

**KANSAS STATE BOARD OF EDUCATION  
MEETING MINUTES**

**November 9, 2004**

**CALL TO ORDER**

Chairman Waugh called the meeting to order at 10:01 a.m. on Tuesday, November 9, 2004, in the Board Room of the State Board of Education Building, 120 SE 10th Avenue in Topeka, Kansas.

**ROLL CALL**

Members present were:

Steve Abrams	Janet Waugh
Connie Morris	Ken Willard
Iris Van Meter	Bruce Wyatt
Bill Wagnon	

Mrs. Gamble was unable to be present because of a trip to China organized by the Kansas Committee for International Education in Schools.? Ms. Rupe was absent because of a prior commitment.? Mr. Bacon arrived later.? The Board stood for recitation of the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

Chairman Waugh asked that the executive session be dropped from the agenda.? She also asked that the discussion of the school finance lawsuit be dropped because a decision had not yet been issued by the Kansas Supreme Court.? Mr. Willard asked that item 16 k., a contract with eScholar for the purchase of source code and implementation assistance for a unique student ID system, be pulled from the Consent Agenda. Mr. Willard moved, with a second by Dr. Abrams, that the agenda be approved as amended.? The motion carried.

**APPROVAL OF THE MINUTES**

Mrs. Morris asked that her statement regarding staff responses to her requests that faith-based organizations be included in early childhood updates be deleted from the minutes.? Dr. Wagnon moved, with a second by Dr. Abrams, that the minutes of the October meeting be approved as amended.? The motion carried.

**COMMISSIONER'S REPORT**

Commissioner Tompkins presented his monthly progress report on Board goals.? In addition to his written report, he mentioned that a printable version of the state report card would be available on-line and a link to NetSmartz had been added to the Kansas Department of Education website.? He also reported that the Kansas Educational Resource Center website had become very popular and has received many suggestions from teachers for additional links to add to it.

**KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION ANNUAL REPORT**

Mr. Gary Musselman, Executive Director of the Kansas State High School Activities Association (KSHSAA), presented the annual report of the Association for the 2003-2004 school year.? He gave Board members a handout with a brief summary of the history, role and structure of the KSHSAA; a synopsis of major changes in bylaws, and other actions by the Executive Board during the 2003-2004 year.? He also reviewed issues that had been addressed at regional meetings across the state and discussed other activities

over the past year.? Mr. Musselman also mentioned the increasing pressure in all sports for schools to participate in national events, which is prohibited by the KSHSAA by-laws.? Mr. Willard gave Mr. Musselman a copy of the report by the NASBE Commission on High School Athletics, a commission on which Mr. Willard had served over the past year.

Page 2

MINUTES

November 9, 2004

### **CITIZENS? OPEN FORUM**

Chairman Waugh declared the Citizens' Open Forum open at 10:35 a.m.? Those addressing the Board were: Shari Wilson, Kansas City, representing the Kansas Association for Conservation and Environmental Education; Kirk Fast, Ozawkie; Alan Bearman, Douglas Phenix, Rabbi Lawrence Karol, and Barry Crawford, Topeka; and Tim Miller, Lawrence. Chairman Waugh declared the citizens? forum closed at 11:04 a.m.?

The Board took a break from 11:04 to 11:12 a.m.

### **HISTORY/GOVERNMENT CURRICULUM STANDARDS**

Dr. Diane Debacker, Director of School Improvement and Accreditation, reported that the change in the economics standard language that has been agreed upon by the Board had not been included in the draft of the History/Government standards that were sent to the Board prior to the meeting.? Copies of the standards with all the agreed upon changes were handed out.? She introduced Lynn Stanley, KSDE Consultant for social studies, who had staffed the standards writing committee; Jennie Chinn, Executive Director of the Kansas Historical Society, and Linda Carlton, Curriculum Director, Wichita Public Schools, Co-Chairs of the writing committee; and Maureen Donegan, Curriculum Coordinator, Olathe Public Schools, a member of the writing committee.? Mrs. Chinn indicated the standards were being presented to the Board for its final approval.? She noted that an introduction and glossary had been added as requested.? Dr. Abrams questioned language regarding the United States Constitution used in an 8<sup>th</sup> grade civics-government benchmark.? A discussion followed about whether the indicator should be rewritten and alternate wording that would be acceptable if it were.? Mrs. Morris mentioned she had several pages of notes on the standards that she would like to think about and have resolved before acting on the standards.? She indicated she did not feel there had been enough time for Board members to study the final draft they had been sent.? Mrs. Morris moved, with a second by Dr. Abrams, that action on the standards be tabled until the December meeting.? The motion failed 5-2, with Dr. Wagon and Mr. Wyatt voting ?no??.? Chairman Waugh stated she would like Board members to get their suggestions to the committee.

