

**KANSAS STATE BOARD OF EDUCATION  
MEETING MINUTES**

**March 14, 2006**

**CALL TO ORDER**

Chairman Abrams called the meeting to order at 10:02 a.m. on Tuesday, March 14, 2006, in the Board Room of the State Education Building, 120 SE 10<sup>th</sup> Avenue, Topeka, Kansas. Chairman Abrams announced that the Board meeting was being broadcast over Kan-Ed Live! and expressed his appreciation to the Board of Regents for making it possible.

**ROLL CALL**

Members present were:

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

Mr. Bacon arrived at 10:10 a.m.

**APPROVAL OF THE AGENDA**

Chairman Abrams asked for approval of the agenda. Mrs. Waugh asked that item 15 j., the question of a USD 203 – Piper, bond election, be pulled from the consent agenda. Mrs. Morris asked that item 15 e., regarding the issuance of an Order establishing new, consolidated Unified School District 107, Jewell County, be pulled, as well. There being no further changes, Mr. Willard moved, with a second by Mrs. Van Meter, that the agenda be approved as amended. The motion carried 9-0, with Mr. Bacon absent.

**APPROVAL OF THE MINUTES**

Mrs. Van Meter moved, with a second by Mrs. Martin, that the minutes of the February meeting be approved presented. The motion carried 9-0.

**COMMISSIONER'S REPORT**

In addition to the information he had shared in his Commissioner's report regarding assessment issues that had been raised by USD 259, Mr. Corkins indicated that CETE at the University of Kansas had secured the services of Dr. Michael Kolen from the University of Iowa to provide assistance in addressing issues of comparability between the computerized state assessments and the paper and pencil versions of the tests. In the discussion of the assessment issue, it was pointed out that Dr. Kolen was a member of the committee of external assessment advisors that works with the Department and CETE and was well qualified to assist in the current situation. It was also pointed out that the issue at hand was not the same as concerns brought up by USD 259 in 2004 and which the Department and CETE had addressed according to an agreed-to action plan. Mrs. Rupe reported that she and Chairman Abrams had met with representatives of USD 259 before the recent discussion, at which she was present, and she said was happy to hear that there had been agreement on the proposal to use Dr. Kolen. She added she would like the assessment experts to work out the problems and leave the Board out of it. She commented that the issue pointed out the need to move to a completely computerized system. Mr. Willard asked for specific information about the problems that USD 259 is experiencing. Mrs. Martin stated that, besides the need to look into the situation because Wichita was the biggest school district in the state, other districts had also expressed concerns to her about the state assessments.

Commissioner Corkins also reported that he had received a letter from Dr. John Morton stating that the Special Superintendents' Committee was uncomfortable with the expanded charge it had been given by the Board through action taken at the February Board meeting. The committee felt, he reported, that it should refer further work to the Council of Superintendents and the Kansas Association of School Administrators. Dr. Wagnon and Mr. Willard asked for a copy of the correspondence from Dr. Morton.

#### **UPDATE ON KANSAS HISTORY PROJECT**

Jennie Chinn, Executive Director of the Kansas State Historical Society, and Mary Madden, Acting Director of Education Outreach of the Historical Society, gave the State Board an update on the Kansas History project. Copies of **The Kansas Journey**, a new textbook aligned to the curricular standards for Kansas history at the middle school level, which had been produced through a public/private partnership between the Kansas Historical Society and the publisher, Gibb Smith were given to each Board member. Mrs. Chinn reported that the book also addressed some indicators in reading, geography and economics. Mrs. Chinn reported that it had been suggested that the Historical Society use some of the funds it had received for the Kansas History Project from the Department to provide a copy of the textbook to every school in the state with a 7<sup>th</sup> grade class. She indicated that she had been able to obtain a 40% discount from the publisher who also agreed to absorb the shipping costs to each school district. The book would be provided to each school as a reference copy whether or not the school chooses to adopt it as its Kansas history textbook. In addition, in order to integrate Kansas history into Kansas schools, the Historical Society was also producing a program called "Read Kansas" which not only meets history standards indicators, but reading standards indicators for grade K-12. The program will be available to schools in the fall of 2006. Sample lesson materials were given to Board members and Ms. Madden gave an overview of the program, indicating that it would include 77 lesson plans and accompanying materials. A set of grade appropriate materials will be provided to each school building in the state, she reported. In the discussion that followed Mrs. Gamble asked if the materials would be available on disc for schools that had gone to a paperless system. Mrs. Chinn indicated that the textbook would not, but that all the assessments, teaching materials, worksheets and primary source material would be on disc. It was also pointed out that "Read Kansas" will be on-line. The cost to districts for purchasing the textbooks was discussed, as was the cost of the "Read Kansas" program. Mrs. Chinn pointed out that funds from the Department, the Kansas Health Foundation and the Historical Society would make it possible to provide each school with one copy of the "Read Kansas" materials and that the Historical Society would be able to provide additional copies at cost. Several Board members commended the Historical Society on the project and expressed their appreciation for the quality of the products that had been developed.

