

**KANSAS STATE BOARD OF EDUCATION  
MEETING MINUTES**

**March 8, 2005**

**CALL TO ORDER**

Chairman Abrams called the meeting to order at 10:00 a.m. on Tuesday, March 8, 2005, 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  
Sue Gamble  
Kathy Martin  
Connie Morris

Carol Rupe  
Iris Van Meter  
Bill Wagnon  
Janet Waugh

Mr. Willard was attending a legislative meeting and Mr. Bacon arrived at 10:06 a.m. during the Commissioner's report.

The Board stood for recitation of the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Chairman Abrams asked for approval of the agenda. Mrs. Waugh, with a second by Mrs. Martin, moved that the agenda be approved as presented. The motion carried 8-0, with Mr. Willard and Mr. Bacon absent.

**APPROVAL OF THE MINUTES**

Chairman Abrams asked if there were any changes or amendments to the February minutes. Mrs. Morris asked that language be added to the motion for approval of the resolution forming the Board science hearing subcommittee, stating that the third position on the committee had been offered to Mrs. Rupe, who declined, and then to Mrs. Waugh, Mrs. Gamble and Dr. Wagnon, who also declined. Mrs. Van Meter asked that the motion to table action on the contract for the external review of the science standards be corrected to show that she had made the motion, with a second by Mr. Bacon. Mrs. Martin moved, with a second by Mrs. Van Meter, that the minutes be approved as amended. The motion carried 7-1, with Mrs. Gamble voting no.

**COMMISSIONER'S REPORT**

Commissioner Tompkins gave an update on activities for the April meeting in Hutchinson. He noted that the time for the tour of the new Salt Museum was in conflict with the high school reform conference in Wichita, but that was the only time the tour could be scheduled. Mrs. Martin asked for more information on the high school reform conference and Dr. Posny indicated she would send it to all Board members as soon as it was available.

Commissioner Tompkins reported on the National Governors' Association High School Reform meeting he had recently attended. He said that many of the concerns and issues raised were the same as those that the State Board was addressing. He reviewed many of the issues that had been discussed at the meeting and indicated he would get a summary to the Board. Dr. Tompkins pointed out that many states have exit exams and that Kansas might want to consider development of end-of-course exams which, if counted toward a portion of a student's grade, would have the leverage necessary for students to take them seriously.

Page 2  
 MINUTES  
 March 8, 2005

### **PRESENTATION BY KANSAS ASSOCIATION OF THE GIFTED, TALENTED, AND CREATIVE**

Kathy Jones, President of the Kansas Association of Gifted, Talented and Creative, discussed why the national standards for gifted education could be helpful. She reported that the standards address deficiencies and inequities in services provided. She also reported that there was no oversight of services matched to student needs in Kansas. She suggested that the State Board endorse the national standards and form a task force for development of Kansas standards aligned with them. Discussion followed about the current status of gifted education in Kansas and where problems exist. Dr. Posny reported that Continuous Improvement Monitoring required by IDEA included gifted education. Problems in Kansas districts include the fact that many times IEPs are written to fit the system and available teacher time instead of the needs of the student. Itinerant staff and large class loads were also cited as problems. How to hold schools accountable to standards if adopted was discussed and interest in what other states were doing was raised. Mrs. Jones mentioned that many states have directors of gifted services within their state departments of education. Staff was asked to bring options or suggestions for the Board to consider in addressing issues related to gifted education and to Mrs. Jones' requests.

### **CITIZENS' OPEN FORUM**

Chairman Abrams declared the Citizens' Open Forum open at 10:40 a.m. Those addressing the Board were: Alfred James, Wichita; Brian Petermann, Overland Park; David Penny, Lawrence; Connie Ann Heilman, Abilene; Jim Hutchison, Lenexa; John Van Keppel, Leawood; Kenneth Schmitz, Kansas City; Matthew Walje, Overland Park; Andy Jones, Lenexa; Celtie Johnson, Prairie Village; Harry McDonald, representing Kansas Citizens for Science, Olathe; Jack Porteous, representing the Topeka Chamber of Commerce, Topeka; Kirk Fast, Ozawkie; and Peg Dunlap, representing Kansas NEA, Topeka. Chairman Abrams declared the open forum closed at 11:20 a.m.

The Board took a break from 11:20 until 11:24 a.m.

### **MOTION TO DISSOLVE STATE BOARD SCIENCE HEARING COMMITTEE**

Dr. Wagnon moved, with a second by Mrs. Waugh, that the Board dissolve the unnecessary and ill-conceived Board science hearing committee. Dr. Wagnon indicated he felt the hearings were unnecessary because their goal to reconcile two things that are incompatible was impossible. Mrs. Rupe agreed with Dr. Wagnon and stated she had declined the offer to participate on the hearing committee because she felt she was not qualified to sit in judgment over what science is and that she expected state science teachers and scientists to do that. She further stated she was elected to take the advice of the experts in the field and to apply that to the Board's curriculum standards and do what would be best for the students of Kansas. Mrs. Rupe also objected to the amount of money that would be spent on several days of hearings, taking money away from a tight Department of Education budget. She stated she had voted against creating the committee in February and would vote for the motion to dissolve it.

