mentioned that when the Board met in order to set out a two-year plan with its goals and objectives, a voucher system or additional changes to charter schools had never been mentioned, though the Board had been talking about the importance of added vocational career and technical schools and about early childhood education for quite awhile. She added that those were items that she would like to have seen in the Board's legislative package. Regarding charter schools, she mentioned the fact that the Wichita district didn't have charter schools and she assumed it was because of the district's history of alternative and magnet schools, noting that there are over a dozen magnet elementary schools and three alternative high schools, that have been in operation for over 30 years. She said that from looking at other districts, she thought the proposal was trying to fix a problem that isn't a problem. She said if there was evidence that there were excellent charter school proposals that weren't getting approved by local boards, or if there was evidence that local schools once they'd accepted a charter hadn't given the money to that charter school that it needed in order to exist, she

might be convinced that there needed to be an appeals process and funding safeguards. She noted that local boards would be the best ones to make judgments about the children in their own communities.

Mrs. Rupe also discussed her views about voucher programs. She indicated that Wichita had two excellent private school systems. She mentioned that their tuition was much higher than the funding mentioned in the voucher proposal and she also questioned whether they would be willing to lower their admissions standards to enroll students who had not met the state proficiency level for two years. She also mentioned the parochial school system in Wichita, noting that the Catholic Diocese in Wichita could be considered the ninth largest school district in the state. She pointed out that it was a good school system serving lots of students, but that the Wichita school district was already providing the special education needs in the parochial system, as well as providing the Title I resource teachers in math and reading to the Title I Catholic schools. Mrs. Rupe also discussed the negative financial impact that vouchers might have on school districts. She indicated that a district the size of Wichita could probably absorb the loss of funds to private schools, but would still feel it. She questioned the impact it might have on smaller districts already struggling with declining enrollment, where even the loss of a few students would be significant.

Mrs. Rupe questioned Dr. Forster's claim that there were no negative consequences for failure to help poor and disabled students, pointing out that was exactly what NCLB did by giving choice within the system. She shared the experience of the Wichita district which had two Title I middle schools on improvement for the second year in a row, allowing parents to send their children to a middle school that was not on improvement. She reported that two hundred moved to other middle schools, at the cost of \$1.3 million for transportation. She said it had been interesting to learn that most of the parents didn't take advantage of the choice alternative for any educational benefit for their children, but because transportation was provided.

Mr. Corkins tried to address some of Mrs. Rupe's concerns. He stated that none of the proposals were a silver bullet to address the achievement gap, but did represent possible tools in the arsenal for addressing that problem that he and the Transition Team wanted to include in the debate. He pointed out that one of the charges to the Department of Education passed down from the Board of Education was to come up with innovative ways to reform the K-12 delivery system. He reported that one of the questions that was asked throughout the interview process was what institutional barriers exist against achieving reform. Based on feedback, the experience of the participants and all the resources to which he referred, he noted that they felt the proposal they had made represented ways they could fundamentally change that system without masterminding innovation. He mentioned facilitating innovation by allowing for laboratories for change such as charter schools represent. He stated that charter schools can be whatever one wants to make them, or whatever the community wants. He said he questioned whether that could be done within the existing law, suggesting that given the types of waivers that successful charter schools around the country felt were necessary, it would not be possible. Mrs. Rupe did not disagree that there should be provisions for pilot schools to develop models of innovation, though she did question the need to change the law. Mr. Corkins mentioned the problems with regulations, suggesting that if charter schools had to abide by all the state regulations that a normal traditional K-12 had to abide by, there would be no reason for the federal law or for the federal aid program. He noted that the most telling fact in Kansas was that none of the charters in existence sought any waiver from any federal or state regulation because none of them would have a chance for approval. Mrs. Rupe did not agree that waivers would be so difficult to get approval for. She and Mr. Corkins also briefly discussed the Kansas City, Kansas group that had not yet approached the local board there with a proposal.

The Board took a break from 5:35 until 5:45 p.m.

Dr. Abrams suggested that the four Board members remaining on his list for questions be allowed to ask them, after which the rest of the discussion and action be postponed until January.

Dr. Wagnon raised several issues in his comments, the first being the validity of claims regarding vouchers. He noted that even in 1997 when he first came on the Board there was considerable discussion about the effectiveness of both charters and vouchers. He asked Mr. Corkins if anyone had applied for a waiver for a charter school and been turned down. He pointed out that the State Board had the authority to waive every one of its regulations, so he had difficulty understanding why Dr. Lassiter who had spoken to the Board or the H.A.R.K. group in Kansas City couldn't come up with a charter. He stated that if they wanted to start a charter he would like to see what kind of success they've had in going through normal processes that are already allowed. Dr. Wagnon said in that sense, he was joining those who have raised the question of creating solutions without real problems.