Dr. Wagon moved, with a second by Mr. Wyatt, that the Board adopt the History/Government Standards as presented in the current draft.? Mr. Wyatt, noting that the Board had been looking at the standards for the past six months, urged members to adopt the standards because further delay would postpone further the benefits to students.? He thanked the committee for its good work.? Dr. Wagon complimented the committee on the way the role of Kansas history had been more clearly integrated into the standards.? He added that he was impressed with the instructional suggestions and how they tied all the disciplines together.? He also stated his hope that the Board would move forward and adopt the standards.? Mr. Willard noted he saw little to object to in the standards and that the committee had done a good job, but if other Board members had concerns, they should be addressed.? He recommended postponing action.? The motion

to adopt the standards failed 3-4, with Mrs. Morris, Mr. Willard, Dr. Abrams, and Mrs. Van Meter voting ? no?.

Mrs. Chinn expressed the willingness of the committee to address the concerns of Board members in order to get the standards approved.? She indicated it was difficult to provide an immediate response to Board members because of the need to consult with other writing committee members. ?Mrs. Chinn asked if it would be possible to have Board members? comments in advance, in writing, and perhaps have the Board appoint a sub-committee to work with the standards writing committee on resolving outstanding issues.? Mr. Willard moved that the Chair appoint a Board sub-committee to work with the standards writing committee.? The motion died for lack of a second.?

Page 3

MINUTES

November 9, 2004

Mrs. Morris mentioned two areas of concern to her.? Discussion followed about how best to proceed.? Chairman Waugh asked Dr. Abrams if there was a Board policy that would help provide some guidance.? He responded that there was not. Mrs. Waugh stated that perhaps the Policy Committee should look at the issue and see if they could develop a policy that would offer some guidance to help in the future with similar situations. ?It was decided that Board members with unresolved issues about the standards would share them by phone or e-mail with Mrs. Chinn.? If there were any that remained unresolved, they were to be put in writing and presented to the committee, which would prepare a response to the Board prior to the December Board meeting.? Mr. Willard expressed his appreciation for the committee?s willingness to work with the Board.

The meeting was running behind schedule and it was decided to postpone the presentation on proposed changes in teacher licensure regulations until after lunch.

### **LUNCHEON WITH BLUE RIBBON SCHOOLS**

The Board took a short break at 12:10 until 12:20 p.m. and returned for a luncheon with representatives of the Kansas 2003-2004 No Child Left Behind?Blue Ribbon Schools.? Mr. Bacon arrived in for the luncheon.? Board members heard from Ms. Deliece Hofen, Principal, Stanley Elementary School, USD 229-Blue Valley; Ms. Nancy Johnson, Principal, Eisenhower Elementary School, USD 290-Ottawa; ?Ms. Sue McCormick, Principal, Oakdale Elementary School, USD 305-Salina; Mrs. Nancy Hubbard, Principal, Sheridan Elementary School, USD 475-Junction City; and Mr. Johnny Fields, Principal, Jefferson Elementary School, USD 475-Junction City.? The principals discussed the challenges they faced in their districts and the factors they found to be most significant in raising student achievement.? At the conclusion of the presentations, each was presented with a certificate of appreciation and had their photographs taken with Chairman Waugh and the Commissioner.

