

KANSAS STATE BOARD OF EDUCATION
Meeting Minutes
October 11, 2011

CALL TO ORDER

Chairman Dennis called the October meeting of the State Board of Education to order at 9:02 a.m., October 11, 2011 in the Board Room of the Kansas Education Building, 120 SE 10th Avenue, Topeka, Kansas.

8/11/11 a.m.
 session audio
 archive
 (00:00:06)

ROLL CALL

Members present were:

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

Mr. Bacon was absent.

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

Chairman Dennis read the Board Mission Statement 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

Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the agenda be approved as presented. Dr. Chappell requested that the Board amend the agenda and substitute the KLN update at 2:15 p.m. with discussion of the issue of bullying in Kansas schools. Mrs. Campbell and Mr. Dennis were not willing to amend the agenda. However, Mrs. Wims-Campbell asked for a report at the November meeting on how Kansas schools had recognized the state's first week of Anti-bullying Awareness designated for the first week of October. The vote on the motion carried 8-1 with Chappell voting in opposition.

(00:02:04)
MOTION

APPROVAL OF THE SEPTEMBER MINUTES

Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the minutes of the September meeting be approved as presented. The motion carried 9-0.

(00:05:26)
MOTION

KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION ANNUAL REPORT

Gary Musselman, Executive Director of the Kansas State High School Association (KSHSAA), presented the Association's annual report to the Board as required by state statute. He reviewed 2010 activities and current initiatives the association is undertaking. He also reported to the Board that the association was conducting its loss of instructional time study that it conducts every four years. The results of that study will help the association directors in making some of its rules or policy changes. Mr. Musselman highlighted several items, including the catastrophic insurance coverage available for students which is partially underwritten by the association; online concussion and injury training; and the agenda of the KSHSAA fall regional meetings.

(00:05:51)

There were several questions about reporting and addressing student sports injuries. Mr. Musselman indicated that the KSHSAA did not collect that data, though it was collected at a national level.

COMMISSIONER'S REPORT

(00:38:17)

Because of Congress' inability to act to reauthorize the NCLB legislation, President Obama announced in September his intention to grant waivers to states that demonstrated efforts toward specific education reforms.

Commissioner DeBacker shared with Board members the four principles states must demonstrate in order to be granted a waiver. They are:

- adopt college- and career-ready standards in at least English language arts and mathematics and develop and administer high quality assessments aligned with those standards;
- develop and implement a differentiated recognition, accountability and support system;
- develop and implement teacher and principal evaluation support systems;
- reduce duplicative and burdensome reporting requirements at the state level.

She noted that Kansas was in a good position as far as adopting standards and developing high quality assessments and had also reduced duplicative and burdensome reporting requirements. The majority of the work on the application for a waiver would be directed toward the accountability system and at least one component of the teacher/principal evaluation system. Two deadlines were available for submittal of waiver applications, November and February. Dr. DeBacker recommended February.

MOTION

(00:52:54)

Mrs. Cauble moved, with a second by Mrs. Martin, that the State Board direct staff to proceed with the development of a flexibility waiver request for submittal in February 2012. In the discussion that followed the motion, several Board members voiced their opposition to re-establishing a goal of 100% proficiency by a predetermined date. Several members addressed the issue of teacher evaluation and some, but not all, spoke in favor of a teacher evaluation system tied to student growth and a funding stream. The vote on the motion carried 8-1, with Chappell voting in opposition.

BREAK

(01:17:25)

The Board took a break at 10:17 until 10:30 a.m.

CITIZENS' OPEN FORUM

(01:27:30)

Chairman Dennis declared the Citizen's Open Forum open at 10:30 a.m. Mark Tallman, KASB, Topeka, reported on the KASB Summits that were being held across the state. Shari Wilson, KACEE, Kansas City, updated the Board on recent and upcoming activities of the Association. Nick Compagnone, representing the Kansas Association of Independent and Religious Schools (KAIRS), addressed the Board about alternative accreditation for religious and independent schools. Chairman Dennis declared the Open Forum closed at 10:43 a.m.

UPDATE ON NEXT GENERATION SCIENCE STANDARDS (NGSS)

(01:41:17)

KSDE staff member Matt Krehbiel updated the Board on the progress that had been made on the development of the NGSS. He began his presentation by reading letters of support for the standards from the Kansas Association of Teachers of Science and Kansas BIO. Mr. Krehbiel reviewed the three dimension of the framework upon which the standards are being developed. They include Dimension 1 – scientific and engineering practices; Dimension 2 – crosscutting concepts that go across all disciplinary ideas; and Dimension 3 – that includes all the core disciplinary ideas.