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

Chairman Abrams declared the Citizens' Open Forum open at 10:32 a.m. Those addressing the Board were: Sylvia Chapman, representing Concerned Women for America, Topeka; Greg Motley, Overland Park; Katrina Harris, Garden City; Cindi Tedder, representing Kansas State School Nurses Organization, Olathe; Pedro Irigonegaray, Topeka; Dr. Gregory Mansfield, Lawrence; Brett Johnson, representing the Topeka YWCA, Topeka; Rev. Michael Nelson, representing Planned Parenthood, Alma; Heidi Harper, Overland Park; Steve Case, Overland Park; Cynthia Akagi, representing the Health Standards Writing Committee, Topeka; Kirk Fast, Ozawkie; Antonina Witt, representing KEC, Wichita; Angie Blair, Lawrence; Chimene Schwach, representing the American Academy of Pediatrics, Prairie Village, and Margaret Howieson, Mission. Chairman Abrams declared the citizens' forum closed at 11:09 a.m.

The Board took a break from 11:09 until 11:16 a.m.

### **PRESENTATION ON COMMUNITY SERVICE PROGRAMS**

Mr. Ronald W. Poplau, Kansas Teacher of the Year, had been invited back at the request of the Board to share additional information about the community service program he teaches at Shawnee Mission Northwest High School. He also answered questions from the Board and briefly discussed how community service programs such as his might be started in other schools.

### **NEWS CLIPPING SERVICE OPTIONS**

Mr. Ron Nitcher, Director of Fiscal Services reviewed the cost issues associated with the current news clipping services for the Board and the Department and outlined the alternatives the Board might want to consider. After a brief discussion, Mrs. Martin moved, with a second by Mrs. Van Meter that the State Board approve termination of the current newspaper clipping service and discontinuation of all daily newspaper delivery services and direct staff to perform a daily search of recommended on-line newspapers for education related articles and forward electronic copies or links of such articles to Board members and department staff. The motion carried 9-0-1, with Mrs. Gamble abstaining. It was requested that additional newspapers be added to the list including the Kansas City Kansan, the Leavenworth Times, the Southwest Daily Times, the Hays Daily News, and the Beloit and Colby papers, if available.

The Board recessed for lunch at 12:20 and reconvened at 1:30 p.m.

### **CHARTER SCHOOLS**

#### **Information on New Charter School Petitions**

Dr. Tom Foster, Assistant Director of School Improvement and Accreditation, reviewed the application approval timeline for new charter schools and presented staff recommendations for two new charter petitions that had been received. Dr. Foster pointed out that no funding was currently available for the schools. The two proposed schools were Sterling Academy, Sterling and the Turner Virtual Learning Center, Kansas City.

The Sterling Academy would target currently home-schooled or privately schooled students in Reno and Rice counties. The school would have virtual components as well as “place-based” services providing enrichment activities focused on academic challenges and character development for students ages 5 to 12. It would also serve as a facility for providing instructional pedagogy for pre-service teacher education candidates in the Sterling Teacher Education Program. Dr. Foster reported that the petition from Sterling had received a score of 152.6 and was recommended for approval.

Dr. Foster reported that the Turner Virtual Learning Center, Kansas City would target high school students needing additional courses, alternative learning opportunities, or high school credits to complete a diploma. USD 202 students, military families, and other highly mobile students would be a particular focus. The Center would utilize distance learning technology to provide interactive tutoring and enrichment programs, delivered from unique classrooms settings. Dr. Foster indicated that the petition from Turner met the minimum score necessary for approval, but though the reviewers felt that the application had merit there were deficiencies in the application that needed to be addressed before recommending full approval. He indicated that the charter school petition review committee recommended approval conditional upon the petitioners addressing the committee’s concerns. He added that structurally it was a viable program, but that several informational things were lacking such as clarification and definition of specific measurable academic goals and measurement tools for student outcomes. It was also noted that as a virtual school, a Virtual Desktop Audit form would be required and one had not been submitted. In the discussion that followed, the benefits of being identified as a charter

school were discussed. Additionally, if federal funds for charter schools were to become available, funding opportunities for charter schools already approved was discussed.