Mrs. Gamble stated that she, too, would vote for the motion. She said it had become a political issue and because it appeared that there were six votes to pass the science standards, the Board should proceed and not try to legitimize something that couldn't be legitimized by holding the hearings. She noted that in every science and higher education forum where proponents of intelligent design had tried to make it part of science, it had failed. There were not facts to support it, she continued, because it is impossible to scientifically verify that there is a higher being. She said the board science hearings would not serve the purpose they were purported to serve.

Page 3

## MINUTES

March 8, 2005

Dr. Wagnon asked for clarification of the hearing process. Dr. Abrams stated that the committee had originally considered oral hearings, but that Dr. Case had recommended that written information be considered.? That idea had not been adopted, though, and the committee had decided on oral hearings in a slightly different direction than originally considered. Dr. Abrams indicated the hearing committee would prepare a report on the May hearings and bring it to the Board at the June meeting. Mrs. Waugh indicated she would like regular reports to the Board on the committee's planning meetings.? She asked who would question the people who testify.? Dr. Abrams answered that questions would come primarily from people outside the committee, though the three committee members would probably ask some questions, too.?

Mrs. Waugh asked why Mr. Calvert was involved in the science hearing committee meetings since he was not part of it or of the science standards writing committee.? She further asked why, if the minority had an attorney representing them, the majority did not also have legal representation.? Dr. Abrams reported that Dr. Case and Dr. Harris representing the majority and the minority on the science writing committee had been invited to participate in the science hearing committee meetings and that Dr. Harris had asked Mr. Calvert to speak for the minority.?? Mrs. Waugh stated that normally when Board members have meetings, others are not allowed to sit at the table with them and that the Board should find out why the subcommittee needed legal representation.? Dr. Wagnon asked Dr. Abrams, since Dr. Case and others had indicated they would not participate in the hearings, how the hearing committee would go about finding representatives of the majority.? Dr. Abrams indicated the committee was still following up on that issue.

Mrs. Waugh spoke in support of the motion and asked why the Board was going through a political process instead of having proposed alternative theories peer reviewed by the science community.? She added that if the Board believed alternative theories should be taught, the Board should revisit Dr. Wagnon's recommendation for a comparative religions class that would include discussions of alternative theories and perhaps mandate it as graduation requirement. ?She noted that alternative theories are based on faith and the study of faith does not belong in science class.

Mrs. Gamble stated she was confused because, while members of the Board had said they have no interest in including Intelligent Design in the science standards, and Dr. Harris had said that was not the purpose of the minority report, Dr. Harris sits on the Board of Directors of the Intelligent Design Network and Mr. Calvert organized and founded it.? She said it appeared disingenuous to pretend that the object was not to include intelligent design in the standards, just as it had been said recently that the 1999 standards had not weakened evolution. She added that leaving a word in a document while removing all processes that refer to the word weakens a theory.? She continued by adding that if the State Board, with six votes, adopts a definition of science that includes supernatural explanations for science which are impossible to verify, it weakens science in the Kansas education system and again becomes a political issue.? She again asked that the Board members use their six votes and move forward because she resented using her tax dollars for the hearings.

Mrs. Martin suggested that perhaps Mr. Calvert has been asked to be involved because he had some expertise and interest in what the subcommittee of the Board is doing in trying to allow some critical analysis of evolution.? She indicated she did not intend that intelligent design be taught or included in the standards but that there was interest in it.? She said that she felt it should be allowed to be discussed in a science class if a child was interested and the teacher thought there was some interest in it, but that it shouldn't be included as part of the curriculum.? She

added that there is the potential that Kansas will be sued at some point by the ACLU or others and that Mr. Calvert's expertise in knowing what is involved

Page 4

MINUTES

March 8, 2005

could be used to advise the minority of what they might need to do or not do to be protected.? She added that the Board was lucky to have legal representation because perhaps other legal issues could face them.? She indicated that, if the controversy could be settled once and for all by the Kansas State Board, then perhaps other states wouldn't have to endure it as well.

Mr. Bacon asked Mr. Biles, Board Attorney, if the science hearing committee meetings had to be open, since it was comprised of only three members of the Board. ?Mr. Biles stated that the committee became subject to the open meetings law when it was created by action of the Board as a formal body with a purpose.? As such, it represented the Board and even had power to expend money.? He added that the committee could go into executive session if the reason for it qualified under the open meetings law.

Mr. Bacon stated that public education is funded with public money and that people in general want the ability to have set policy in play that expends their money as they believe it should be spent.? He noted that in several polls, over 65% of the public didn't object to either theory being talked about in the science classroom.? Further, there was only a fringe group of 17% or 18% who believed only one or the other theory should be taught.?? Mr. Bacon added that he had a problem with those who think only evolution should be taught, because the Board is spending public money.?