The writing team, consisting of a broad spectrum of scientists and science educators, are currently working on the standards based on the framework. Mr. Krehbiel reported that the product of this work will be the first draft and will be only reviewed by lead states. After that review the science leaders from the lead states will gather to discuss the issues arising from

October 11, 2011

Page 3

MINUTES

the feedback and will be able to discuss and ask questions of the writers. Subsequently, three more drafts will be available for state level review and two drafts for public review. It is planned that the final form of the standards will be available in December 2012. The Kansas science advisory team will be involved in providing feedback in all four state reviews.

RECOMMENDATIONS OF THE PROFESSIONAL PRACTICES COMMISSION

Mrs. Cauble moved, with a second by Mrs. Martin, moved that the State Board accept the findings of fact and conclusions of the Professional Practices Commission and approve the recommendations of the Commission in cases 11-FC-07, Charles L. Edwards; and 11-O-08, Kevin C. Kneisley. The motion carried 9-0.

MOTION
(01:56:31)**ACT ON BOARD MEMBER TRAVEL**

Mrs. Martin moved, with a second by Ms. Storm that Board travel requests be approved as presented. Mrs. Shaver asked to add a visit to an Iola preschool on October 24th. The motion, including the additional request by Mrs. Shaver, carried 9-0.

MOTION
(01:57:10)**PRESENTATION ON THE STATE REPORT CARD**

As in past years, Board members received a review of the State Report Card, including state assessment results for reading, mathematics, and science. Also included were participation rates, the growth in the percent of students scoring in the top three performance levels by disaggregated groups, growth in assessment scores over the past few years, and its effect on the achievement gap. Kansas students improved performance on statewide reading and mathematics assessments for the eleventh straight year. Students performing in the top three performance levels on the reading and mathematics assessments increased over 2010. A breakout of student performance based on the state's five achievement levels – exemplary, exceeds standards, meets standards, and approaches standard and academic warning – shows that in both reading and mathematics the highest percentage of students perform at the exemplary levels. In reading, 32.3 percent of students perform at the exemplary level and in mathematics, 29.8 percent of students perform at the exemplary level. Those numbers are also up from the previous year. Concerns expressed by staff included the increasing number of students on free or reduced lunch, now at 47% of state enrollment; the growth in the number of buildings in the “conditionally accredited” category; the small number of students at the exemplary level in science; the lower rate of highly qualified teachers in Special Education and Ell than in other areas; and the lower graduation rates because of the use of the new formula.

(01:58:04)

In the following discussion, Deputy Commissioner Neuenswander, who gave the presentation, clarified several points for Board members, including the usefulness of the state assessments and how they will be improved with the new standards. The Commissioner discussed ways experienced teacher define “highly qualified”. Assistant Director Judi Miller also participated, answering questions about the 1% cap on students counted from the Alternate Assessment and 2% cap for the Kansas Assessment of Modified Measures (KAMM). Deputy Neuenswander indicated that such details such might be included in the waiver request. He also noted that concerns about the cohort graduation rate, for all schools, but particularly virtual schools; schools missing AYP based on the scores of one subgroup; and the school year to use as a starting point for measuring growth might also be addressed in the waiver request. Students being able to test when a standard is learned and students being counted in only one subgroup would probably not be allowed. It was noted that it is being recommended that there be two testing windows and that they be very broad, helping, possibly, with the opportunity to learn issue.

The Board recessed for lunch at 11:51 and returned at 1:32 p.m.

LUNCH
(02:49:38)

UPDATE ON BOARD GOALS

8/11/11 p.m.
session audio
archive
(00:00:17)

The State Board adopted four goals and 15 objectives under those goals in May 2011. An update on the activities and progress of the Strategic Agenda that identified 4 objectives of the 15 as the top priorities the Board wanted to see accomplished by December 31, 2011, and four additional objectives which had been given a priority rating was presented by Commissioner DeBacker. She provided Board members with a chart that compared the priorities established by the Board with what the Department staff had focused on since May. She pointed out where Department effort and Board priorities had not matched.