Mrs. Morris moved, with a second by Mr. Willard, that the Sterling Academy charter school application be approved and that the Turner Virtual Learning Center be given the opportunity to comply with the department's recommendations and be brought back to the Board later. Mrs. Waugh pointed out that the new charter petitions were on the agenda as a "receive" item and objected to deviating from the Board's policy of receiving items for consideration one month and acting upon them the next. Discussion followed about whether the Board could legally grant conditional approval for Turner. Dr. Foster indicated that he wasn't certain about the legality of granting conditional approval, but the Board could approve the petition and later rescind it if it felt the charter was not performing as expected. Board members also discussed the fact that the qualifying score had been set at 130, which had been met by Turner, and that it would not be reasonable to add qualifiers to an applicant after the fact. It was suggested that approval should be given to the Turner petition, as well, with recommendations for additional steps it should take to ensure a successful program. After further discussion, Mr. Willard said he had hoped to expedite the Sterling project, but agreed that the comments regarding the fairness of adding conditions to a petition that scored high enough for approval were valid. He withdrew his second from the motion. Mrs. Martin seconded the motion. The motion failed on a vote of 4-6, with Mrs. Rupe, Mrs. Van Meter, Mr. Bacon, Mrs. Gamble, Mrs. Waugh and Dr. Wagnon voting "no".

Dr. Abrams moved, with a second by Mr. Bacon, that both charter petitions be approved. Mrs. Waugh again stated she was opposed to going against Board policy, but that she would have to vote in favor of the motion because Turner was in her district and she knew of its desire to proceed with the charter school. The motion carried 9-1, with Dr. Wagnon voting "no".

#### **Information on Charter School Renewal Requests**

Dr. Foster reviewed the statutory requirements regarding renewal of charter petitions. Those requesting renewal were Delia Charter School, USD 321, Galesburg Elementary, CUSD 101, 21st Century Learning Academy, USD 424 and Hutchinson Cyber Charter School, USD 308. Dr. Foster reported that the Hutchinson Cyber Charter School was not being recommended for renewal. He explained that its application failed to meet the requirements of the state statute on charter schools regarding progress toward the goals of the charter. He said that after three years of operation, they had indicated that this was their baseline year and that they had no data to indicate progress. He added that the school can continue operation, but it would lose its charter status. He also added that no funds would be withdrawn. The Board would be asked to act on the renewal requests at its April meeting. Chairman Abrams asked department staff members dealing with charter schools to bring to the Board recommendations for modifications to the rubric used in the approval process if they felt any were needed.

#### **MODEL CURRICULAR STANDARDS FOR COUNSELING**

Deputy Commissioner Posny introduced Kent Reed, the Department of Education consultant who had worked with the committee writing the Model Curricular Standards for Counseling. Mr. Reed introduced the Co-chairs of the Committee, Nikki Currie and Dr. Ken Hughey, who reviewed the purpose of the standards and the process used in developing them. They explained that the standards framework was based on three areas, academic development, career development and personal/social development. Each area, or domain, covered three standards. It was noted that the standards were presented by grade level groupings of K-2, 3-5, 6-8 and 9-12 and were intended to be developmental. The standards had also been

cross-walked with assessed content area standards, some non-assessed standards, and representative national standards of related disciplines, with the overall goal of promoting and facilitating student development and learning. After approval by the Board, the committee recommended that it assist in developing local school counseling curricula and assessments; continue development of the Kansas Comprehensive School Counseling Model; and develop a best practices resource based on the Kansas Curricular Standards for School Counseling.

Mrs. Gamble was interested in how the standards could be used by other professional school staff and discussion followed. Mr. Reed reported that the field had requested a curriculum guide that would help to integrate the counseling standards into day-to-day curriculum. Dr. Posny indicated that when completed it will be part of KERK and that the department will use the guidance of the committee to develop it.

The Board took a break from 2:50 to 2:55 p.m.

#### **UPDATE ON SCHOOL NUTRITION PROGRAMS**

Jodi Mackey, Director of the Child Nutrition & Wellness team, presented an overview of school nutrition programs which included program participation levels, funding levels and revenue sources. Also discussed was progress on implementing local wellness policies and other current major initiatives in progress.

#### **LEGISLATIVE MATTERS**

Deputy Commissioner Dennis handed out and reviewed recommendations made by the House Appropriations Committee and the Senate Ways and Means Subcommittee on Education regarding the State Board's FY 2006 and FY 2007 budget requests. He also reviewed current Senate and House school finance plans.

Mr. Dennis passed out copies of HCR 5032, as well as testimony in support and opposition to it. The concurrent resolution would call for a vote on an amendment to the state constitution prohibiting the executive and judicial branches from directing the legislature to make any appropriation of money or to redirect the expenditure of funds already appropriated. He also handed out a copy of a resolution by Representative Decker, yet to be introduced, which would request that the State Board to not adopt the federal mandate in NCLB of 100% proficiency by 2014.