Mr. Willard stated that there was a lot of outcry and fear in the science community about recognizing there was a debate over the issues the Board was considering.? The Board would face an incredible outcry if it failed to recognize that there was a debate.? He noted that no damage would be done to science in the classroom to recognize that debate.? Mr. Willard indicated he felt he would be abdicating his responsibility if he didn't respond to the controversy. He added that he was qualified to make educational policy by virtue of his election.? He stated he was not being asked to make decisions about the validity of science, but the Board does have to face and accept that there is debate and handle it as effectively and positively as possible for everyone's benefit.? He noted that no one disagrees that religion shouldn't be taught in the science classroom, but, with the debate raging around the country, it would be foolish for the Board to ignore it and force students in the classroom to ignore it, too, and not discuss it.? He stated the Board needed to wade through the issues and decide how to handle them in the science classroom.

Mrs. Gamble stated that there was no debate within the science community about evolution and that the controversy had been created by intelligent design proponents.? They had tried to gain legitimacy at the higher ed level and had been rebuffed?not because of close-mindedness, but because they didn't have the facts or information to support it.? She stated it is wrong of intelligent design proponents to say there are competing theories, because intelligent design is not a theory any more than evolution is a fact.? She stated that evolution was a theory that encompassed a lot of facts and has had the support of the science community over the past 150 years.? She noted that there is controversy and disagreement within the science field over many things, but not whether evolution is real.? She again urged the Board members who favored the minority report to use their six votes and let the Board move forward and not waste money on the hearings.? Mrs. Gamble also suggested that the controversy could be addressed through teaching strategies instead of changing the definition of science.? She

gave examples of how that might be done.

Mr. Willard made a motion to call for the question.? Mr. Bacon seconded the motion.? The motion carried 7-3, with Dr. Wagnon, Mrs. Waugh and Mrs. Gamble voting ?no?.? Dr. Wagnon?s motion was voted on and it failed 4-6, with Dr. Abrams, Mr. Bacon, Mrs. Martin, Mrs. Morris, Mrs. Van Meter, and Mr. Willard voting ?no?.

Page 5

MINUTES

March 8, 2005

### **MODEL STANDARDS FOR DANCE**

Joyce Huser, Kansas Department of Education Consultant for Fine Arts, introduced individuals who had written draft model curriculum standards for dance.? Members of the standards writing committee who were present at the board meeting were Candi Baker, Kristi Baker, Kit Bardwell, Angel Mercier, and Rebecca Groebe.? They discussed the definition of dance and how it could be used to enhance learning.? It was noted that dance was offered in many larger districts and provided an option for fulfilling the required fine arts credit.? It was also pointed out that dance could be integrated into the curriculum to aid academic development in other subjects.? Ms. Huser was asked how the standards would be shared with the field.? She indicated they would be added to the Kansas Educational Resource Center website and workshops across the state would help educators become familiar with them.? Mrs. Gamble asked who taught dance in public schools.? Ms. Huser noted there was no license for dance teachers.? Mrs. Van Meter asked for information on how many schools in the state taught dance.? Mr. Bacon noted that the introduction of the standards had described dance as a core subject area.? He said that was different from his understanding of what subjects were considered core.? Dr. Posny responded that NCLB includes the fine arts, as does Kansas QPA graduation requirements.

### **POLICY COMMITTEE MEETING**

Mr. Willard announced that the Policy Committee would have a meeting over lunch at Grammy?s Restaurant.

The Board recessed for lunch at 12:15 p.m. and returned at 1:30 p.m.? It was decided to postpone the presentation on the QPA Manual until April.

### **KANSAS STATE SCHOOL FOR THE DEAF (KSSD) QUARTERLY REPORT**

Dr. Bob Maile presented the second quarter report for the Kansas State School for the Deaf.? He also noted that a bill had been introduced to address the salary disparity between teacher salaries at KSSD and those in the Olathe school district.? He reported that an error had been made in the bill when it was drafted which he hoped would be corrected.? The Kansas State School for the Blind had been included, but KSSD had been left out of the bill.

### **CHARTER SCHOOL PETITIONS**

Dr. Tom Foster, Department of Education Consultant working with charter schools, updated the Board on the status of current charter school petitions.? He reported that two charters had been eligible for renewal, but neither opted to renew.? He pointed out that both were in-school programs, and not longer allowable under the law.?

Dr. Foster reported that two new charter schools had submitted petitions. They were reviewed by the charter school petition review committee and ranked according to the scoring rubric which had been revised according to State Board suggestions.? Both met the selection criteria and were recommended for approval and if approved would be valid for five years.?? ?The Theodore Roosevelt Charter School, Manhattan, would be a K-6 school which would provide a place to innovate and put into practice new and promising educational structures and opportunities. These would include extended uninterrupted instructional time, team teaching, themed interdisciplinary curriculum, multi-aged classes and looping.? The Stafford Economic

Development Center Charter School, Stafford, would serve 12th grade students by providing an education program that would meet the needs of students in a "real world" environment. Students would gain learning and skill development through experiential learning activities in a flexible program that would allow students to explore career options, become familiar with their personal strengths and preferences, and experience success in a simulated workplace.

Page 6

MINUTES

March 8, 2005

Mrs. Gamble asked since there was no money available to fund the new charter schools, what advantages existed for the districts to establish them? Dr. Foster responded that once a charter was established some grant opportunities existed; that their charter status helps them sell themselves to businesses in the community; and that if more funds did become available, perhaps they would be eligible to receive implementation money? Dr. Wagnon asked why all Manhattan schools weren't undertaking the types of strategies being employed and for additional information about the Stafford school.