Dr. Wagnon also mentioned programs for where there was good data to support their effectiveness in closing the achievement gap, such as early intervention programs, all-day kindergarten, leadership development for superintendents and principals, dissemination of successful practices and expanded professional development for teachers. He stated his belief that choices that already exist in Kansas, pointing out the hundreds of children that are attending out-district schools all across the state as evidence that for whatever reason, parents are making decisions they think are in the best interests of their children. He also mentioned the presentations by award-winning teachers, principals and superintendents about innovations that are being applied in Kansas schools and suggested that efforts be made to take the things that are already working in Kansas and finding ways of distributing those ideas with incentives and through collaboration and cooperation. He expressed concern that the focus on vouchers and choice were diverting the Board from really focusing its energies on what would really solve the problem of closing the gap. Lastly, he stated that if the Board were to make a recommendation in favor of scholarships, he could not support the notion of participation by any school system that was not accredited by the state being allowed to receive state money adding that the alternative accrediting organizations were not sufficient judges to measure the accountability for state funds. Mr. Corkins stated that reforms were raised and were considered, but what the Transition Team tried to address with their recommendations were those things that would require legislative change. He indicated they had received a lot of input on innovative programs that are used in certain isolated traditional K-12 structures, but they did not require legislation.

Mrs. Martin stated she was concerned that so many administrators took so much of their time to come to the Board meeting when one of the comments they made was they were not afraid of vouchers or charter school reform. She questioned why they were present since the recommendations being proposed were so minimal and the purpose was to give some innovation and some chance for reform to enable parents to have greater choice. Mrs. Martin also addressed some additional things she would like to see added to the 2006 legislative agenda. She mentioned making it possible to hire back retired teachers in the same district with no limitation on their salaries and with no tenure; allowing neighboring school districts to cross boundary lines for transportation which would give parents choice without having to do anything other than get permission from the non-resident district; funding of all-day kindergarten; and full funding of half-day preschool for at-risk students. Mr. Corkins said he believed those things were all possible with regulatory changes and not legislation. Mrs. Martin also shared her knowledge about a charter proposal in Manhattan that was developed by a group of parents and teachers who did not want to see their local school close. She indicated that had they gone to the local board there was a very strong

possibility that the board would have denied it. She indicated that would be a case where an appeals process would be good to have, because then they would be able present an appeal to the State Board. She also added that she didn't see any of the legislative recommendations having that much impact in the districts she represented.

Mrs. Waugh also voiced her concerns about the action plan for the goals and objectives the Board had adopted, stating that nowhere was there anything regarding vouchers or charters. She stated she felt the Board should get back on track with addressing the issues it had identified or have another retreat to discuss and revisit its goals and objectives. Chairman Abrams agreed that charter school reform was not something that had been discussed very much, but he felt that it fit well within the domain of the Board's first goal of redesigning an educational system that utilizes the State Board's core directives of system design and providing learning opportunities for every student. He also noted that vouchers had not been addressed specifically, but that they, too, certainly fell within the realm of system redesign. He stated that he believed it was not a change in direction, but a change in tactics for redesign of the system to make it such that parents have the ability to get their kids educated to the point they want them to be educated. Mrs. Waugh also shared her concerns about all the criticism the public school system is receiving, adding that she felt the schools were doing a wonderful job. She said that she represented a district that probably has the most challenges of any district in this state. She shared an article she had received that reported on three cities in the United States that are doing wonderful jobs and are extremely innovative in their approaches to improvement and reform. She indicated they were Chicago, San Diego, and Kansas City, Kansas. She also mentioned her experience on the Confidence in Public Education Task Force with the Challenge Awards, which go to schools with challenges so extreme within their district that they should not succeed. She said she had received information about some Challenge Award honorees who were also Standard of Excellence buildings. She reported that in 4th grade math and 5th grade reading, 88% were proficient; and 3rd grade math and 8th grade reading, 64% were. She said there was a real problem with the Board not being supportive of the public schools and offering them innovative ideas to help them continue with their improvement. Mrs. Waugh also stated her objections to the proposals for scholarships and the charter school appeal process. She also mentioned the H.A.R. K. group and stated that she supported their dedication to improving their area but hoped that they would go through the proper channels. She reported she had spoken with the superintendent and several USD 500 board members, who indicated they have never been approached by anyone from the group with any sort of proposal.

Mrs. Waugh stated, regarding the voucher program that she would support it if there was agreement that the schools that agree to participate have to accept every student, at-risk and special needs, who applies, if they have room, and if they are also required to meet every standard that the public schools must meet, including NCLB. She said if those changes were made and gifted students were excluded, she would vote yes. Regarding the charter schools, she indicated she would never support removing local control, stating that she believed that local boards of education are as close to the people as they can get with elections every two years if people are unhappy with the direction they are going. Mrs. Waugh asked the Commissioner if he would be willing to change the voucher proposal to reflect the things she had requested. He indicated he would not. He noted that he, of course, would abide by whatever the Board decided, but would not change his recommendations. He indicated that if the appeal were removed from the charter proposal, it would guarantee a minimal stream of funding, but it wouldn't address the core problem which he saw as the need to provide the incentive for a good faith negotiation at the local level. Regarding the vouchers, he said he thought there should be reasonable restrictions on the vouchers participants, like safety, health, financial stability, non-discrimination. Chairman Abrams said that it was

up to the Board to decide about whether to change the recommendation or not. He added that if the Board agrees to changes, the Commissioner will go along with them, but the recommendations have been presented for the Board's consideration and action.

