APPROVED

KANSAS STATE BOARD OF EDUCATION
Meeting Minutes

March 9, 2010

CALL TO ORDER

Chairman Waugh called the March meeting of the State Board of Education to order at 9:00 a.m., March 9, 2010 in the Board Room of the Kansas Education Building, 120 SE 10th Avenue, Topeka, Kansas.

3/9/10 a.m. session audio archive (00:06:01)

ROLL CALL

All members were present:

John Bacon	Kathy Martin
Carolyn L. Wims-Campbell	Jana Shaver
Sally Cauble	Sue Storm
Walt Chappell	Janet Waugh
David Dennis	Ken Willard

STATE BOARD MISSION STATEMENT, MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Chairman Waugh read the Mission Statement of the Board and then called for a moment of silence. The moment of silence was followed by the recitation of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

(00:08:01)
MOTION

Chairman Waugh indicated that members had in their folders an amended 16. b., unclassified special project appointments, and a revised copy of 16 i., Title I School Improvement Grants for 2010. Mrs. Martin moved, with a second by Mrs. Cauble, that the agenda be approved with the inclusion of the proposed revisions and amendments. Discussion followed. Mr. Dennis stated he would like to have presentation materials included with the information sent to the Board prior to the Board meeting. Dr. Chappell asked to pull item 16.i. from the Consent Agenda. Mrs. Cauble did not agree to the agenda as it would be amended by Dr. Chappell's request and withdrew her second. Mr. Willard provided a second to the motion as amended. The motion carried 7-3, with Dennis, Waugh and Cauble voting in opposition.

APPROVAL OF MINUTES

(00:11:07)
MOTION

Ms. Storm moved, with a second by Mrs. Martin, that the minutes of the February meeting be approved as distributed. The motion carried 9-1, with Chappell voting in opposition.

MOTION
(00:15:22)

Discussion followed. Dr. Chappell moved that more clarity be added to the minutes regarding what the Board actually discussed on the issues on the agenda. The motion died for lack of a second.

COMMISSIONER'S REPORT – UPDATE ON THE COMMON CORE STANDARDS INITIATIVE

(00:16:40)

Interim Commissioner DeBacker provided an update to the Board on the Common Core Standards (CCS). She indicated that the public comment period for the Standards would begin with their availability to the public online March 10th and would continue through April 2nd. She reported that the current plan for a public release of the final version of the standards would be at the end of May. At the earliest, the standards would come to the Board in June for action in July. A lively discussion followed regarding the standards and the Race to the Top grant. There was a request that the Board be more involved with the common core standards and the Race to the Top grant. In response to a question from Dr. Chappell regarding Kansas' scores in the *2009 State Teacher Policy Yearbook*, Dr. DeBacker indicated she would address the issue in a Friday letter or at a future meeting.

PRESENTATION ON GRADUATION REQUIREMENTS

(00:57:45) Julie Ford, Director of Title Programs and Services, presented information about QPA graduation requirements; the results of a survey of districts across the state regarding their requirements; and the requirements of surrounding states. It was staff's recommendation that the graduation requirements not be changed at the current time. Next steps suggested included sharing the survey results with the QPA Advisory Council; continuing to be alert accountability issues which may arise with the reauthorization of the Elementary and Secondary Education Act (ESEA) or other policy decisions that may affect graduation requirements. Follow-up from the ensuing discussion included requests to have the topic on the agenda again, so the Board could begin to make policy decisions, and for additional information about dual credit opportunities.

Mr. Bacon left the meeting at 10:30 a.m.

CITIZENS' OPEN FORUM

(01:36:58) Chairman Waugh declared the Citizen's Open Forum open at 10:31 a.m. Shari Wilson, Kansas City, representing the Kansas Association for Conservation and Environmental Education handed out information and spoke to the Board about the upcoming KACEE Awards Celebration and the Green Schools Conference in July. Chairman Waugh declared the Open Forum closed at 10:35 a.m.

APPROVAL TO FORM A HEARING PANEL IN A SPECIAL EDUCATION COOPERATIVE MATTER

(01:41:48) After an explanation of the issue, Mr. Willard moved, with a second by Mrs. Wims-Campbell, that the State Board approve the appointment of a panel to review a petition from USD 398 Peabody Burns to withdraw from the #617 Marion County Special Education Cooperative per K.S.A. 72-8230. After brief discussion, the motion carried 9-0, with Mr. Bacon absent.