### **PROPOSED CHANGES IN TEACHER LICENSURE REGULATIONS**

Susan Helbert, Assistant Director, Teacher Education and Licensure, explained the need for changes to teacher licensure regulation 91-1-203 and to add new regulations 91-1-220 and 91-1-221 to replace 91-1-213.? Mrs. Helbert reported that language proposed to be added to 91-1-203 (b), concerning professional licenses, would allow conditionally-licensed teachers to complete the required performance assessment while employed in either a State Board accredited school, as the regulation currently states, or in a school that is

accredited by a national or regional accrediting agency recognized by the State Board.? She indicated that without the revision, conditionally-licensed persons who are employed in non-state accredited schools, although nationally or regionally accredited, will not be able to complete the performance assessment required to qualify for a professional license.

Mrs. Helbert explained that regulation 91-1-213 concerns the technical education certificate issued to people who have knowledge, skills, and experience in a technical or vocational area, but do not have college degrees as teachers.? She reported that it has become apparent that different qualifications for this certificate are needed depending upon whether the certificate holder will be providing instruction primarily to regular education children or to children with disabilities.? Proposed regulation 91-1-220 would specify the requirements for a "standard" technical education certificate and 91-1-221 would specify the requirements for a technical education special needs certificate.? 91-1-213 would be revoked.

Mrs. Helbert reported that the technical education certificate change had been approved by the Professional Standards Board, but the revision to the performance assessment regulation would not be discussed until a joint meeting of the Professional Standards Board (PSB) and the Regulations Committee

Page 4  
MINUTES  
November 9, 2004

of the PSB later in November.? In the discussion that followed, Mrs. Helbert mentioned several national and regional accrediting organizations and reported that more were being researched for a list that would be brought to the Board for its approval.

### **DRAFT WRITING STANDARD AND REPORT ON EXTERNAL REVIEW**

Stacey Lierz-Ziegler, KSDE Consultant, who staffed the committee revising the writing standard, and Judy Henry, 8<sup>th</sup> grade teacher at Haven Middle School, USD 312, and Mary Casey, Ruppenthal Middle School, USD 407, members of the committee, presented the revised writing standard.? They noted that the writing standard would be a component of the curricular standard for Reading/Language Arts.? They reported that the committee had revised the existing writing standard's benchmarks and indicators to reflect the structure of the approved revisions to the reading standards. Those changes included benchmarks and indicators that were more specific, use of more objective language, were parallel to the structure of the reading standards, and organized by the four writing modalities?narrative, expository, technical, and persuasive writing. ?They explained that the Six Trait writing model had been subsumed into the standard.? Additionally, they had increased the number of indicators; expanded the standard to address kindergarten through 12<sup>th</sup> grade; changed the format to include instructional examples; and had added a technical writing component. Additionally, it was noted that none of the indicators had been marked for assessment because student writing submitted for the assessment would be evaluated on all indicators at the grade level assessed. ??After explaining how the standard had been evaluated by the field and revisions made to incorporate suggestions received, they reviewed the concerns from an external reviewer, Robert P. Yagelski, a professor of writing at the State University of New York in Albany.? They also shared the committee's response to his areas of concern.? In response to Board members' questions about why the committee had not made any revisions based on the external reviewer's comments, they pointed out areas of the standard where the committee felt the issues were already integrated into the standard.? Dr. Abrams asked if an introduction and glossary would

be added.? Because the standard would be part of the Reading/Language Arts standards, they explained that the introduction of the standards would be amended to address revisions to the writing standard and that additions would be made to the glossary.? Chairman Waugh noted that the standards would be brought back to the Board for approval in December.

### **UPDATE ON CHARTER SCHOOLS**

Dr. Tom Foster, Assistant Director ? Assessments, presented the Kansas Charter School Annual Report.? He also introduced Dr. Howard Shuler who will be working with charter schools in the state, visiting and helping them, as well as looking for best practices that are occurring that can be shared with other schools in the state.? Dr. Foster reported that students in Kansas charter schools are doing as well as students in other schools in the state, particularly in light of the fact they have only been in existence for a few years and are, many times, implementing new strategies with difficult students.

Mr. Wyatt left the room at 2:57 p.m.

### **ACTION ON PROFESSIONAL PRACTICES COMMISSION RECOMMENDATIONS**

Dr. Wagon moved, with a second by Mr. Willard, that State Board adopt the findings of fact and conclusions of the Professional Practices Commission and approve the recommendations of the Commission in cases 04-FC-05, 04-FC-08, 04-FC-09, 04-FC-10, 04-O-11, and 04-O-12.? The motion carried 7-0, with Mr. Wyatt absent.