Dr. Foster indicated that a citizen's group had come together and formulated the plan for the Stafford Economic Development Charter School as an attempt to keep the best and the brightest of the community's youth in the community? He reported that the community was very excited about the school? Mrs. Morris and Mr. Willard asked for a copy of the Stafford district's charter school application? Mrs. Martin asked for a copy of the one from Manhattan.

## **WHITE PAPERS ON THE BOARD'S CORE PRINCIPLES OF SYSTEM REDESIGN ? PROFESSIONAL DEVELOPMENT**

Continuing with the white papers which had been commissioned to guide the Board's future policy agendas and legislative proposals, a fifth white paper, on professional development, was presented by Dr. Sandee Crowther, USD 497, Lawrence? Several issues were raised in the discussion that followed? The need for strong district leadership was noted? Dr. Crowther indicated that adoption of national standards would help schools understand what is expected of them regarding professional development? She also pointed out the need to develop model programs? The helpfulness of having information on the impact of professional development on student achievement was also pointed out.

## **QUALIFYING SCORES FOR EDUCATOR LICENSURE ASSESSMENTS**

Dr. Martha Gage reported that the Department had contracted for two validations studies on the content assessments for licensure? Dr. Jerry DeLuca of the Educational Testing Service (ETS) reviewed for the Board the process used by Kansas in adopting the assessments, including test review and selection, standard setting studies, stakeholders meetings and presentation to the Professional Standards Board? He reported that during the test development process, national surveys were done to determine the necessary knowledge and skills for beginning teachers? Results of the surveys were reviewed by teachers and specifications were developed based on them. Finally, the specifications were also reviewed and approved by teachers? As part of the standard setting study, which confirmed the appropriateness of the content of a test, panels of Kansas teachers validated the content and rigor of the tests? A passing score for each test was also recommended based on how many questions a beginning teacher should be able to answer correctly? The passing scores were then vetted by groups of Kansas stakeholders including the Professional Standards Board? Consideration in score setting was given to ETS recommendations based on its statistical analysis, passing scores used by the State of Missouri, because Missouri also uses the same assessments, and information gathered from assessments scores during the no-fault testing period? Additionally,

the Professional Standards Board considered the recommendations of the other two stakeholder groups which had vetted the scores.? Dr. DeLuca pointed out that the resulting assessments would be reliable measure of a minimum level of competency and would be legally defensible.

Mrs. Gamble stated she wouldn't want the scores set so high that they would exclude a large percentage of new teachers.? Dr. DeLuca indicated that the state should watch the scores and adjust them if necessary.? Dr. Gage reported that teacher preparation units would be very interested in the outcomes of the assessments.

Page 7

MINUTES

March 8, 2005

Dr. Wagnon asked how the tests would impact college-level curriculum requirements.? Dr. DeLuca reported that resource guides would be available for college professors and higher education institutions would get summaries of assessment scores by content category.

Dr. John Poggio, of the KU Center for Educational Testing and Evaluation (CETE), explained the method used by CETE to study five of the content assessments to make its recommendations for passing scores.? He pointed out that it would have been cost prohibitive to look at all of the content areas, so the five that would be most frequently used were chosen: Elementary Education, English Language Arts (6-12), Math (6-12), History Government (6-12), and Special Education (preK-12).? Mrs. Morris asked that a comparison of the ETS, CETE and Professional Standards Board recommendations be included when the scores were brought back to the Board for approval in April.

The Board took a break from 3:30 to 3:35 p.m.

## **LEGISLATIVE MATTERS**

### **2006 Budget and Legislative Update**

Deputy Commissioner Dennis handed out a summary and reviewed a comparison of the recommendations made by the Senate Ways and Means Committee and the House Appropriations Subcommittee for the FY 2006 Kansas State Board of Education budget.? Mr. Dennis also handed out and reviewed House and Senate school finance plans.? Additionally, Mr. Dennis handed out a summary of bills of interests and reviewed several bills.?

### **Overview of Amended Federal Special Education Law and Proposed State Law Changes**

Mr. Rod Bieker, Department of Education General Counsel, reported that changes were needed in the state special education law to meet or exceed the requirements of the recently amended federal Individuals with Disabilities Education Act.? He said that staff had prepared a bill that incorporated the federal changes and that it was making progress through the legislature, though there were some, primarily school district representatives, who wanted to remove some items not in the federal law, as well as others, mostly parents of students with disabilities, who wanted to leave those items in the state law.? Chairman Abrams reported that he had asked that the update be on the agenda because several Board members had received communications from individuals pressing them to do something about the Kansas special education law.? He indicated that a side-by-side comparison of the state and federal law showing the changes would be very helpful.? Mr. Bieker said he would provide it the following morning.