Mrs. Waugh said that she simply wanted to know why Mr. Corkins was opposed to accepting any of the changes. Mr. Corkins responded that he didn't think there would be any private institution willing to take the scholarships if they had to abide by all the same federal and state regulation that are imposed on traditional K-12 schools. Mr. Bacon said he was interested in two things regarding the charter school proposal. One was if the funding would go directly to the charter school, by-passing the local district. The second was how they would be affected by alternative compensation. Mr. Corkins said that the intent was to provide maximum flexibility in negotiating with the charter, with the only condition being that there be a reliable funding stream and the right to appeal, which is designed to encourage good faith negotiation. He indicated that whatever terms they agree to in terms of the interaction between the traditional K-12 and the charter school would be the subject of the charter and spelled out in the charter as the parties negotiate. If it were as simple as the school district serving as a pass-through for the funding and nothing more, it would be a matter of local negotiation.

Mrs. Gamble said she would like some information on the constitutionality of these proposals in terms of funding private institutions with public funds. Mr. Biles stated that he would like to know what the Board wanted in that regard. He reported that in the area of vouchers there were four separate Kansas Attorney General opinions on the subject, but no Kansas case law. He indicated he could report back on those opinions without doing any more work. The problem would come, he said, if the Board would like him to get deeper into the subject. He said it could be quite an expenditure if the Board wanted him to look at a question about a state constitution prohibition. He noted that under federal First Amendment purposes, the U.S. Supreme Court has decided that once the money goes to the parent it loses its identity, but state constitutional provisions in that area of law can be more restrictive than the federal constitution. Mr. Bacon said he would like him to research the constitutionality of the money going to the parent—if the money goes to the parent and they decide how to spend it for the scholarship, whether that is different than giving the money directly to the private school. Mrs. Gamble said she would like him to research it to the depth of what the Board needs in order to make an informed decision.

RECESS

Chairman Abrams proposed moving item 11 b and 11 c to the next day and picking up the discussion and possible action on the legislative proposals in January. He noted there would be an executive session on Wednesday. There being no further business, Chairman Abrams recessed the meeting at 6:28 p.m.

Steve Abrams, Chairman

Penny Plamann, Secretary

**KANSAS STATE BOARD OF EDUCATION
MEETING MINUTES**

December 14, 2005

CALL TO ORDER

Chairman Abrams called the meeting to order at 9:00 a.m. on Wednesday, December 14, 2005, in the Board Room of the State Board of Education Building, 120 SE 10th Avenue in Topeka, Kansas. Chairman Abrams announced that the meeting was being broadcast live over the internet via KAN-Ed Live! through the Board of Regents.

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 THE AGENDA

Chairman Abrams asked that the agenda be amended to add items 11 b. Report on FY 2006 and FY 2007 Budget Appeals for KSDE, KSSD, AND KSSB, and 11 c., Report on Legislative Interim Study Committees, leftover from the previous day be added to the agenda after the report from the Kansas State High School Activities Association and before Board reports. He also asked that an executive session be added as item 8. Mr. Bacon moved, with a second by Mrs. Morris, that the agenda be approved as amended. The motion carried.

KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION ANNUAL REPORT

Gary Musselman, Executive Director of the Kansas State High School Activities Association (KSHSAA), presented his annual report to the Board as required by statute. He reported that the association had 365 member senior high schools, both public and private, and 425 middle and junior high schools. He noted it was the 17th year that the association had not increased its dues for membership and they remained \$400 for high schools and \$125 for middle/junior high schools. He noted that unlike in many states KSHSAA was not an athletic association and participation in activities included thousands of young people involved in speech, debate, music and fine arts as well as athletics. He reported that student participation nationwide was at an all-time high, which he said he found encouraging because students who are engaged in their school are more accountable for their academic success, drop out less often, and avoid risk behaviors longer. He reported that the association's state rules regarding academic eligibility are also minimum requirements, though many schools set higher and stricter standards for academic eligibility. Students have to be enrolled in, attending and passing five credits at their school to become eligible for the next semester. He reported that over 6 million boys were participating nationwide, and for the first time, over 4 million girls were participating. He reported many Kansans were serving on national committees or had been recognized by national organizations. Reviewing activities over the past year, Mr. Musselman noted that Kansas was the second state in the country to have a student advisory team. Over the past year they wrote and produced several public service announcements promoting the benefits of participation in activities. They are also in the process of surveying their peers about their involvement in high school activities. Mr. Musselman reported KSHSAA also organizes and governs student councils

in Kansas through a series of fall conferences and a summer workshops and organizing national conferences. In 2007, Blue Valley North High School will host the National Association of Student Councils Conference, which will have 2,000 attendees. Mr. Musselman mentioned the Kansas Association for Youth (KAY), a service leadership program, which now has over 15,000 participants. KSHSAA participated in May in the Governor's Scholars Program and also participates in and supports the Kansas Teacher of the Year program. During the past fall the association conducted seven regional meetings across the state. A common concern that was heard and discussed was about the shifting demographics in the state and how to accommodate those changes. He indicated that he hoped the association was doing all it could to help schools that were facing consolidation and that it worked to see that its rules and regulations did not put up barriers to it. He also reported on the success of the bowling program, the latest sport added.