#### **SEAC REPORT ON AUTISM ISSUES**

Bert Moore, chairperson of the Special Education Advisory Council (SEAC), reported on SEAC's February 14, 2006 meeting which was devoted to a review of the issues recently raised regarding autism. Several individuals, including parents of autistic children and autism specialists were invited to share information with the Council. Arising from the discussion at the February 14<sup>th</sup> meeting were several recommendations. SEAC recommended that 1) The discussion of autism should be prefaced with acknowledgement of the overall shortage of qualified special education staff in the state which is a confounding issue to the discussion of effective autism services; 2) KSDE establish a standard for services to children with autism in the form of guidelines developed by a university consortium, plus practitioners from the field; 3) Sustained professional learning should be supported by KSDE and LEAs; and 4) KSDE and KSBE should support data-based decision making for student services and should not enter into the controversy over methodologies; local districts should maintain control of methodology decisions and also ensure their practices are defensible as promising or research-based practices. Mr.

Moore reported that Commissioner Corkins had suggested that the Council should establish criteria and process for evaluating research and practices. The Commissioner also mentioned the need for data to guide improvement efforts and program choices.

Mrs. Morris wanted to ensure that parents were involved in the development of the guidelines. Mr. Moore indicated that if SEAC were involved in the process, parents would be represented. Asked by Mrs. Rupe if the recommendations would address the concerns of the parents who had spoken at recent Citizen Open Forums, Mr. Moore noted that the guidance document would help parents understand program choices made by the local district and help districts communicate better with parents. He added that the data-based decision making will be important to support program decisions made by districts when they recommend approaches that may be in variance to what parents are seeking. He suggested that some districts are not currently prepared to deal with students who have significant disabilities. The guidelines would be very helpful in providing information to districts about program options that can best meet the needs of each child. Another issue Mr. Moore mentioned was that some parents want services that will maximize the performance of their child, but that state law requires only that an appropriate education be provided.

Mrs. Rupe also asked about training for teachers who work with autistic children. Mr. Moore replied that autism team training is available for local districts. ZoAnn Torrey, Director of Student Support Services, explained that one of the technical assistance projects that the Board approves each year is the Kansas Instructional Support Network (KISN). She explained that training would be available through KISN to districts over the next two to three years. She also indicated that there was a request, which had the support of SEAC, for additional staff committed to the area of autism.

The process followed by the department in the development of guidelines was also discussed. Ms. Torrey pointed out that the ones that would be developed for autism would be KSDE guidelines and similar to other guidance documents for special education. Dr. Posny explained the difference between standards and guidelines. She pointed out that because special education is highly regulated, the only further interpretation that can be offered would be in the form guidelines, particularly for effective practice. IDEA is designed to address the needs of individual students, and the fact that any guidance document would have to deal with generalities was discussed.

In response to a question posed by Mr. Moore, Chairman Abrams stated that he felt the Board was satisfied with the direction taken by SEAC in the development of its preliminary recommendations and that it appeared the Board would like it to continue working on the issues. Mr. Moore indicated that at its April meeting, SEAC would continue its work and would also consider the two issues raised by the commissioner. In looking at the guidelines, discussion would begin on how they would be approached and who would be involved, as well as providing support to the department on what it feels is effective practice to build the guidance document. Discussion followed about a final report and it was decided that the department would respond to SEAC's recommendations at the May meeting because the recommendations were, in fact, directed to the agency. It was the consensus of the Board that SEAC continue with the process by following the next steps in the development of the guidelines. Mr. Moore pointed out that the process would continue beyond the current year and that the Board might like occasional updates. Ms. Torrey added that the guidelines would probably not be the kind of document that would require approval by the State Board.

### CONSENT AGENDA

Mrs. Morris and Mrs. Waugh indicated they had received the information they needed and that items e. and j. could be returned to the Consent Agenda. Mrs. Waugh moved, with a second by Mrs. Morris, that the consent agenda be approved as presented. Dr. Wagnon indicated he would like it recorded that he abstained from the portion of item 15 f., recommendations of the Evaluation Review Committee that recommended program approval for Washburn University. The motion carried 10-0 except for Dr. Wagnon's abstention on the noted part of 15 f., where the vote was 9-0-1. In the consent agenda, the State Board:

- Received the monthly personnel report.
- Approved school construction plans for USD 506, Labette County Schools; USD 330, Mission Valley; USD 500, Kansas City; USD 497, Lawrence; and USD 219, Minneola.
- **Approve the Petition to Disorganize USD 295 (Prairie Heights) Decatur County and transfer its territory to three adjoining unified school districts as recommended in the petition.**
- **Approved the renewal of the Rice County Special Services Cooperative Agreement.**
- **Issued an Order establishing new, consolidated Unified School District 107, Jewell County, State of Kansas.**
- **Accepted the following recommendations of the Evaluation Review Committee for "New Program Approved with Stipulation" for Friends University's new program through December 31, 2007, "New Program Approved with Stipulation" for Southwestern College's new program through May 31, 2007, "Approved" for Washburn University's programs through December 31, 2008, and "Accreditation with Probation" for Bethany College's accreditation through December 31, 2007.**
- **Accepted the recommendations of the Licensure Review Committee in cases 2243, 2244, 2246, 2247, 2248, 2249, 2251, 2253, 2256, 2257, 2258, 2259, 2262, 2264, 2265, 2268, and 2269.**
- **Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Adaptive Special Education*: Beth Millikan and Andrew Millikan, USD 229 Blue Valley; Carolyn Karban, USD 259 Wichita; Jennifer Casteel, USD 305 Salina; Beatrice Boyd, USD 453 Leavenworth; Carol Harrell, USD 497 Lawrence; and Hope Pierson, D0 611 High Plains Educational Cooperative; *Biology, Chemistry and Earth Science*: Leland Francis, USD 314 Brewster; *Early Childhood Special Education*: Angela Larson and Tasia Markowitz, USD 253 Emporia; Stephanie Hegarty, USD 320 Wamego; and Wilena Peterson, USD 495 Ft. Larned; *French - extension of number of days*: Sabina Akes, USD 346 Jayhawk; *Functional Special Education*: Laura Stroth, USD 233 Olathe; *General Music*: Alice Collett, USD 314 Brewster; Gifted: Meshell Barker; USD 475 Geary County Schools; and Susanne Murphy, USD 501 Topeka Public Schools; *Interrelated*: Robert Tipton, USD 253 Emporia; Trisha Kellenbarger, USD 260 Derby; Mary Rupe, USD 305 Salina; Jean Phillips and Lucretia Lowe, USD 465 Winfield; Janette Bowen and Leslie Banks, USD 475 Geary County Schools; Mary Fox-Lippert, USD 490 El Dorado; Shawn Neill, USD 497 Lawrence; Stephanie Dickson and Scot Vink, USD 501 Topeka Public Schools; Eugene Schinstock, D0 610 Reno County Education Cooperative; Jane Jones and Debra Berg, D0 611 High Plains Educational Cooperative; Dawn Miller, D0 613 Southwest Kansas Area Cooperative; and Carisa Funk, D0 617**

**Marion County Special Education; *Interrelated - extension of number of days:* Brenda Jo Ozier, D0 607 Tri-County Special Education Cooperative; *Mathematics - extension of number of days:* Michael Reichenberger, USD 267 Renwick; and Sharon Wenger, USD 497 Lawrence; *Physical Education:* Michael Hunter, USD 312 Haven Public Schools; and *Visual Impaired:* Myra Horton D0 610 Reno County Education Cooperative.**

- **Received FY 2006 second quarter reports from the Kansas State School for the Deaf and the Kansas State School for the Blind.**
- **Approved a request from USD 203, Piper, granting it authority to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.**

**EXECUTIVE SESSION**

**Mrs. Rupe moved, with a second by Mr. Willard, that after a ten minute break the Board go into executive session at 5:10 p.m. for a period of thirty minutes, for the purpose of discussing personnel matters of nonelected personnel so that the privacy, confidentiality and other rights of such personnel would not be not violated, and that the open meeting of the Board resume in the Board Room at 5:40 p.m. The motion carried. The Board went into executive session at 5:10 p.m. and the open meeting resumed early at 5:35 p.m.**

**RECESS**

**There being no further business the meeting recessed at 5:35 p.m.**

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**Steve Abrams, Chairman**

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**Penny Plamann, Secretary**

KANSAS STATE BOARD OF EDUCATION  
MEETING MINUTES

March 15, 2006

CALL TO ORDER

Chairman Abrams called the meeting to order at 10:02 a.m. on Wednesday, March 15, 2006, in the Board Room of the State Education Building, 120 SE 10<sup>th</sup> Avenue, Topeka, Kansas. Chairman Abrams announced that the Board meeting was being broadcast over Kan-Ed Live! and expressed his appreciation to the Board of Regents for making it possible.

ROLL CALL

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

Mrs. Martin moved, with a second by Mr. Bacon, that the agenda be approved as proposed. The motion carried.

BOARD REPORTS

Board Chairman

*Election of KSHSAA Board of Directors Member*

Mrs. Gamble nominated Mrs. Waugh to serve on the Kansas State High School Activity Association's (KSHSAA) Board of Directors. Dr. Wagnon moved, with a second by Mr. Willard, that Mrs. Waugh be elected to KSHSAA's Board by a unanimous ballot, to serve a two-year term to run from July 1, 2006 through June 30, 2008. The motion carried unanimously.

Chairman Abrams reported that he had contacted Board members about proceeding with the goal-setting exercise it had begun in February. He reported that because only one member had indicated a desire to proceed, no additional session would be scheduled.

Chairman Abrams reported on an upcoming day and a half NASBE meeting in April on nutrition and physical activity for school children and asked if any Board members would like to attend as part of the state team. Mrs. Morris and Mrs. Gamble both indicated their interest in attending.