At the conclusion of her presentation she asked how the Board felt about the path the Department was taking and to provide direction on how staff should proceed. All but one Board member were pleased with the Department's work and were comfortable with the direction the staff was taking, particularly in light of the waiver request that would be submitted in February. Several members expressed the need for staff to be allowed the flexibility to respond to what comes up as long as it stays within the broad parameters of the Board's four overarching goals.

LEGISLATIVE UPDATE

(00:27:35)

Deputy Commissioner Dennis reported on a recent legislative budget committee meeting where the topic was the number of out-of-state students attending Kansas schools. He also reported good news about state general fund receipts, noting that it was currently \$156 million over estimates. Mr. Dennis also indicated that there would be a legislative post audit study about the number of state employees, including school district and Board of Regents personnel, living outside the state. In addition he reported that the LEPC will be meeting in December and will probably be looking at the increase in enrollment in the state and the increase in the poverty level.

KANSAS LEARNING NETWORK UPDATE (KLN)

(00:27:33)

MOTION

Colleen Riley, Director of Special Education, and Deputy Commissioner Brad Neuenswander provided a brief update to the Board on KLN during the current school year and the development of a trained cadre of individuals in different roles to replace the work Croft and Joftus has been doing. It was noted that sustainability of the program with Kansas personnel had been one of the goals of the Cross and Joftus work since its inception.

CONSENT AGENDA**MOTION**

(01:01:18)

Mrs. Wims-Campbell moved that the Board approve the Consent Agenda as presented. Mr. Dennis seconded the motion which, passed on a 9-1 vote. In the Consent Agenda the Board:

- Received the monthly personnel report.
- Confirmed the appointment of Jennifer Shaffer to the position of Applications Developer III on the Information Technology team effective September 4, 2011, at an annual salary of \$50,918.40 and Christopher Ortega to the position of Trainer on the Information Technology team effective September 26, 2011, at an annual salary of \$46,092.80
- Approved the modification to the Leavenworth County Special Education Cooperative Agreement.
- Approved licensure waivers for *Adaptive Special Education*: Rebecca Kessler, USD 230; Jan Ward, USD 263; Robert McConnell, USD 320; Drew Steffen, USD 330; Kistin Tussey, Michelle Lloyd and Jennifer Wolff, USD 353; Bradley Drewek, Katherine Hanson and Minta Vannortwick, USD 379; Haley Krehbiel, USD 407; Kenneth Fast and Marla Pruitt-Sheppard, 0617; Nicholas Webster, Nicole Seeley, Robi Alstrom, Susan Fox and Stephanie Hays, D0618; Angelia Hilt, Codie Berntsen and Kristin Keeling, D0619; and Tricia Hull and Grace Brewer, D0636; *Deaf or Hard of Hearing*: Janet Goodenow, USD 379; *Early Childhood Spec Ed*: Christine Morlan and Sarah Schreffler, USD 230; Michelle Kincaid, USD 263; *English as a Second Language*: Joleen Hertenberg, Katherine Doroh and Megan

October 11, 2011

Page 5

MINUTES

- Sturdivan, USD 233; Brandi Maples and Jandee Sharp, USD 253; Mark Berends, USD 457; *Functional Special Education*: Janice Sparks, USD 233; Sara Schwarz, D0607; *Library Media Specialist*: Becky McReynolds, USD 265; *Math*: Nikki Ost, USD 107; Coleen Floberg, USD 501; and *Visual Impaired*: Heather Hagstrom, USD 229.
- Accepted the recommendation of Diane DeBacker, Commissioner of Education, regarding Visiting Scholar licenses for Blue Valley USD 229 and Kathryn Jurney Norris and Seaman USD 345 and Jinhua Wang for the 2011-2012 school year.
- Approved the in-service education plans for USD 211, Norton; USD 271, Stockton; USD 309, Nickerson; USD 350, St John-Hudson; USD 394, Rose Hill ; USD 431, Hoisington ; and USD 493, Columbus.
- Approved the one-year Education Flexibility Partnership (Ed-Flex) waiver request for USD #484 Fredonia School District.
- Issued an Order authorizing USD 231, Gardner-Edgerton, Johnson County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

Contracts Approved:

The State Board authorized the *Commissioner of Education* to negotiate and:

- enter into a contract with Human Kinetics for Fitnessgram fitness assessment test kits and seat licenses for the Kansas Fitness Information Tracking project (K-FIT);
- enter into a contract in an amount not to exceed \$32,500 for a two year period with the Kansas Department of Health and Environment to assist with activities to complete the Let's Move in Kansas Schools (LMIKS) Project;
- continue a contract with Dr. Renee' Patrick to continue her statistical and model design work around School Readiness Data, in an amount not to exceed \$20,000; and
- enter into a contract with the Goffin Strategy Group, Inc. to provide facilitation and strategic consultation and support around the work of developing a comprehensive early childhood data system that is linked with the K-12 longitudinal data system which includes consultative support around the application of and continuing work around Race to the Top-Early Learning Challenge, in an amount not to exceed \$60,200.