Questions that followed addressed parent involvement; accommodations for virtual school students; how the association was ensuring that the message is being communicated about the impact of co-curricular activities on student achievement and the part they play in a suitable education; enforcement of the six foot coaching box rule; certification of coaches; drug testing; and the use of breathalyzers at school dances.

LEGISLATIVE MATTERS

Other Legislative Issues

Deputy Commissioner Dennis handed out copies of several bills that he had requested be drafted. One concerned the Board's request that members be treated like state senators regarding campaign finance limitations; one that would treat State Board members the same as the legislative branch regarding gifts and meals; and a third which would change the requirement for review of state curriculum standards from every three years to every seven years. He indicated the change in the length of time between reviews would allow adequate data for comparison purposes. In discussing whether the seven years would stretch into a longer period of time, Dr. Posny indicated that the review would begin in year five with adoption planned for year seven. She also indicated that for ITBS and other of norm-referenced tests, their standard for re-norming their tests is every seven years.

Dr. Wagon asked about the Standard and Poor's Kansas Educational Resource Management Study. Mr. Dennis handed out a copy of the legislative presentation on the preliminary report, noting that the study had not been completed. He reported that the purpose of the report was to try to improve the return on investment in Kansas schools. They studied four districts in depth for the study and one of the conclusions was that all four were getting a good return. Mr. Dennis reported that the strategy they all had in common that impressed him was that they focused diligently on recruiting high quality teachers. Another finding that Mr. Dennis reported was that requiring that 65% of a district budget be spent in the classroom did not appear to be a factor in success one way or the other and that other factors were a better measure. He also said that it depended on the school and the type of students it had. Dr. Wagon asked about the status of the district efficiency audit program out of Emporia State. Mr. Dennis said that their purpose was different, which was to help districts use their funds more efficiently. He said that two districts had received assistance to date. Asked what will be done with the results of the studies, Mr. Dennis said they would report their recommendations to the boards of the districts studied. Dr. Wagon asked if it would help to make it part of the Department budget process. Mr. Dennis said it might be of some use to put the results of the audits on the KSDE website.

Report On FY 2006 and FY 2007 Budget Appeals for KSDE, KSSD, and KSSB

Deputy Commissioner Dennis handed out information on the current year, FY 2006, statutory requirement regarding the budget and reviewed it for the Board. He noted that current year's budget will be under spent by approximately \$12.5 million, and that a lot of that would be a result of the delay in the move of military personnel to Ft. Riley and Ft. Leavenworth. The \$12.5 million would offset some increases due to increased salaries for special education personnel, an increase in capital outlay, increased expenses for juvenile detention facilities, and mill levy equalization for declining enrollment. For FY 2007, he reported, because of the growth of special education which the law required be funded at 92%, will equal \$16 million; capital outlay will increase by \$2.5 million, juvenile detention facilities will increase slightly; and the declining enrollment provision will be an additional \$100 thousand. He also reviewed the Board's request for \$77 million for an enhanced budget. He noted that any new funding requested was automatically cut for discussion purposes and the Governor's recommendations will be the basis for where the legislature begins its funding deliberations. Asked by Mrs. Gamble about the cost of living provision that had been passed by the legislature, Mr. Dennis indicated it would go into effect for FY 2008. She asked if, when the cost of living provision went into effect, the Board's budget recommendation would be in addition to it. Mr. Dennis replied that it would depend on whether or not the Board was satisfied with the funding level at that point. He discussed how that might work. He handed out some additional budget information that gave funding details by program.

Report on Legislative Interim Study Committee

Mr. Dennis handed out a status report on state general fund receipts; and agendas for the LEPC and the 2010 Commission. He noted that the 2010 Commission would not be making any recommendations until after the results of the Legislative Post Audit cost studies were presented. He indicated he had heard that the studies would out on January 4th.

The Board took a break from 10:14 until 10:20 a.m.

BOARD REPORTS

Chairman

Chairman Abrams asked Board members to let the Secretary know their preference on continuing to receive *Education Week*.