The Board took a break from 2:58 until 3:10 p.m.

Page 5

MINUTES

November 9, 2004

### **PROPOSED ACTION PLAN FOR HIGH SCHOOL RESTRUCTURING**

Commissioner Tompkins reported that Board comments had been integrated into the proposed action plan for high school restructuring.? Dr. Wagon noted that it provided a good framework for future activity.? Mr. Wyatt moved, with a second by Dr. Wagon, that the action plan be approved as presented.? The motion carried.

### **LEGISLATIVE MATTERS**

Deputy Commissioner Dennis provided an update on activity related to the budget for FY 2006 and outlined a tentative timeline for comments from the Budget Director and the Governor.? He also updated Board members on the state general fund ending balance estimates for FY 2005.

Mr. Dennis also reviewed recent activity of the Legislative Education Planning Committee (LEPC) and its study of special education financing.? He indicated a proposal would probably be presented to the Special Committee on School Finance regarding the manner in which funding is distributed.? He reported that the LEPC is also struggling with the issue of students self-administering medication and have not come up with a solution.? Another issue the committee had been addressing concerned foster care and the problems for some districts with a disproportionate number of students in foster care who also had special needs.

Mr. Dennis reported that the Governor had contracted with Standard and Poore to do a comparison of district expenditures.? He shared with Board members a list of expenditure categories that could be used by districts to bring consistency as comparisons are made between districts and the dollars spent on administration and instruction and instructional support.? Dr. Wagnon asked if there was a way to include a link on the department website to district budget information for districts of comparable size and make-up.??

Mr. Dennis also reported on cuts and other changes made by school district in the 2003-2004 and 2004-2005 school year, as well as potential changes for 2005-2006.

There was brief discussion of where school sports are accounted for in district budgets.? Mr. Willard noted that the NASBE study had shown that the dollars spent on sports and the source of those funds is not widely understood.

## CONSENT AGENDA

Mr. Willard had asked that item 16 k., a contract with eScholar for the purchase of source code and implementation assistance for a unique student ID system, be pulled from the Consent Agenda.? He wanted further information about how the system might fulfill the federal requirement for tracking migrant students.? Judi Miller, Assistant Director, State and Federal Programs, indicated that Kansas was working with the U.S. Department of Education in order to work with other states on migrant student tracking. Dr. Wagnon moved, with a second by Mr. Bacon, that the consent agenda be approved as presented.? The motion carried 7-1, with Dr. Abrams voting ?no?.

In the consent agenda, the State Board:

- ? Received the monthly personnel report.
- ? Approved school construction plans for USD 442, Nemaha Valley; USD 266, Maize; Sunny Plains, Scott City; USD 219, Minneola; USD 389, Eureka; Faith Tabernacle School, Junction City; USD 390, Hamilton; and USD 309, Nickerson.

Page 6

MINUTES

November 9, 2004

- ? Set a public hearing on the revocation of Educational Excellence Grants regulations, 91-35-1 through 91-35-4 on February 8, 2005, at 1:30 p.m., or as soon as possible thereafter, in the Board Room of the State Education Building, 120 S.E. Tenth Avenue, Topeka.
- ? Set a public hearing on the amendments to the school conduct rule regulation K.A.R. 91-15-1 on February 8, 2005, at 1:30 p.m., or as soon as possible thereafter, in the Board Room of the State Education Building, 120 S.E. Tenth Avenue, Topeka
- ? Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Adaptive Special Education*: ?Michael Weatherred, USD 233, Olathe; Angela Bailey, Chrissie Barker, Mary Bridges, Julie Brown, Cara Desecki, Elissa Felts, Tracie Greening, Larry Hargrove, Janis Hastings, Gayle Hornbeck, Michelle Jacobs, Rebecca King, David MacAdam, Michelle Mankoski, Christy Neice, Christina Paine, Sharli Richards, William Schutt, Perry Warden, Sarah Wolff, and Emily