The Board took a break from 2:32 and returned at 2:45 p.m.

BREAK
(01:01:33)

BOARD REPORTS*Staff Evaluations*

Chairman Dennis reminded Board members of the emails they had received containing the forms and information necessary to conduct evaluations of the Commissioner, the Board Attorney and the Board Secretary. He asked that the completed forms be returned to him by October 28th so that he would have time to prepare the summaries for discussion in executive session in November.

(01:14:14)

Chairman

NASBE Annual Meeting

Chairman Dennis expressed some concern about the Board's choice for President of NASBE because of lack of follow-up after the individual had called an emergency conference call of the Board of Directors and the Governmental Affairs Committee. Therefore, he made a motion that Mr. Willard be released from his obligation to cast the Board's vote as previously agreed and allow him to vote for who he believes is the best candidate when at the meeting. Mrs. Martin seconded the motion which carried 9-0.

MOTION
(01:18:15)

Proposed New Finance Formula

Chairman Dennis reported that he and the Commissioner had met with Landon Fulmer, the Governor's representative concerning a proposed new school funding formula. Mr. Dennis said

he would like to invite him to the November meeting to present the proposal to the Board and allow the opportunity for Board members to ask questions. He further proposed to allow time on the December agenda for a discussion of the formula.

Attorney
(01:21:14)

Mr. Ferguson indicated that he had little to add to his written report emailed to Board member prior to the meeting. He did provide brief updates on the Wright and Vick cases, the school finance litigation and the KOMA matter.

Policy Committee
(01:24:28)

Mrs. Shaver presented reviewed proposed changes to policies as recommended by the Policy Committee. The first change was revising the preface to reflect the Board's current mission and motto. A self-evaluation instrument was recommended to be used as a yearly measure of the Board's accomplishment of goals and objectives in keeping with Board policy regarding establishing goals. The Chairman requested that the evaluation be put on the December agenda. There were also four new items recommended regarding Boardmanship Expectations, *Policy 1006 A. Board Member Expectations*. They were: "9. Maintain and protect attorney-client privilege; 10. avoid ex parte communications; 11. Review the Board agenda and contact the commissioner and/or members of the agency prior to the meeting to get questions answered; and 12. Coordinate requests for data from the agency through the commissioner's office, or specific designee(s). Also under *Policy 1006 B. Perceived Violations of Boardmanship Expectations* the recommendation was to change item 2. to read "The Chairman shall rule on the alleged violation and take appropriate action." Mrs. Shaver also shared a recommended self-evaluation instrument to be use by each Board member to evaluate his or her own effectiveness as a good board member.

MOTION
(01:30:18)

Mrs. Shaver moved that the Board accept the recommendations of the Policy Committee with the yearly evaluation of the work of the Board regarding accomplishment of board goals included and the self-evaluation used when it could be useful or as directed by the Chair. Mrs. Martin seconded the motion. Discussion followed, including an exchange regarding who determines attorney-client privilege. The motion carried 9-0.

Legislative Representatives

Ms. Storm reported that she had attended the Legislative Education Policy Committee, but had to leave before the discussion of Regents' issues. Mr. Willard noted that he had attended as well and that the discussion that generated the most conversation between members and a presenter regarded increases in district unencumbered funds.

Other Board Member Reports

Mr. Willard also shared his experience accompanying a group of WWII veterans to Washington, D.C. where they visited the memorial as well as other monuments and museums. Because so many are dying every day, he stressed how good it would be to invite them into school classrooms and honor them for their service.