## **CONTRACTS FOR INVESTIGATION OF SPECIAL EDUCATION COMPLAINTS**

Dr. Posny reported that the Department for several years had contracted with individuals to investigate special

education complaints.? She noted that a review of the investigations showed that 64% had been found in favor of the parents? position. Mrs. Morris moved, with a second by Mrs. Martin, that the State Board authorize the Commissioner of Education to continue to contract with Dr. Richard Whelan and Ms. Diana Durkin for the purpose of providing investigations, written reports and responses to appeals of students with disabilities, with the contract amount not to exceed \$50,000.00 for each person.?

## CONSENT AGENDA

Dr. Wagon asked that item 16 f., recommendations of the Evaluation Review Committee, be voted on separately.? Mrs. Morris moved, with a second by Dr. Wagon, that the consent agenda be approved as presented, with the exception of item f.? The motion carried.

Page 8

MINUTES

March 8, 2005

In the consent agenda, the State Board:

- ? Received the monthly personnel report.
- ? Confirmed the appointment of Philip Watkins to the position of Microcomputer Systems Support Technician II in the Computer Information and Communications Services team, effective January 30, 2005 at an annual salary of \$30,139.20.
- ? Approved the Amendment to the Tri-County Interlocal Cooperative Agreement No. 607.
- ? Approved the amendments to the McPherson County Special Education Cooperative agreement.
- ? Accepted the recommendations of the Licensure Review Committee in cases 2160, 2162, 2165-2168, and 2170-2171.
- ? Approved school construction plans for Atchison Public Schools, USD 409; Kansas City, USD500; Sumner County Educational Services Interlocal; Olathe, USD 233; Winfield, USD 465; Douglass Public Schools, USD 396; West Smith County Schools; USD 238; and Royal Valley, USD 337.

Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows:

*Adaptive Physical Education:* ?Harry King, USD 480, Liberal; Leslie Moore, D0 608, Northeast Kanas Educational Service Center; Jean Frankel, USD 202, Turner; Rebecca Showalter; USD 233, Olathe; Trina Fitch, USD 409, Atchison; Leslee Meek, USD 453, Leavenworth Special Education Cooperative; and Cathy Morris, USD 497, Lawrence; *Early Childhood Special Education:* Jill Brillhart, USD 259, Wichita; USD 465, Kylee Brenn (Ward), Ashley Maloney, and Lisa Reynolds, Cowley County Special Education Cooperative; Karol Meyer, USD 475, Geary County; Danielle Smith, DO 603, ANW Education Cooperative; Stacy Dillinger, Desirae Gourley and Danessa Nitengale, D0 611, High Plains Educational Cooperative; Julie Eck, D0 613, Southwest Kansas Area Cooperative;? and Julie Schwartz, D0 637, Southeast Kansas Interlocal;? *Gifted:* Charles Gann, USD 320, Wamego; Betty Jane Whitson, USD385, Andover; and Jon Ansley, DO 611, High Plains Educational Cooperative; *Interrelated Special Education:* Andrea Klinkenberg, USD 202, Turner; Elbert Carpenter, USD 233, Olathe; Ruth Ann Alber, Rebecca Anderson, Tamara Creech,? Dorian Highland,? Heath Peine, Rachel Stenger, andPatricia Stucky, USD 259, Wichita; Cynthia Corn, Jeremy Harmison, Angela Reese, Kathryn Robillard, and Linda Rohr, USD305,Central Kansas Cooperative; Dana Buzzard, USD 308,

Hutchinson; Ryan Smith, USD 450, Shawnee Heights; Brian McLilly, USD 453 Leavenworth Special Education Cooperative; Adam Barrier, Jesse Dale, Kollene Hall, George Lowe Jr., Lucretia Lowe, Jean Phillips, Luellic Rowe, Sherri Venegas, Amy Wenz, and Mike Williamson, USD 465, Cowley County Special Education Cooperative; Stacy Feather, Jenny Font, Michael Frint, Jonathan Granberry, Christine Green, Adam Heaney, and Zachary Lawrence, USD 475, Geary County; Kimberly Creswell and Paula Hoffman, USD 480, Liberal; Erin Mumma, DO 603, ANW Education Cooperative; Shannon Mosier and Eugene Schinstock, DO 608, Reno County Education Cooperative; Kendra Barnett, Christine Crosley, Ginger Hartman, Heather Holstein (Lewis), John Maples Jr., Tonya Martin, and Leginia Miller, DO 611, High Plains Educational Cooperative; and John Askew, DO 613, Southwest Kansas Area Cooperative; and *Journalism*: Carla Kuhn, USD 305, Salina. Denied requests as follows: *Spanish*: Celeste Edgar, USD 222, Washington; *Special Education*; Debbie Miller, USD 480, Liberal; and Scot Vink, USD 501, Topeka; and *Extend Emergency-sub days*: Katherine Kruger, USD 512, Shawnee Mission.

Page 9

MINUTES

March 8, 2005

? Set a public hearing on the proposed revised teacher licensure regulation 91-1-203, and new regulations 91-1-220 and 91-1-221, which replace 91-1-213, on June 14, 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 accredited status for USD 251, Admire Elementary; USD 261, Haysville Middle School; USD 286, Sedan Elementary; USD 382, Mattie O Haskins Elementary, Southwest Elementary, and Liberty Middle School; USD 417, Council Grove High School; USD 460, Hesston Elementary; USD 475, Sheridan Elementary; and Z0026 Immanuel Lutheran Elementary.