Ximinez, USD 259, Wichita; Robin Karr, USD 261, Haysville; Julie Davis-Windler and Julie Noeth, USD 305, Central Kansas Cooperative; Harley Douglas, USD 321, Kaw Valley; Michelle Haskins, USD 333, Learning Cooperative. of North Central Kansas; Michael Culp, USD 437, Auburn Washburn; Karla Holton, USD 490, El Dorado/Butler County Special Education Cooperative; Susan Williams and Lisa Wolfe, USD 453, Leavenworth County Special Education Cooperative; Sherri Kuhlman, ReNae Mann, Dee Siruta and Cheryl Soderlund, DO 602, Northwest Kansas Education Service Center; Deborah Wise, DO 607, Tri-County Special Education Interlocal; Susan Groff-Van Arendonk and Jolene Kaufman, DO 618, Sedgwick County Area Education Interlocal Cooperative; Melissa Runnion and Lisa Strickland, DO 636, North Central Kansas Special Education Cooperative; Katrina Bennett, Bill King and Suzanne Pew, DO 637, Southeast Kansas Interlocal; *Early Childhood Handicapped*: Michelle Grillot, Cheryl Couch and Alicia Y. Whitbeck, USD 259, Wichita; Kristen Wintz Haskell, USD 490, El Dorado/Butler County Special Education Cooperative; Charlotte Svaty, DO 607, Tri-County Special Education Interlocal; and Marie Berndsen, Rainbows United, Inc.; *Gifted*: Leah Ruchotzke, USD 230, Spring Hill; Amanda Chipas, Carol Khol and John Simkins, USD 259, Wichita; Michelle Sodaro and Sara Freeman, USD 368, Paola; Susan Nichols, USD 460, Hesston; Valerie Brown, DO 602, Northwest Kansas Education Service Center; and Marcia Smith, DO 636, North Central Kansas Special Education Cooperative; *Mathematics*: Jane'e Porter, USD 467, Leoti; *Mentally Retarded*: Paula Boese, DO 618, Sedgwick County Area Education Interlocal Cooperative; and *Visually Impaired*: Paula Flannery and Rachel Haydon, USD 497, Lawrence. Denied a request for *Adaptive Special Education* for Roger Benin Jr., USD 259.

? Appointed Ed Poley to serve on the Professional Standards Board as a representative of area vocational school administrators, for a three year term from July 1, 2004 to June 30, 2007.

? Approved Visiting Scholar licenses for: USD 259 - Anne Marie Serrano to be employed in a half-time position as a drama instructor for Wichita West High School, valid from September 15, 2004 to June 30, 2005; and Celeste L. Rehm to be employed part-time to teach art at Metro-Midtown Alternative High School, valid from October 7, 2004 to June 30, 2005. ?Denied the request from the Kansas School for the Deaf to allow Scott Plummer to be employed full-time to teach math.

? Approved the waiver of K.A.R. 91-31-24 for Gardner Elementary School, USD 231, to allow it to conduct its Cycle III accreditation visit before June 30, 2005.

? Approved the waiver of K.A.R. 91-31-24 for St. Joseph's School, Ellinwood, to allow it to waive the first on-site visit of their current QPA cycle.

Page 7

MINUTES

November 9, 2004

? Approved the Ed-Flex waiver request from USD 512 Shawnee Mission Public Schools for Crestview Elementary.

? Issued an order granting the application from USD 367, Osawatomie, for authority to hold an election on the question of issuing bonds over the school district's bond debt limitation.

*Contracts Approved*



Board Secretary would be conducted in December and asked that members send evaluation forms to her by December 1<sup>st</sup>?

Dr. Abrams and Mrs. Morris arrived at 9:07 a.m.

Chairman Waugh also reported that a vacancy had arisen on the NASBE Board for the Central Area Director.? S Mr. Willard indicated he would be interested in serving.? Dr. Wagon moved, with a second by Mr. Bacon, that the Board nominate Ken Willard to fill the vacancy on the NASBE Board of Directors as the Central Area Director.? The motion carried.? NASBE had indicated that its Board of Directors would make the selection at its December meeting.

Chairman Waugh noted that the deadline for communicating an interest to NASBE about participating in a 2005 study group was November 19<sup>th</sup>.? Mr. Willard indicated he had notified NASBE earlier, but if he were to be appointed Central Area Director, he would not participate in a study group.? The value of participation in the study groups was discussed.