Legislative Coordinator

Mr. Willard reported that he had met the evening before with Dr. John Morton in light of recommendations Dr. Morton had made to the Board the previous day regarding working together to find some new financial incentives for schools and families to lead to a 21st century solution and an abundance of new century schools. As the result of that meeting, he offered a motion for Board consideration regarding redesign of public schools. Mr. Willard moved that the State Board authorize Dr. John Morton to chair a committee of public school superintendents charged with studying the issue of the current barriers to innovation in public schools and bringing recommendations for removal of those barriers for consideration by the State Board. He added that he would propose that the committee be made up of Dr. Morton and one member from each State Board district, as recommended by Board members. The committee would be asked to report their findings and recommendations, or progress made toward completion of their work no later than the February meeting of the Board. Mr. Willard explained the rationale behind his proposal. He noted that occasionally when the Board was considering a proposal for change, the issue became the target of negative energy and efforts to discredit it. He added that he was open to suggestions from anyone about improving public schools and that, hopefully, the proposed

committee could come up with some creative suggestions. Mrs. Martin seconded the motion, adding that she shared the concerns about the misinformation that had circulated regarding the legislative proposals the Board was considering, which she considered to be very minimal changes.

Discussion followed. Mrs. Gamble asked if Board action on the motion would mean the Board would suspend action on the legislative proposals until after receiving recommendations from the committee. Chairman Abrams said he saw Mr. Willard's motion as separate from those proposals which had been postponed until January. Mrs. Gamble countered that Dr. Morton's recommendations, when put in context, were for the Board to consider ideas from the field before taking a position on the items on its legislative agenda. Chairman Abrams stated he was not willing to suspend action on the legislative issues discussed the previous day beyond the January meeting. Mrs. Gamble stated that, though she would support the motion if consideration of the legislative agenda items was combined with the recommendations from the committee. She added that when such a large number of administrators from the field attended a Board meeting, whether or not it was because of erroneous information, it should merit Board consideration. She added that she agreed with those who had made the effort to attend the meeting that the legislative proposals the Board was considering were not minimal, but radical, changes if the Board was a body for public education. Mrs. Rupe agreed with Mrs. Gamble that if good ideas arise from the committee after the Board has already made its recommendations to the legislature about what some felt to be innovative ideas, the committee would be pointless. She added she agreed with the usefulness of having a committee to come up with recommendations, but questioned whether it would be able to report by February and asked if the Board should give them a little more time. Dr. Abrams pointed out that the motion was for the committee to report progress or recommendations by February. He noted that if they came up with any ideas that would require legislative, if they had them by February there would still be time in the upcoming session to deal with them. Mr. Willard added that when he had met with Dr. Morton there had been no discussion of the Board delaying action on its current legislative proposals until after the committee had developed its recommendations.

Mr. Willard stressed that the current proposals were not the only ideas the Board should be considering and that Kansas educators were probably a good resource for ideas that the Board should be hearing and considering. He also said he hoped the formation of the committee would dispel any ideas that the Board was trying in a top down manner to force on public education things they didn't want. He said he was hopeful that there would be strong support from the Board for his motion because he felt it would be a move in the right direction.

Mrs. Rupe added her agreement, but noted that the current atmosphere had created the impression to educators that they were the enemy and one had to ask when public education and public schools had become the enemy. She noted that they had not been asked for their input on the Transition Team or the Board's legislative agenda. She added that the legislative proposals were not anything that the Board had discussed or considered prior to them appearing on the agenda in November. She stated that she was so strongly in favor of the committee that she felt it should supersede any legislative proposal the Board would make.

Dr. Wagon stated that he couldn't support the idea and that it was the continuation of an approach the Board had been guilty of for many months, where motions were introduced for action that had no study or time for consideration. He noted they had been presented to the Board without giving members time to consider implications and possible impact on other Board actions. Dr. Wagon noted it would be good to hear from the field, but pointed out the Board had a regular process which did not include Board committees. He added it was the responsibility of the Commissioner to create a committee like the one

being proposed that give timely input and comprehensive consideration of the possible impact of any recommendations. Dr. Wagnon also pointed out that at its retreat in February the Board had developed a plan of action for the year which included removing barriers to innovation and addressing inefficiencies in the system. Staff study and presentations on the issues, would have produced recommendations for Board consideration. He added that he felt operating in the current fashion was an inappropriate way to arrive at public policy.

Mr. Willard pointed out that at the Board retreat the Board had made as its top priority redesigning public schools and that it was not inappropriate to explore possibilities for that redesign. He stated that he felt his proposal was an effort to move the Board forward regarding the things it had talked about. He noted that the only proposal that he had received when he had asked dealt with adding more money and he was certain there were other ideas to be considered. Mrs. Martin also noted that at the retreat the Board had asked for increased communications with constituent groups and the committee seemed a perfect way to accomplish that. She noted that she had been meeting with teachers and administrators in her district and the committee would be an excellent way for them to share their ideas.

Mrs. Gamble said her vote against the motion would not be because she felt the idea wasn't good. She said she felt it sent a mixed message to the field. Her recall of the focus at the retreat was on changes of the system from within the system. She believed that the legislative proposal that would be coming back to the Board in January would be a change in the system that would go outside public education for the first time in Kansas education history. She stated that she felt that Mr. Willard's motion and the legislative proposals were tied together and if recommendations from the field were to be invited; all action should be suspended until that time. Mrs. Gamble also agreed with Dr. Wagnon that the committee should be one called by the Commissioner.