BREAK
(01:51:16) The Board took a break from 10:45 to 10:55 a.m. Mr. Bacon returned after the break.

RECEIVE CHARTER SCHOOL PETITION

(02:02:10) Dr. Ford reviewed the history of charter schools in Kansas and the charter school process. She also reviewed the rubric used in scoring charter school petitions. Total possible points using the rubric would be 188. She reported that the one petition received this year, Word of Life Traditional School, with a score of 47, did not meet the minimum score of 141 to be recommended for approval. Discussion followed and the ineligibility of the private school to become a charter was discussed. After consultation with the Board attorney, a decision to take action on the petition was made.

MOTION
(02:25:03) Mr. Dennis moved, with a second by Ms. Storm that the State Board accept the recommendation of the review panel that the Word of Life Traditional School's petition for status as a charter school be denied because it did not meet the minimum requirements for approval. Further discussion followed. The motion carried 7-1-2, with Chappell voting in opposition and Bacon and Willard abstaining.

PUBLIC HEARING DATE ON PROPOSED AMENDMENTS TO SPECIAL EDUCATION REGULATIONS

(02:27:53) After receiving a brief explanation of the need to set a public hearing date on the proposed special education regulation amendments, Mrs. Martin moved, with a second by Mrs. Shaver,

(02:29:01) that the State Board set a public hearing on the proposed amendments to special education regulations, K.A.R. 91-40-1 and 91-40-27 regarding parental consent, for Tuesday, June 8, 2010, at 1:30 p.m., or as soon as possible thereafter, in the Board Room of the State Education Building, 120 S.E. 10th Avenue, Topeka. During the discussion of the proposed amendments it was confirmed that the Special Education Advisory Council (SEAC) would also be meeting in April. Dr. DeBacker asked that SEAC's opinion about the amendments and Board member concerns be reported to the Board in May. After further discussion, the motion carried.

REQUEST FOR RECOGNITION AS AN EXCLUSIVE BARGAINING UNIT

Kevin Ireland reviewed and answered questions about the request which was presented to the Board last month. He indicated that the Board would have to designate Board members to serve on the contract negotiations team. Ms. Storm moved that the Kansas State Board of Education grant the request of the Kansas School for the Deaf-NEA to be recognized as the exclusive representative of the professional employees in the negotiating unit described in its request. Dr. Chappell seconded the motion. A lengthy discussion followed with questions about whether a majority of the teaching staff claimed by KSD-NEA was accurate. (02:59:51)

MOTION (03:35:33)

Mrs. Shaver called for the question, with a second from Ms. Storm. The motion carried 8-1-1, with Bacon voting in opposition and Willard abstaining. The original motion carried on a vote of 7-3, with Martin, Bacon and Willard voting in opposition.

The Board attorney cautioned Board members to not have conversations with individuals at KSSD or KSSB regarding anything having to do with upcoming contract negotiations.

The Board recessed for lunch at 12:32 and the meeting reconvened at 1:32 p.m. **LUNCH RECESS**

JOINT PRESENTATION BY KSDE AND KDH&E ON KANSAS SCHOOL WELLNESS POLICY GUIDELINES AND THE HEALTH OF KANSAS CHILDREN

Roderick Bremby, Secretary of the Kansas Department of Health and Environment (KDHE), and Jodi Mackey, Director of KSDE's Child Nutrition and Wellness team, addressed the Board on the two of the largest health concerns, tobacco use and childhood obesity, and why these issues need to be addressed more aggressively in the schools. As a result of the presentation and the discussion that followed, staff was directed to move forward with activities that would help the Board as it considers adoption of the Department's recommendation that the State Board establish a policy that schools achieve the exemplary level of *The Kansas School Wellness Policy Model Guidelines* by 2015. Activities would include getting input from schools and the public; the development of a fiscal note on implementation; and updating the Board regularly on activities. Mrs. Cauble also asked for information on the current physical education standards. 3/9/10 p.m. session audio archive (00:03:58)

The Board took a break from 3:06 to 3:17 p.m. **BREAK** (01:34:37)

BOARD MATTERS – BOARD REPORTS

Chairman Waugh reported that her two-year term on the Kansas State High School Activities Association (KSHSAA) Executive Board would expire June 30, 2010. She suggested someone else might like the opportunity to serve on the KSHSAA Board. Mrs. Martin moved, with a second by Ms. Storm, that the State Board of Education appoint Dave Dennis to serve on the KSHSAA Executive Board beginning July 1, 2010 and Carolyn Wims-Campbell to serve on the KSHSAA Board of Directors for a two-year term effective the same date. The motion carried 9-0, with Chappell out of the room. **Chairman** (01:44:42) **MOTION** (01:46:00)