### **Board Attorney**

Mr. Biles reported on his attendance at the meeting of state board of education attorneys held in conjunction with the NASBE meeting.? Mr. Bacon moved, with a second by Dr. Abrams, that the Board pay Mr. Biles? fees for services and expenses for October as presented.? The motion carried 8-0.

Page 2

MINUTES

November 10, 2004

### **Report on NASBE Annual Meeting**

Mr. Willard reported on his attendance at the NASBE annual meeting representing the Board.? He also reported that he had attended a pre-meeting Abstinence-Only Sex Education and HIV Prevention symposium.

### **Other Board Member Reports**

Dr. Wagon reported he would be attending an ECS Steering Committee meeting in December.? He also mentioned that the report from the NASBE study group on closing the achievement gap was available.? He encouraged Board members to discuss it with their constituents and indicated he would be willing to come and speak on it.? He also reported on activities associated with a Brown v. Board of Education/rights and race relations grant.

Mr. Willard reported that the NASBE study committee on the role of high school athletics had come out with its report which contained eighteen recommendations.

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

After a short discussion about the NASBE study committee report on high school athletics, a discussion of the report was requested as a future agenda item.

?

## **KSSD AND KSSB QUARTERLY REPORTS**

### **Kansas State School for the Blind**

Mr. Bill Daugherty presented the quarterly report for the Kansas State School for the Blind. In addition to reviewing items in his written report, he also reported that KSSB and the Kansas School for the Deaf (KSSD) had appeared before the Interim Legislative Budget Committee to provide justification for the need for two schools. He noted the presentations went well and passed out a notebook of the materials that had been presented to the committee for Board members to look at. Mr. Daugherty also reported that the two schools had consolidated their dietary programs under one dietician and the change was proving to be very successful.

### **Kansas State School for the Deaf**

Mr. Robert Maile, Superintendent of KSSD was unable to be present. Presenting the quarterly report was Jeannette Megathan. She highlighted the school's FY 2005 goals; updated the Board on KSSD's crisis management plan; and explained an amendment to be made to the capital budget request for removal of previously undetected asbestos in connection with the Roth Dormitory renovation.

## **ACTION ON PROPOSED CHANGES IN THE ASSESSMENT PROGRAM**

Commissioner Tompkins reviewed proposed changes in the assessment program. One would be the discontinuation of a mandatory 2nd grade reading diagnostic assessment. In the discussion of the proposal, Commissioner Tompkins explained that most schools are now doing reading diagnostics earlier, in kindergarten or 1<sup>st</sup> grade, particularly because performance on the 3<sup>rd</sup> grade state reading assessment will be important. Dr. Wagnon moved, with a second by Dr. Abrams, that the State Board delay the 2005-2006 writing assessment until 2006-2007, delay the 2006-2007 science and history/government assessments until 2007-2008 and that it continue to require that a reading diagnostic assessment be administered at kindergarten, first grade, or second grade, at the discretion of the local district. Mr. Wyatt indicated he could support the change in the requirement for the reading diagnostic, but not any postponement in scheduled assessments because of the benefits to students from having state assessments. He asked that the question be divided.

Page 3

MINUTES

November 10, 2004

After further discussion regarding the reading diagnostic, the Board voted separately on the issues. The vote to delay the assessments carried 7-1, with Mr. Wyatt voting "no". Mrs. Waugh stated she was in favor of doing away with the mandate for a reading diagnostic that it should be a local option and if districts see it as a valuable tool, they will continue to use it. The vote to continue to require a reading diagnostic, with the grade level to be determined by the local district, carried 7-1, with Mrs. Waugh voting "no".

## **DISCUSSION OF THE NEED TO DEVELOP STANDARDS FOR TEACHING RELIGION IN PUBLIC SCHOOLS**

Commissioner Tompkins explained that the Department had done a review of what other states are doing in the area of teaching about religion in public schools. Education Program Consultant Scott Smith reviewed what had been discovered. Dr. Wagnon moved that the Commissioner craft a charge for Board consideration for a writing committee that would be formed to develop state standards for teaching about religion in public schools. The motion died for lack of a second.