Dr. Wagnon pointed out that the Board work plan had many ideas from the Board retreat about addressing redesign and represented a consensus by the Board about how to go about redesigning the system for the two years it covered. Regarding Mr. Willard's statement that there had been no suggestions about how to move forward with redesign, he noted that he, on several occasions, had made suggestions for possible action that related directly to the Board's action plan. Dr. Wagnon advised proceeding with the Board's plan and any legislative recommendations that might arise from it. He also pointed out that several new ideas had been introduced since the change in Department leadership and those should require continued study in light of the Board's action plan for achieving the goals and objectives already committed to.

Mr. Willard indicated he would be willing to modify the motion to direct the Commissioner to empanel a committee. He added that he didn't see the formation of the committee as any kind of diversion from the Board's goals. He stated that he felt that it was misguided to believe that changes that might be recommended in redesigning schools would be received without controversy.

Mrs. Waugh stated that she also believed the Board had received many suggestions regarding redesign, including the elimination of Carnegie units. Mrs. Waugh also stated she was not opposed to receiving input from the field. She was, however, opposed to the practice of being presented with motions or resolutions with no time for consideration prior to being asked to vote on them. She pointed out that during her chairmanship, she had been questioned several times when motions were made and she had held them over until the following meeting because she agreed it was not proper. She stated that she strenuously objected to being asked to vote on the motion without time to consider other ideas that should be added to the charge given the committee and stated that she felt action should be postponed until January.

Mrs. Morris stated that the field had not been left out of the process as Mrs. Rupe had claimed. She noted that there were superintendents on the Transition Team and even more superintendents and people from the field on the Transition Team that had been expanded to consider legislative recommendations. She added that many inaccurate statements had been made and that she hoped they would end. She also stated that she felt Mr. Willard's proposal was something that everyone on the Board would like, as a means of opening up the conversation.

Mrs. Rupe said she felt it would be appropriate that the committee proposed by Mr. Willard be one formed by the Commissioner and would not require a motion for Board action. She hoped that if he formed such a committee he would seek input and recommendations from Board members about its makeup. She noted that she had received an email from the Wichita superintendent who indicated that the individual from Wichita who had served on the Transition Team did not represent the district or the local board, and if the Commissioner were to proceed with the committee she hoped that would not be the situation with its membership.

Mrs. Van Meter called the question. Dr. Abrams noted that the point had been well stated that the committee should be a Commissioner's committee and asked if Mr. Willard and Mrs. Martin would object to modifying the motion to reflect that. Neither objected and Mrs. Martin asked that the motion be read with the changes. Mr. Willard stated that the motion would be that the State Board would direct the Commissioner to empanel a committee of public school superintendents, led by Dr. John Morton, charged with studying the issue of current barriers to innovation within public schools, and bringing recommendations for removal of those barriers for consideration by the State Board. The committee would be made up of Dr. John Morton and one member from each State Board district recommended by board members. The committee would be asked to report their findings and recommendations, or at least the progress toward completion of their work, no later than the February meeting of the State Board. The motion carried 6-3-1, with Mrs. Gamble, Dr. Wagnon and Mrs. Waugh voting "no", and Mrs. Rupe abstaining.

Mrs. Gamble asked that her "no" vote reflect that her objection was not to the concept, but to the fact that the proposals concerning vouchers and charters are not removed from consideration until the Board has a report from the committee. She added that she thought that the direction to the Commissioner is much too detailed and perhaps limits his ability to do his work.

Mr. Willard indicated he had some additional things he would like the Board to consider adding to its budget request. The first would be to fund Kal-Tech for an additional three years at the cost of \$300,000 per year. He stated that funding for it had run out for the program, which directly related to the Board's plan for leadership development in public schools. Secondly, he would like the board to consider adding \$2.3 million for funding the in-house development of a database that would support a longitudinal student growth model. Chairman Abrams asked that the request be put on the January agenda.

Board Attorney

Mr. Biles reported that a letter had been received from the judge in the federal school finance case, regarding dismissal of the federal case in light of what had taken place in the state school finance case. The judge had solicited a reaction from attorneys in the case. Mr. Biles indicated that the lawyers for the plaintiff had indicated their response to the court would be that they were not interested in having the case dismissed. He stated that the responses might generate further activity by the court. He also updated the Board on the dismissal of a Michigan lawsuit that NCLB was an unfunded mandate. The status of a

Connecticut lawsuit could be affected by the grounds of the dismissal, he said, but there had been no action yet. Dr. Wagnon moved, with a second by Mr. Bacon, that the Board pay his fees for services and expenses for November as presented. The motion carried.

Mr. Willard asked Mr. Biles to comment on the Texas Supreme Court decision on a school finance lawsuit. Mr. Biles said he had not studied it yet. He did note that he didn't recall the Kansas Court using the line of cases used by the Texas Court in its justification for anything it was doing.