Board Attorney Ferguson reviewed his written report and provided additional information for several items. Mr. Willard moved that the State Board approve payment of Mr. Ferguson's fees for legal services for the month of February. Mrs. Wims-Campbell seconded the motion which carried 10-0. **Board Attorney** (01:47:57) **MOTION** (01:49:43)

Dr. Chappell made a motion to ask the legislature to modify K.S.A. 72-7512 as follows: "…The attorney for the state board shall attend ~~all~~ meetings of the state board *as requested by a majority of the state board* and render such legal services as are directed by the state board ~~or the commissioner~~. In the discussion that ensued, Mr. Dennis objected that the Chappell motion was out of order because the issue had previously been voted down and Dr. Chappell had voted with the minority. He noted that only someone who voted with the prevailing side could make a motion **MOTION** (01:51:17)

MOTION
(01:55:24)

to reconsider the issue. Mrs. Martin said she would make the motion and Dr. Chappell provided the second. Several Board members spoke in opposition to the motion, which failed on a vote of 2-8, with Wims-Campbell, Cauble, Storm, Waugh, Shaver, Bacon, Willard and Dennis voting "no".

Board Member Reports
(02:06:29)

Mrs. Cauble presented the NASBE Governmental Affairs Committee recommendations regarding the reauthorization of ESEA. There were no objections voiced by the Board. She also spoke briefly about the upcoming NASBE legislative conference.

Ms. Storm and Dr. Chappell both reported on budget meetings in their districts and cuts that were proposed for the 2010-2011 school year. Dr. Chappell referred to a survey of districts conducted by the Department regarding potential cuts. He also handed out school funding and spending information published by the Kansas Policy Institute. Lastly, Dr. Chappell reported on the Green Schools Summit he had attended and a presentation by students from the Clifton-Clyde district. He requested that they be invited to make a presentation to the Board in April or May. Mr. Willard shared his concerns about the emphasis put on the state assessments and the impact it was having on school children.

Requests for Future Agenda Items
(02:36:02)

Mrs. Martin also requested that the students from the Clifton/Clyde district be invited to make a presentation on the district's Green School Award. Ms. Storm requested that the Board and Commissioner begin the discussion about looking for a new General Counsel for the Department.

Mrs. Shaver requested an update on common course codes. A request was made to have Senator Steve Abrams make a presentation to the Board about his school funding proposal. Dr. Chappell requested a meeting with the Postsecondary Technical Advisory Authority.

The Board had a brief discussion about the agenda for the visits to the Kansas State School for the Deaf and the Kansas State School for the Blind and what was contained in their quarterly reports. The majority of the Board appeared to be satisfied with the way the visits were conducted and with the content of the reports from the schools.

BREAK
(02:52:23)

The Board took a break from 4:24 to 4:32 p.m.

LEGISLATIVE MATTERS
(03:00:14)

Dale M. Dennis, Deputy Commissioner for Fiscal Services and Administrative Services, reviewed and answered questions about FY 2010 budget cuts by program; State General Fund receipts and revenue projections; the Governor's FY 2010 budget balancing plan to meet an $85 million shortfall; late state aid payments to schools; the Senate Ways and Means Committee budget recommendations compared to the Governor's recommendations for FY 2010 and FY 2011; and handed out a survey of cuts being considered by school districts.

Deputy Commissioner Dennis also discussed with Board members education-related bills of interest. Affecting the Board directly was a bill that had already been signed by the Governor that would impose a 5% salary cut through the end of FY 2010 on elected officials and agency heads.

Legislative Coordinator
(03:48:18)

Ms. Storm asked Deputy Commissioner Dennis to share with Board members information on SB 557 which would allow a teacher to renew his/her professional license without professional development points if his/her school made Adequate Yearly Progress (AYP). It was moved by Ms. Storm moved, with a second by Mr. Willard, that the State Board oppose SB 557 and present written testimony on it. The motion carried 10-0.