Chairman Abrams reported that a resolution had been passed by the House which requested that the State Board mandate physical education in grades K-12. During the discussion that followed, Mrs. Waugh indicated she would like more information on the current state of physical education in Kansas schools.

Legislative Coordinator

Mr. Willard stated he thought it would be good to get input from Board members on the different school finance plans being proposed. Mrs. Gamble stated her concern that neither plan addressed high risk students in outlying areas of high need in the state. Mrs. Martin stated she liked the idea of allowing districts to use their own discretion on how the funds for at-risk should be used.

Board Attorney

Mr. Biles reported that there had been no activity from either the state or federal courts regarding school finance. There was brief discussion about possible implications of a multi-year school funding plan being enacted by the legislature. Mr. Biles advised the Board that at some point the Court would want to know if the Board felt that an effective resolution was in place. He stated that the Court may or may not accept a multi-year plan. Mr. Bacon moved, with a second by Mr. Willard, that the Board accept Mr. Biles' report and pay his fees for services and expenses for February as presented. The motion carried.

Other Board Member Reports

Mrs. Gamble reported that she had attended an emergency meeting of the KSHSAA Executive Board to deal with the request that a Lawrence student enrolled for one hour per day on campus, with the rest of his class work being done on-line, be allowed to participate in a statewide music competition. She reported that the Executive Board concluded that the way local districts are now viewing virtual students is different than in 2001 when KSHSAA adopted its policy prohibiting their participation in statewide competitions. Because of that, the Executive Board acted to allow the student to participate as had been requested. She noted that there was a concern that when the State Board makes policy decisions, or changes in regulations there should be better coordination with other organizations that might be affected. Mrs. Gamble also brought up a recent ACT report on college readiness. In the discussion that followed, she requested that the Board have a discussion of using the ACT as the high school assessment.

Mrs. Gamble expressed concerns about a FAQ (Frequently Asked Questions) brochure about the Kansas science standards sent to her by someone who had received it at a meeting in Manhattan. She indicated she was concerned because it referred readers to the KSDE website for further information, making it appear as if it were authorized by the Department. She indicated that it also included the address of another website with Intelligent Design connections. She questioned who wrote it and how it was being paid for. Chairman Abrams responded that it had not been authorized by the Department or by the Board, adding that individual Board members had the prerogative to pursue actions about which there was not full Board agreement. Mr. Bacon stated that he felt it would be a good idea for the department to develop a brochure that Board members could hand out to constituents across the state concerning the science standards because there seemed to be confusion about them. He suggested that the brochure referred to by Mrs. Gamble be given to staff as a starting point in developing something. Mrs. Rupe agreed that it would be best if information regarding the science standards came from the department. Mrs. Martin said that the brochure that was being discussed came about in response to an issue with a local board in her state board district. When she became aware that they were considering not approving for use the science standards recently adopted by the State Board, she contacted them and referred them to "Frequently Asked Questions" on the department's website and also printed them off and sent them to the board for them to consider. Later, she reported she received brochures containing the same information printed in a nicer format from the authors of the minority report who had wanted to have a more attractive document to give to local school boards to help them understand the standards and the definition of science in the standards. Mrs. Martin said she had taken the nicer brochure to the superintendent of the district to give to members of his board. Commissioner Corkins indicated he would be happy to have a staff develop a brochure if that was what the Board desired.

**Mrs. Gamble, referring to Dr. Case's presentation during the Open Forum about the work that the majority members of the science writing committee had done on the science standards, stated that she would like to see a comparison done by staff of that document to the one that had been adopted by the Board. She said she would also like to see both documents on the Department website so that professional educators can**

have all of the information available about controversial issues in order to make a judgment as to which set of standards fits their needs the best. Dr. Wagon stated that he thought it would be good for the Board to revisit the standards in light of the errors that had been corrected and improvements made by the science writing committee that Dr. Case had reported on.

Dr. Wagon handed out information about an upcoming presentation in Topeka on April 7<sup>th</sup> by Alan November on the relationship between technology and teaching and learning. Mrs. Rupe passed out and reviewed the proposed schedule for the April Board meeting in Wichita.

Mrs. Martin reported that she had contacted Representative Decker about some misconceptions in the resolution she was planning to introduce which Mr. Dennis had shared with the Board on Tuesday. She explained that she clarified the difference between a longitudinal database as approved by the Board and the student growth model Representative Decker had referred to in her draft.

#### Requests for Future Agenda Items

Mrs. Morris requested a presentation by the Quest Learning Center in Hutchinson. She also asked for information from staff about due process procedures for substitute teachers. Chairman Abrams suggested that the issue initially be addressed in a Commissioner's Friday Letter. Mr. Bacon requested a presentation about K-12 physical education as mentioned earlier. Also mentioned earlier for future agendas, were discussions about using the ACT as the high school assessment, and a comparison of science standards which were adopted to those which had been corrected by the majority members of the science writing committee.