Other Board Member Reports

Dr. Wagnon reported that at 2:00 p.m. that afternoon the Anti-Defamation League would be holding a press conference on the issues of science and religion at the Unitarian Universalistic Church in Topeka. He indicated they had developed a brochure on the relationship of Intelligent Design to science. Dr. Wagnon reported that the Fordham Foundation had awarded Kansas an F- on its science standards in a large part due to the way the Board had changed the suggestions of the science writing committee. Dr. Wagnon was particularly concerned that, as reflected in the remarks of one the Milken Award winners the day before, the field was being encouraged to ignore the Board's standards. He said he was disturbed with it undermining the credibility of the Board.

Mrs. Waugh stated she wanted to update the Board on something that had happened in her local district, USD 202, Turner. She indicated it had expelled a student for speaking Spanish. She reported that the student had been reinstated, but a lawsuit has been filed. She wanted Board members to be aware in the event they have received any emails about it. She indicated she would keep members informed of any new developments.

Mrs. Waugh inquired who had suggested that Dr. Forster make a presentation to the Board and why it had been done. Commissioner Corkins indicated he had invited him to elaborate on the rationale for the scholarship program. He indicated the Board was not paying for Dr. Forster's attendance. Mrs. Waugh stated she was concerned that he had been the one to speak to the proposal rather than members of the Transition Team who had made the proposal. She also reminded the Board that she had requested that any information the Board received regarding reform programs be from states whose student performance was similar to Kansas and in the top ten in the nation. She indicated that she didn't believe any of the information presented regarding vouchers or charters schools had been about programs in top ten states. She noted it was important that the Board concentrate its time on best practices from successful states.

Mrs. Martin brought up the issue of public forums in Board member districts and asked that they be reestablished as a way of soliciting feedback from all stakeholders in education, in addition to administrators, and to stimulate debate on school choice ideas. Mr. Bacon said he would be very interested in pursuing a statistically valid survey across the state, in order to include people that might not be able to attend a town hall type of meeting. He indicated there was a lot of reaction from higher level district personnel, but he would like to hear from other people on choice issues. He reported that in the past he had seen polls that indicated that over 50% were in favor of choice, and would like to know where people stand now. Mrs. Martin indicated that her idea was to hear opinions both in favor and against the issue in a setting where a collaborative conversation could be held. To that end, Mrs. Martin moved to reestablish the Board's public forums across the state of Kansas, with State Board members participating in the forums in their own districts, along with the Commissioner or one of his designees, such as Dr. Posny or Dr. DeBacker, to hear and solicit feedback, both pro and con, and to stimulate debate

over school choice ideas, and other innovative education reform initiatives. Mrs. Morris seconded the motion for the sake of discussion.

Mrs. Gamble pointed out that when the Board had held forums before, there was a fairly formal and broad agenda, which wasn't limited to one subject, to elicit feedback from the stakeholders within Board member districts. She said she recalled that the agendas were built around the Board's action plan. She recommended that the Board discuss the idea at a later time as an agenda item in the spirit of giving the idea more thought and to ensure that the Board didn't limit itself. Mrs. Martin responded that her idea was not as well thought out as she would like and asked for additional input from Mrs. Gamble to add to the motion as a friendly amendment. Mrs. Gamble stated she felt that the motion was inappropriate and it would be better to direct staff to come up with a recommendation for the Board, which wouldn't take a motion. Chairman Abrams tried to clarify what was being requested, indicating he thought what Mrs. Martin and Mrs. Gamble were referring to were two different things. He said he thought Mrs. Gamble was speaking about what the Board had discussed in recent meetings regarding more formalized forums built around a broad range of issues as had been done in the past; whereas Mrs. Martin's motion was directed at soliciting input regarding the choice issue. Mrs. Rupe noted that Mrs. Martin made a point to visit and get to know the schools in her district. She stated she saw no reason for a motion when all Board members can solicit information in their own way. If the Board would be reinstating district forums, she said she would like to see what staff would recommend. She described how they had been handled and conducted in the past. She said they had been very well received and participants had indicated the hope the Board would do the forums again. Discussion followed, with many Board members in favor of holding forums as a means of improving communications, but without a clear consensus as to the nature of the issues to be discussed. Mr. Bacon suggested that the Communications Committee meet with the new Communications Director to come up with some ideas for the Board to consider about how to better communicate with their constituent groups. Mrs. Martin agreed that Mr. Bacon's idea had merit and withdrew her motion. Mr. Bacon said they would try to come up with something for the January meeting.

Requests for Future Agenda Items

Mrs. Morris asked that there be further exploration of facilitating an entrepreneurship program on a statewide scale. Mrs. Rupe said she could not imagine that the State Department would want to run a school, but indicated she had been giving Mrs. Morris' idea a lot of thought because she was very much in favor of trying to keep young people in their communities after graduation, especially in rural communities that are losing population because there are no opportunities for them. She recommended that Mrs. Morris go to a superintendent, cooperative or service center in her district and talk to them about developing a program through some kind of consortium. She felt that there would be more trust if the program came from within the area, then if it were something from outside. Mrs. Morris felt Mrs. Rupe's idea was very good, but indicated she wanted to keep the issue on the table because there might be a role the Board could play in facilitating such a program.