? Approved the waiver of K.A.R. 91-31-24 for Williamstown Elementary School, USD 343, to allow it to be placed on the same accreditation timeline as the other USD 343 schools and not be required to complete its accreditation visit by June 2005.

? Approved the waiver of K.A.R. 91-31-24 for Neodesha High School, USD 461, to allow it to conclude its Cycle 3 of state accreditation by June 2005.

? Approved the inservice plans from USD 397, Centre, and USD 440, Halstead/Bentley. ?

? Approved recommendations for funding 2004-2005 Refugee Children School Impact grants for USD 233, Olathe, \$15,000; USD 343, Perry-Lecompton, \$25,000; USD 459, Bucklin, \$3,000; USD 497, Lawrence, \$5,000; USD 512, Shawnee Mission, \$10,000; USD 259, Wichita, \$35,000; USD 457, Garden City, \$25,000; USD 480, Liberal, \$7,600; and USD 500, Kansas City, \$40,000.

? Approved requests from USD 368, Paola, USD 490, El Dorado, and USD 503, Parsons, granting them authority to hold elections on the question of issuing bonds in excess of the districts' general bond debt limitation.

### *Contracts Approved*

Authorized the Commissioner of Education to negotiate and enter into a contract with United Cerebral Palsy Association of Greater Chicago in an amount not to exceed \$150,000 for the purpose of providing consultant

training and technical assistance to develop and pilot a self-sustaining assistive technology infrastructure that will meet the needs of Kansas students with disabilities;

### **RECOMMENDATIONS OF THE EVALUATION REVIEW COMMITTEE**

Mr. Bacon moved, with a second by Mrs. Rupe, that the State Board accept the recommendation of the Evaluation Review Committee for "Accreditation with Conditions" for Washburn University through December 31, 2006.? The motion carried 9-0-1, with Dr. Wagon abstaining.

### **BOARD POLICY COMMITTEE CONCERNING THE SEARCH PROCESS FOR A NEW COMMISSIONER OF EDUCATION**

Mr. Willard, Chairman of the Board Policy Committee, reported on the procedures and process for the search for a new commissioner of education.? Lanny Gaston, Personnel Director, handed out to Board members copies of the proposed structure and timeline for recruitment and selection; a copy of the announcement that would appear in regional and national publications; a list of recruitment sources, and a list of proposed screening committee members from the 1995 commissioner search.? Mr. Willard explained the changes that had been made to the documents since the 1995 search.? In the announcement, he explained,

Page 10

MINUTES

March 8, 2005

in addition to the required education leadership experience, the option for comparable experience in business leadership had been added.? Mrs. Waugh, Dr. Wagon and Mrs. Gamble expressed concern about the addition and Dr. Wagon stated that the Board has depended on a commissioner?s expertise in putting educational issues into the context of Kansas education and that he doubted that a business CEO would have that ability.? They indicated they would not be able to support a modification that would open up the search to individuals without the contextual experience. Mr. Willard assured them that the Board would only hire someone from a business background if it was firmly convinced that the individual had the kind of expertise needed to lead the Department, adding that a base from the business world shouldn?t disqualify an outstanding candidate.?

Mr. Willard asked if there were any questions about the structure of the process and proposed timeline.? Mrs. Gamble?s concerns, in addition to those stated by Dr. Wagon and Mrs. Waugh, focused on the shortness of the timeline which she felt would preclude spending the necessary amount of time to work with the field, the State Board?s education constituency, and stakeholders to develop a profile that would define required skills and what is wanted in a new commissioner to achieve the Board?s goals.? She added that without such a profile, the screening committee would have nothing to measure against to see if a candidate fulfills the profile.? She was also concerned that ?comparable business experience? was not defined.? Additionally, she asked how the screening committee would be chosen.

?Mrs. Morris moved, with a second by Mrs. Van Meter, that the announcement and the proposed structure and timeline, be approved as presented for use in the recruitment process.?

In the discussion that followed, Mr. Willard reported that the Policy Committee had selected the timeline because it appeared to be a timely period for the search, over the summer months, rather than having a candidate leaving his previous position during the school year.?? He pointed out that the Policy Committee would not have a problem changing the timeline if a decision is not made by the end of the summer. Mrs. Rupe echoed his assertion and stated that just because the timeline is adopted doesn?t mean that it couldn?t be modified if needed.? Mrs. Morris stated that her goal in offering the motion was to get the process approved and she wanted it understood that the Board would be approving a proposed process, so it could be flexible.? If adopted, it was not intended

that "proposed" would be dropped from the title and that the process couldn't be changed later.

Regarding the screening committee, Mr. Willard reported that the Policy Committee's proposal was to solicit an appointee from each Board member who would choose a member from their Board district plus a member from the Department of Education. He indicated there was no change recommended in the recruitment sources used in 1995.