Mrs. Martin mentioned that she had passed out a proposal she would like Board members to consider. She recommended that the quality criteria for "physical education, which shall include instruction in health and human sexuality" in QPA regulation 91-31-32 (c)(9)(G) should be modified to require that a nine week course of instruction in abstinence until marriage be included, at some time between 6<sup>th</sup> and 12<sup>th</sup> grade. Mrs. Martin stated she did not feel that the change would be specifying curriculum, pointing out that there were several good curriculum resources available for districts to consider for adoption. She also noted the requirement that a course in Kansas history be taught as part of the requirement for history/government programs. She added that she believed the message from the Board should be that students should live up to the expectations of listening to what they are taught and to be trustworthy; and that they will be trusted to control their emotions and reactions. She added that students should receive the message that they will be given good information and that they should rely on their good judgment to do what they know is right based upon it. Mrs. Gamble felt that by identifying a particular line of instruction, the Board would be mandating a curriculum. She asked that there be a legal opinion about the Board's authority to mandate such a proposal when it is discussed.

#### PRESENTATION ON GROWTH MODELS

Deputy Commissioner Posny reviewed various models which are used in accountability systems to determine improvement in academic performance within systems or improvement in performance by individual students. In addition to defining the models and how each are used, she shared the advantages and disadvantages associated with each one. She discussed current growth model requirements under NCLB and problems associated with the NCLB requirement for 100% proficiency were discussed, as well as the issue of allowing students the necessary time to become

**proficient. Also discussed were policy questions that the Board would need to answer when considering a change to a student growth model from a status model. Dr. Posny also explained the architecture behind an accountability system**

and reviewed some of the data elements required. In the discussion and questions during her presentation, Mrs. Morris asked Dr. Posny for information on the Kentucky program for ungraded K-3 classes.

The Board took a break from 10:45 to 10:52 a.m.

#### ACTION ON MODEL HEALTH STANDARDS

Dr. Posny reported that it had been requested that the Model Health be brought back to the Board for consideration and action. She noted that they were last presented to the State Board in September 2005 and one issue remained to be resolved. It was a paragraph to be included in the introduction of the standards. Mrs. Rupe moved that the State Board approve the model health standards and adopt option one, which read, "Two methods are available to obtain parental permission for students to participate in sexuality education: opt-in and opt-out. With both methods, parents are informed that students will be receiving sexuality education. The opt-out method requires parents to return a consent form only if they do not want the student to participate; while the opt-in method requires parents to return a consent form in order for the student to participate. The Health Education Standards Committee agrees that the opt-out method results in more students obtaining needed sexuality education and also creates less administrative burden. However, each school district determines which method to use. Appendices to this document provide a sample parental letter for both the opt-out and opt-in methods." Dr. Wagon seconded the motion. In discussing her motion, Mrs. Rupe stated that when the standards had come up before there had been a lot of discussion about parents having more information. She said she felt that both the opt-in and the opt-out method accomplished that goal; both provided parents with necessary information; and both got parents involved. She added that she didn't believe the opt-in method would get more parents involved, but would create administrative problems with schools trying to determine the true intent of parents who had not returned the permission forms – whether they were parents who didn't want their children to receive the education or just parents who had forgotten to sign and return the forms. She discussed the fact that local boards were in the best position to make these kinds of decisions for the students in their communities.

Mr. Bacon said he didn't see how the proposal would require any more than what is currently done in local districts or how it would ensure that parents would be any more informed. He indicated that he had heard from constituents that parents are not getting enough information to make the decision about their children's participation until after the class was already taking place. Mrs. Waugh reported that some of her districts had reported the difficulties they would have with an opt-in program and which might lead to the elimination of teaching human sexuality. She reported that one district had such difficulty in getting consent forms returned, that they had a blanket consent form for field trips and even that took the district two months to get them all returned. Another district reported to her that they would probably have to add two employees just to deal with the consent forms. She also said that the local boards of two of her districts had adopted the opt-in policy, adding that she believed the method to use for student participation should be a local decision. She said to mandate an opt-in policy would be telling local boards that the State Board did not trust them to make the right decisions for their communities. Mrs. Gamble stated that there might be some concerns about the kind of information parents were receiving. She felt that if those concerns existed, the State Board had no control over it because it was a local issue. She added that she supported the motion and felt the option provided direction to help local districts develop their curriculum and use whatever method of notification would best meet their needs. Mrs.