MOTION
(03:50:57)

CONSENT AGENDA

Mrs. Cauble moved, with a second by Mrs. Shaver, that the State Board approve the Consent Agenda, with the exception of item i., funding for 1003 (a) School Improvement Grants for 2010. The motion carried. In the Consent Agenda the State Board:

MOTION
(03:51:47)

- Received the monthly personnel report.
- Confirmed the appointment of Brenda Wilson to the position of Assistant Director on the Information Technology team effective February 21, 2010, at an annual salary of $70,000.
- Approved school construction plans for USD 237, Smith Center; USD 244, Burlington; USD 259, Wichita (3); USD 373, Newton; USD 267, Renwick; USD 475, Geary County Schools; USD 453, Leavenworth; Resurrection Catholic School, Bel Aire; and USD 467, Leoti.
- Approved recommendations of the Licensure Review Committee on cases 2640, Kelley Ebel and USD 207 Fort Leavenworth; 2641, Tiffany Truitt and USD 259 Wichita; and Case 2642, Sherrie Shaver.
- Accepted the recommendations of the Evaluation Review Committee for "Program Approval" for ***Central Christian College***: "Approved" status for the following programs through December 31, 2014 for Elementary (I, K-6), History/Government (I, 6-12), and Physical Education (I, PreK-12); ***Ottawa University:*** "New Program Approved with Stipulation" status through December 31, 2012 for Building Leadership (A, PreK-12) New Program; and ***Southwestern College*** "Approved" status through December 31, 2014.for Mathematics (I, 6-12).
- Approved the requested modification of the Doniphan County Education Cooperative Interlocal Cooperation Agreement.
- Accepted the recommendation of the Evaluation Review Committee for "Continuing Accreditation" for Kansas State University through December 31, 2016.
- Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Adaptive Special Education:* Sandra Peters, USD 259; Anne Browning, USD 330; Erik Billings, USD 373; Renae Hukill, Megan Brust, Brian Shepherd, Juana Pavlis, Amanda Miner and Jodi Wilson, USD 457; Walter Webster, USD 475; Maria Castigliano and Laura Bosserman, D0 602; Dana Setter, D0 605; Erica Bunton, Nicole Woodard and Jordan Means, D0 618; Robert McConnell, D0 620; Mendy Hutson, D0 711; Debbie Chou and Chad Menking, D0 713; *Adaptive Special Education - Extension on the number of days under an emergency substitute license:* Denice Degenhardt, USD 428; *Early Childhood Special Education:* Elizabeth Beauchamp and Kimberly Stevens, USD 230; Ann Haefke, USD 379; Suzanne Vogts, USD 419; Alyson Burkhart, USD 428; Lisa Kietzman, Nicole Spanier, Melanie Service and Kara Drohman, USD 457; *Functional Special Education:* Audriene McConico and *Gifted:* Kimberly Bookhout, USD 259; Brian Steib and Beth Love, USD 443; Rachael Hoeme, USD 457; *Library Media Specialist:* Sharon Parks, USD 457; and *Science - Middle Level:* Trent Bright, USD 227.
- Approved the Education Flexibility Partnership waiver request from USD 423 Moundridge for Moundridge Elementary School.
- Approved Title II Part B Mathematics and Science Partnership continuation Grants for 2010-2011 for Kansas State University in partnership with USD 320, USD 378, USD 379, USD 383, USD 475 and USD 500 the amount of $150,000; and Emporia State University in partnership with USD 243, USD 245, USD 251, USD, 252, USD, 287, USD 288, USD, 390, & USD 456 the amount of $ 149,999.
- Approved Enhancing Education Through Technology Continuation Grants Phase 7 Year 2 in the amount of $28,000 per district for USD 313 Buhler, Prosperity Elementary School; USD 465 Winfield, Whittier and Irving Elementary Schools; USD 481 Rural Vista, White City Elementary School; USD 383 Manhattan, Frank Bergman Elementary School; USD 352 Goodland, Central Elementary and Grinnell Grade Schools; USD 259 Wichita, Clark and L'Ouverture Elementary Schools; and USD 263 Mulvane, Mulvane Grade School; and

Competitive Grants in the amount of $125,000 per district for USD 253 Emporia, Lowther South Intermediate School; USD 308 Hutchinson, Avenue A Elementary School; USD 446 Independence, Washington Elementary School; USD 331 Kingman-Norwich, Kingman Elementary School; USD 343 Perry-Lecompton, Lecompton Elementary School; USD 345 Seaman, Elmont Elementary School; USD 252 Southern Lyon County, Neosho Rapids Elementary School and Olpe Elementary School; USD 259 Wichita, Allen Elementary School; USD 313 Buhler, Prairie Hills Middle School, USD 244 Burlington Schools, Burlington Middle School; USD 505 Chetopa-St. Paul, Chetopa Junior High; USD 315 Colby, Colby Middle School; USD 258 Humboldt, Humboldt Middle School; USD 309 Nickerson-South-Hutchinson, USD 309-Reno Valley Middle School Hutchinson and USD 495-Larned Middle School; USD 358 Oxford, Oxford Middle School and USD 334, Jackson Heights Middle School, Holton; USD 349 Stafford, Stafford Middle School; and USD 214 Ulysses, Kepley Middle School.