Dr. Wagon brought up two issues regarding the process. He noted that the Board could possibly eliminate good candidates if the Department were to notify those who were not finalists before the position of commissioner had been filled. He pointed out that the Board's top choices might not accept the position because of various reasons, including an inability to agree on salary. He felt the Board should not limit its pool of candidates and proposed that the timeline be modified so that notification of non-finalists would occur after a commissioner had been hired. The second issue Dr. Wagon raised was wording in the announcement that the Board "anticipates that the new Commissioner will begin employment no later than August 1, 2005". He suggested that it would be better to insert a beginning date of May 9<sup>th</sup>, when applications would be considered as it would coincide with the date when the screening committee meets to review applications, and that the position would remain open until the position was filled.

Page 11  
MINUTES  
March 8, 2005

Mrs. Morris moved that her motion be amended to: address the change in notification of non-finalists as suggested by Dr. Wagon; include the screening committee make-up proposed by the Policy Committee; and change the announcement to state that applications would be considered beginning May 9<sup>th</sup> and the position would remain open until it was filled. Mr. Willard second the motion to amend.

Mrs. Gamble asked if the Board would attempt to use the previous criteria addressing its constituency base in making appointments to the screening committee. Mr. Willard responded that if it would satisfy concerns, appointments could come from the areas described in the earlier committee description and that the Policy Committee could monitor appointments as they were made. There was no final resolution to the concern.

Mrs. Martin moved to call the question. Mrs. Morris seconded the motion. The motion to call the question carried 7-2-1, with Dr. Wagon and Mrs. Waugh voting "no" and Mrs. Gamble abstaining.

The vote to amend the original motion failed on a vote of 5-5, with Mrs. Martin, Mrs. Rupe, Dr. Wagon, Mrs. Waugh, and Mrs. Gamble voting "no".

Dr. Wagon moved, with a second by Mr. Willard, moved to amend the original motion to insert into the announcement that "consideration of application will begin on May 9<sup>th</sup>, and the position will remain open until a commissioner is appointed". The motion to amend carried 7-2-1, with Mr. Bacon and Mrs. Gamble voting "no" and Mrs. Waugh abstaining.

The vote on the amended motion carried 7-3, with Dr. Wagon, Mrs. Waugh, and Mrs. Gamble voting "no". Explaining their "no" vote, Dr. Wagon, Mrs. Waugh and Mrs. Gamble, stated their concern about opening the position to someone from business. In addition, Mrs. Gamble added her concern about the shortness of the timeline.



Chairman Abrams called the meeting to order at 9:00 a.m. on Wednesday, March 9, 2005, 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	Carol Rupe
John Bacon	Iris Van Meter
Sue Gamble	Janet Waugh
Connie Morris	Ken Willard

Mrs. Martin and Dr. Wagnon were absent.? Dr. Wagnon arrived at 9:09 a.m. and Mrs. Martin arrived at 9:45 a.m.

## **APPROVAL OF THE AGENDA**

Mr. Bacon moved, with a second by Mrs. Rupe, that the Board approve the agenda.? The motion carried 8-0, with Dr. Wagnon and Mrs. Martin absent.

## **BOARD REPORTS**

### **Board Chairman**

Chairman Abrams explained that because of the Board's heavy agenda, the decision had been made to only visit the Kansas State School for the Blind.? The visit to the Kansas State School for the Deaf would be made in conjunction with the May meeting.

### ***Nomination of At-Large Members to the Kansas State High School Activities Association (KSHSAA) Board of Directors***

Chairman Abrams asked Commissioner Tompkins to review for the Board the process followed for Board nominations to the KSHSAA Board of Directors.? Commissioner Tompkins explained that the KSHSAA bylaws provided the opportunity for the Board to forward to the KSHSAA Board of Directors names of individuals for appointment as at-large members.? In the past, the KSHSAA staff had suggested individuals that met the criteria for demographic balance on the KSHSAA Board for the State Board of Education to consider in addition to other names that the Board might wish to propose.? Commissioner Tompkins reported that Mr. Willard had been given the names of three individuals the Board might want to consider for the two at-large positions available.? Mr. Willard moved, with a second by Mrs. Morris, that the Board recommend to the KSHSAA Board of Directors that Robert Gonzales, Topeka; Gerald Henderson, McPherson; and Dwight Nichols, Topeka be considered for appointment as at-large members on the KSHSAA Board of Directors.? The motion carried 8-0.

Dr. Wagnon arrived at 9:09 a.m.

### **Legislative Coordinator**

Mr. Willard reported that there seemed to be a genuine desire in the legislature to come up with a school finance plan that would satisfy the Supreme Court without a tax increase.? He noted that discussion in both houses was for a plan that could be starting point for future years and that would include a mechanism for oversight.?

### **Board Attorney's Report**

Mr. Biles reported that he had spent time during the last month on a public records request from the Wichita Eagle and on the school finance issue. He discussed the April 12<sup>th</sup> deadline imposed by the Supreme Court for the legislature to come up with a school finance plan. He suggested that the Board pay close attention to provisions of legislative proposals and indicated he would be asking for the Board's input in order to coordinate a response to the Court's request for the Board's opinion on any plan passed by the legislature. It was the consensus of the Board to have an extra meeting before the April meeting if necessary. Mr. Bacon moved, with a second by Mr. Willard, that the Board pay Mr. Biles' fees for services and expenses for February as presented. The motion carried 8-0, with Mrs. Morris temporarily out of the room and Mrs. Martin absent.