**Martin said she felt if the State Board could be assured that the content the students would be receiving was what the State Board believed was appropriate, she could support the opt-in or opt-out options offered in the motion, noting that she had voted for the proposal earlier. Because of more information she had since received, she said**

she had questions about the content they were receiving. She added that she felt that what was presented to students had to be the best and only message that should be given to them, such as the proposal for instruction in abstinence until marriage which she had earlier presented as a future agenda item. She added that once that was addressed and in place she could support the option of letting school districts decide what the best method for addressing student participation was. She indicated that she didn't believe that parents were always being adequately informed and that the message being presented to students in Kansas wasn't a message that she, personally, or that the Board as a whole, ought to have as a policy. The motion failed on a vote of 4-5-1, with Mrs. Martin, Mrs. Morris, Mrs. Van Meter, Mr. Willard and Mr. Bacon voting "no" and Dr. Abrams abstaining.

Mrs. Gamble asked, since the standards had been defeated again, if it was the intent of the Board to address human sexuality education in a regulatory manner where accreditation of schools would be affected by a particular curriculum that the Board would be mandating. Chairman Abrams indicated that there was a possibility that the issue would be taken up as a future agenda item, but didn't believe that mandating a curriculum would be part of it, though that decision had not yet been made.

Mr. Bacon moved that the State Board approve the model health standards with the option two paragraph being inserted which read, "Parental permission for students to participate in sexuality education must be obtained. The State Board mandates the use of the "opt-in" policy, which requires parents to return a consent form allowing a student to participate in the class. Appendix A includes a sample opt-in parental letter, including the use of an attached checklist, in which teachers are required to check the specific topics they will cover in their respective human sexuality class." Mrs. Morris seconded the motion.

Dr. Wagnon stated that he was opposed to directives, such as what was proposed, on the part of the State Board. He said he believed that the State Board's only mandate was that a course in sex education be offered as a part of health education, though the course content had not been mandated and neither were the conditions for how participation should be determined. Dr. Wagnon added that the State Constitution provides that local districts are to be controlled by local boards. He noted that he believed the State Board could require, under its general supervision responsibility, local districts to offer a certain course of study, such as sex education, but couldn't mandate what was in it, nor could it tell districts how they were to admit students to a particular class. He noted that local districts could ignore such conditions imposed by the State Board because they were outside its authority. Dr. Wagnon stated that he felt that proceeding in the manner proposed would further erode the Board's leadership in working with local districts, noting he felt it was a wedge issue undermining the Board's credibility. He also added that he felt it was a misguided effort to impose a particular value system at the state level on local communities and went outside the scope of the Board's responsibility. Mrs. Gamble stated she also objected to issuing mandates which the Board had no authority to enforce. Noting that such mandates could be totally ignored by local districts, she expressed concern that they might also ignore other valuable information on how they might build and improve their curriculum.

Mr. Willard offered the suggestion that perhaps the Board should not mandate sex education at all, and leave the decision entirely up to local boards. He asked for the opinions of other Board members and also inquired if there was a federal mandate that sex education be taught. Dr. Posny reviewed the language in the QPA regulation 91-31-32, Performance and Quality Criteria, which

**required instruction in human sexuality as a part of health education. Chairman Abrams asked if that was the only requirement and she confirmed that it was. Mr. Bacon stated that the question of the Board requiring sex education was**

something that could be discussed when the QPA change proposed by Mrs. Martin was brought up. Mr. Bacon said, also, that he agreed with much of what Dr. Wagnon had said, pointing out that the health standards were model standards and that teachers were free to determine their own curriculum as long as it was in agreement with their local community. Mr. Bacon emphasized that he was trying to ensure that parents are given the opportunity to be well informed and get information about what would be taught. He said he felt it would give schools an opportunity to practice the good parent-teacher communication that the Board believes should be occurring. He noted, too, that it could possibly provide districts some protection from liability if what is being taught is somewhat controversial, adding that if a parent has opted-in, that parent has given his or her approval.

Mrs. Waugh shared her experience as a parent. She indicated her district provided parents with the option to opt their children out of human sexuality education and were given the opportunity to review the curriculum that would be taught. She reported that she went through the books and the materials that would be used and because she felt comfortable with them, did not choose the opt-out option. She said it was hard for her to believe that districts were not still providing similar opportunities for parents, adding if parents were not taking advantage of the opportunities offered, it was not the fault of the district. Mrs. Gamble stated she believed that this would be the first time in any curricular area the Board would potentially deny education to students. She added that there were very many good reasons for students to have the information they would get in a human sexuality course. Chairman Abrams stated that the proposal was not about denying an education to students; it was about empowering parents. Mrs. Morris agreed. The motion carried 6-4, with Mrs. Rupe, Mrs. Gamble, Mrs. Waugh and Dr. Wagnon voting no”.

#### APPROVAL OF BOARD TRAVEL

Mr. Bacon moved, with a second by Mrs. Morris, that the Board travel requests be approved as presented. The motion carried. Chairman Abrams reminded Board members about the need to pay for meals at meetings unless they are a speaker.

#### ADJOURNMENT

There being no further business, the meeting adjourned at 11:20 a.m.

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Steve Abrams, Chairman

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Penny Plamann, Secretary