Contracts Approved:

The State Board authorized the *Commissioner of Education* to negotiate and enter into a contract with:

- Harvard University from April 2010 through April 2011 for training six superintendents and three KSDE staff to develop a superintendent mentoring program in Kansas in an amount not to exceed $30,000; and
- the Goffin Strategy Group, LLC for developing a strategic plan for a School Readiness Research Plan and Data Collection Plan, in an amount not to exceed $40,000.

RECOMMENDATIONS FOR FUNDING THE 1003 (A) SCHOOL IMPROVEMENT GRANTS FOR 2010.

MOTION (03:52:22) Mrs. Shaver moved that the Board approve the recommendations for funding 1003 (a) School Improvement Grants for 2010 for Schools. Mr. Dennis seconded the motion. After a short discussion, the motion carried 9-1, with Chappell voting in opposition.

Grants approved were for Kepley Middle School, Ulysses USD 214, $75,000; Cottonwood Intermediate School, Liberal USD 480, $100,062; South Middle School, Liberal USD 480, $124,967; Districts: Ulysses, USD 214, $234,022; Wichita, USD 259, $315,425; Haysville, USD 261, $200,000; Ottawa, USD 290, $17,990; Morris County, USD 417, $20,076; Mullinville, USD 424, $80,000; Coffeyville, USD 445, $200,000; Leavenworth, USD 453, $200,000; Garden City, USD 457, $200,000;and Liberal, USD 480, $200,000.

ACT ON BOARD MEMBER TRAVEL REQUESTS

(03:56:08) Mrs. Shaver asked to have mileage added to her request for April 8th and Mrs. Cauble asked that her request for March 8th be deleted. A brief discussion followed. Ms. Storm moved, with a second provided by Mr. Willard, to approve the Board members' request for travel as amended.

The motion carried 8-2, with Waugh and Cauble voting in opposition.

ADJOURNMENT There being no further business, Chairman Waugh declared the meeting adjourned at 5:32 p.m.

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Janet Waugh, Chairman Penny Plamann, Secretary

APPROVED

KANSAS STATE BOARD OF EDUCATION
ANNUAL VISITS TO KSSD AND KSSD

March 11, 2010

The Board met on Wednesday at the Kansas State School for the Blind (KSSB) and the Kansas State School for the Deaf (KSSD) for their annual visit to the campuses. Members attending were Chairman Janet Waugh, David Dennis, Carolyn L. Wims-Campbell, Kathy Martin, Jana Shaver, and Sue Storm. Sally Cauble and Walt Chappell did not attend the visit to KSSD; John Bacon and Ken Willard did not attend the visit to KSSB.

KANSAS STATE SCHOOL FOR THE BLIND
The visit began at 8:30.m. in the dining hall of the school where Board members had coffee and had the opportunity to look at examples of student work. The meeting began at 9:00 a.m. with welcoming remarks by Superintendent Burkindine. After a tour of several elementary school classrooms and the pre-school, the Board returned to the dining hall for a presentation by students and staff on student transition activities.

The Board was joined by Accessible Arts Inc. (AAI), their board, honorees and guests for their Annual Arts Awards Ceremony. The recipient of the *2009 Distinguished Service Award in Arts and Disabilities* was Martin English. The *recipient of the Educator of the Year in Arts and Disabilities* was Robert Lackie.

After the ceremony Board members had lunch with students and departed for their visit to the Kansas State School for the Deaf.

KANSAS STATE SCHOOL FOR THE DEAF
Board members met with members of KSSD staff at 1 p.m. in the IEP Conference Room of the Parks-Bilger Building on the KSSD campus in Olathe. Presentations were made on the budget; career planning, diversity and art; a visit to the Career Lab and a new after school program for young children; KSSD's AdvancEd/ Accreditation; and a train the trainer partnership with the Kansas Department of Health and Environment. Superintendent Maile briefly reviewed KSSD's quarterly report before the visit concluded.

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Janet Waugh, Chairman Penny Plamann, Secretary