Mrs. Rupe asked that the Board look at ways to enhance career technical schools, and perhaps have the legislature provide incentives to districts that cooperate in regional centers.

Mrs. Martin said that based on visits to schools in her districts and certain media reports there seemed to be confusion about the revised science standards. She said it was her understanding that the standards were to go into effect immediately and that in Kansas public schools science teachers and students are allowed and encouraged to research, critically analyze and discuss any and all scientific data and evidence that either

refutes or supports the controversies that have been surrounding evolution theory. Because there were some science teachers she had visited with that were unsure about how to do that, Mrs. Martin indicated she would like the Board to provide some leadership in examining some education support materials to guide them and to also provide some objective presentations and professional development opportunities across the state. She reported that she had been contacted by Dr. Carl Werner of AVC Publishers in St. Louis concerning some new materials that are currently being prepared to help teachers present the topic objectively. She indicated that she had examined some of the drafts that Dr. Werner had sent to her and she felt they could be very useful. She said Dr. Werner requested the opportunity to visit with the Board and she asked that he be invited to a future meeting. Mrs. Gamble asked for some clarification from Dr. Posny about implementation of the science standards because she didn't think they went into effect until 2008. Dr. Posny stated that the standards would actually have an impact on the science assessment in 2008, and that districts may or may not be changing what they are teaching currently; that it depended on what they felt would be on the assessment in 2008. Mrs. Gamble also stated that she understood that textbook adoption was completely a matter for local boards and that the State Board had no authority in that arena. She questioned the appropriateness of having the Board look at a textbook. Chairman Abrams verified that Kansas does not have a state curriculum, nor does the Board deal with textbooks. Mrs. Martin stated that she did not intend for the Board to adopt the materials as a textbook, but did want the Board to provide some leadership in examining materials that might be of support for teachers who are seeking to teach the controversial issue objectively.

Mr. Bacon asked about access to teacher mailboxes in Kansas. Dr. Posny reported that mailboxes in a public school are open and that she didn't believe there was a district in the state that didn't have a policy stating that. Mr. Bacon said that he had heard otherwise and he would try to get more information about it and come back to the Board with it next month.

Mrs. Martin stated that during her school visits during the past months several superintendents, principals and teachers had expressed their frustrations about the state assessments, especially those being prepared for 2005-2006. She indicated they felt they were very time consuming tests and don't provide the teacher with any more information to help improve instruction than they are able to get from other assessment tools that are available to them throughout the year. She said they can be very expensive to administer and update and that this year they are interrupting remedial intervention strategies that districts have put in place to help correct learning deficiencies that have been identified in the past. She asked that the Board discuss the termination of the assessment contract with CETE and discontinue using the CETE assessments as the state assessments in determining AYP. She would also like consideration of the adoption of alternative assessment tools as soon as possible so that districts can have their preferred assessment in place for May 2006. She said she would also like to see Kansas move to a student growth model for measuring improvement as rapidly as possible. Dr. Posny suggested that the information about the student growth model and the longitudinal database be added to her assessment update which, because of time, would need to be put off until January. Chairman Abrams clarified that the issue of the assessment contract would be a separate discussion.

Chairman Abrams asked if there would be a problem with postponing the assessment update until January. Dr. Posny indicated she would be meeting with curriculum directors prior to the January meeting and asked if the Board would have a problem with her sharing a draft of the timeline for release of the assessment results prior to meeting with the Board. Chairman Abrams indicated he didn't believe any of the Board members would have a problem with that.

STATE BOARD TRAVEL

Mrs. Morris moved that the state board travel requests be approved as presented. Mrs. Rupe seconded the motion. Dr. Wagnon asked for confirmation that he could not accept a meal from any organization unless he was a speaker. Chairman Abrams agreed that he was correct. Because of that Dr. Wagnon asked to amend his request for January 4th when he would be attending three education legislative forums, to add expenses to pay for his meals. The motion carried as amended.

The took a break from 11:45 until 11:50 a.m.

EXECUTIVE SESSION

Mr. Bacon moved, with a second by Mr. Willard, that the Board recess into executive session for a period of thirty minutes in order to consult with their attorney so that the attorney-client privilege be protected, and that the open meeting resume in the Board Room at 12:20 p.m. The motion carried. The open meeting resumed at 12:20. Mrs. Morris moved, with a second by Mr. Bacon, that the executive session be extended for thirty minutes and that the open meeting resume at 12:50 p.m. The motion carried. The open meeting resumed at 12:50 p.m. Mrs. Van Meter moved, with a second by Mr. Bacon, that the executive session be extended for and additional ten minutes and that the open meeting resume at 1:00 p.m. The motion carried. The open meeting resumed at 12:58 p.m.

ADJOURNMENT

There being no further business, Chairman Abrams adjourned the meeting at 12:58 p.m.

Steve Abrams, Chairman

Penny Plamann, Secretary