Dr. Chappell reported on attending the Kansas Policy Institute Summit in Overland Park; a number of meetings regarding disproportionate numbers of suspension an expulsion meetings particularly Black students; a youth summit in Wichita; and meetings cuts in GED funding. He also spoke about a tragic end to a bullying situation in Wichita and handed out a copy of a news report on bullying laws in other states. He also reported that local community people in Wichita were working on anti-bullying legislation in Kansas.

Mrs. Shaver reported on her attendance at the Evaluating School Principal Effective Conference in Richmond, Virginia. She reported the presentations from state leaders in educator evaluation confirmed that Kansas is on track with other states with its Kansas Educator Evaluation Protocol. She indicated the Governor's Office is in agreement. She also reported that Kansas is on right the track with the KEEP pilot and that she hopes the Department can get the information out to more districts so that they will adopt it for their own use.

Mrs. Cauble reported on the call that had been mentioned by Chairman Dennis. She explained why the timeline was so rushed and assured the Board that it would be okay with whoever was elected as NASBE president. She reported on the two KASB Summits she had attended. She expressed her disappointment that the Kansas policy on bullying was not included on the national website and hoped that could be corrected. She added that she didn't understand what the Board's stand did not say that others wanted it to say. She also asked if it made a difference if the KEEP was pen and pencil or electronically conducted.

Ms. Storm reported that she had attended education foundation breakfasts for Blue Valley and Shawnee Mission. Regarding bullying, she suggested that the Board could require districts to respond to incident reports in a set number of days.

Mrs. Wims-Campbell reported that she and Ms. Storm had attended the last of the KSSD/KNEA contract negotiation meetings. She also reported that she had attended the 150th Anniversary Gala for the Kansas State School for the Deaf.

Mr. Willard reported that he had also attended the Kansas Policy Institute Summit and that some of what was presented was good, but some was less than helpful. He shared his disappointment that there was no one in an official capacity to speak for the Board and stated that an opportunity had been missed to share better information about what was happening in Kansas education. Discussion followed about where the issue of attendance at such events had been left several months ago, and that none of the Board's requirements had been addressed at that time or since.

Mrs. Martin reported that she had attended a ribbon-cutting at a Wamego preschool. She suggested a directive to the legislature to provide funding for full day kindergarten if it is being offered by a district. She stated that she would also like the Board to consider alternate accreditation and look at what the field has to say about it. Mrs. Martin mentioned HB 2229 which passed in the House during the 2010 legislature that would allow equal access to school from all professional organizations, as well as to teachers' mailboxes to provide alternative choices for professional organizations. She indicated she would like the Board to support the bill during the legislative session.

Mr. Willard expressed his agreement with those who had mentioned strengthening the Board's statement on bullying and that it should include wording to include a specific response time to reports of incidents by schools; require notification of parents on both sides of the situation; and provide for redress for harm done.

Mr. Willard requested a presentation on the use of handheld technology in the classroom by Kay Tibbs from the Wellington school district. Previously, Mrs. Cauble suggested that KASB be asked to share information about the association's suggested policies on handheld devices. Dr. Chappell would like a discussion of the disproportionate representation of race in suspensions and expulsions.

Mr. Dennis would like to have Landon Fulmer from the Governor's Office, present to the Board possible changes to the school finance formula. Mr. Dennis would also like a presentation on the state of fine arts in Kansas schools. Mr. Dennis requested a Board discussion of graduation requirements. The Board asked that the waiver request for flexibility of the ESEA be brought to the Board every month.

EXECUTIVE SESSION

Mrs. Campbell moved that the Board recess into executive session at 4:15 p.m. for a period of 30 minutes under the provision permitting discussion of a negotiated agreement. Attorney's Ferguson and Whelan and the Commissioner were invited to remain. Action was anticipated when the open meeting resumed. The motion carried. The open meeting resumed at 4:35 p.m.

**Future
Agenda
Items**

MOTION
(02:35:15)

October 11, 2011
MINUTES

Page 8

ACTION ON PROFESSIONAL AGREEMENT BETWEEN KSD/NEA AND THE KANSAS BOARD OF EDUCATION

(02:36:59)

Ms. Storm moved that the Kansas State Board of Education ratify the *Professional Agreement Between Kansas School for the Deaf NEA and State Board of Education, August 1, 2011 – July 31, 2012*. Mrs. Wims-Campbell seconded the motion which carried 9-0.

ADJOURNMENT There being no further business, Chairman Dennis adjourned the meeting at 5:40 p.m.

David Dennis, Chairman

Penny Plamann, Secretary