### **Other Board Member Reports**

Mrs. Gamble reported that she and Mrs. Waugh had been invited to meet with Senator Vratil regarding QPA and school finance. She indicated there was a legislative concern about the Board's QPA regulations which tied student performance to school accreditation. He indicated that a time could be anticipated when the regulations would form the basis of a lawsuit against the state. Mrs. Gamble reported that she had shared with Senator Vratil that the Board had intended that the regulations put pressure on school districts so they would work to ensure that students were performing as well as they could and would communicate with the legislature the financial support needed by schools. Mrs. Gamble added that she would not object to joining suit with a district which came to the Board and said it could not achieve the performance desired without adequate funding if it could demonstrate that fact. She reported that Senator Vratil suggested that the legislature should pass legislation which would prohibit districts from using taxpayers' money to sue the state. She also reported that he had suggested that perhaps the legislature should do away with a funding formula and make an appropriation to the State Board for disbursement to school districts. Discussion followed about whether districts should be allowed to use public funds to sue. Mr. Willard also suggested that the Board could perhaps protect itself from a lawsuit by changing language in the regulations from performance standards to performance goals. He questioned whether the Board was holding schools to impossible standards by requiring that 100% of students be proficient by 2012. In response to objections from Mrs. Gamble that his suggestions would have a negative affect on achievement, he expressed his belief that the wording change would not have a significant impact, but could protect the Board from becoming the target for a lawsuit.

Dr. Abrams brought up the fact that he and Mr. Willard had also been asked to meet with Senator Vratil to discuss many of the same concerns and Mr. Biles was asked about the appropriateness of the meetings in light of the open meetings law. Mr. Biles said that it was his opinion that no violation of the law occurs if multiple meetings are not intentionally planned as a contrivance to avoid the law so that comments of one set of Board members could be communicated to another. Mr. Biles stated that how the Board wanted to conduct the business of the Board can be addressed by Board policy.

### **Future Agenda Items**

Dr. Wagon asked that the Board consider the adoption of national professional development standards and asked that the Board examine its regulations to reduce impediments to performance. Mr. Bacon asked that the Board consider changing the wording in the QPA regulations from performance standards to performance goals.

Mrs. Martin arrived at 9:45 a.m.

Mrs. Martin pointed out that the March conference call was scheduled for Good Friday and indicated she would be unavailable all week.? She asked if the conference call could be changed.? Following discussion it was determined not to change to date, but Dr. Abrams suggested that Mrs. Martin notify the Board Secretary if she should happen to be available.

### **DRAFT ACTION PLAN FOR 2005-06 BOARD GOALS AND OBJECTIVES**

Commissioner Tompkins reported that he and Assistant Commissioner Posny had drafted an action plan that would direct the work of the department over the next 22 months to addressing the goals and objectives adopted by the State Board for 2005 and 2006. He noted that they had tried to consider the ongoing work of the department and the continuation of work based on the goals and objectives of the previous two years.? He invited Board comments and suggestions and indicated they would be incorporated into a final draft which would be brought to the Board for approval in April.

Mrs. Morris stated that plan of action was fine, but asked how Board members integrated their own ideas into it, such as One-Year English Immersion and faith-based initiatives.? Dr. Tompkins noted that the Board had talked about scheduling work session to begin discussing items and issues that had not been a part of the goals and objectives adopted at the retreat to see if there was Board consensus to include them.? He said he would bring a proposed schedule to the Board in April.

Several suggestions were made by Board members in the area of professional development, leadership preparation, the self-assessment tool for teachers and building principals to use in assessing classrooms and school environments, and improving communication with constituent groups.? Dr. Tompkins reported he would work with the Director of Communications, Kathy Toelkes, to develop a pamphlet the Board could use to follow progress on the action plan.? Dr. Wagon stated it would be helpful to have another pamphlet which could be used to communicate with the public, perhaps without the timeline.

The Board took a break from 10:30 to 10:37 a.m.

### **DISCUSSION OF ACADEMIC AND VOCATIONAL INTEGRATION**

Linda Oborny, Assistant Director of State and Federal Programs, shared trends in employment and reviewed the benefits of work-based learning programs and discussed the need to? raise the the academic content by developing standards for career and technical courses that integrate academic and industry standards to address jobs and the skills gap.? She reviewed how various states have tried to respond to request for integration between academic and technical skills with models and statewide projects.? She pointed out and explained the four basic models of integration: course-level integration; cross-curriculum integration; programmatic integration; and school wide integration. She left the Board with two questions: 1) How can career/technical programs be integrated effectively with core academic courses? and 2) How should faculty work together to ensure all students learn to high standards.

Dr. Abrams described the end result he would like to see ? a program with project oriented programs that integrates all core academic areas and would integrate the teaching of creativity and product development.? He added he would like to identify the problems that make such programs difficult to implement and explore potential solutions, with the view of having some pilot schools by August.

Page 4  
MINUTES  
March 9, 2005

Dr. Wagnon stated that the Board needed to establish the expectation that high schools be sensitive to the need for faculty collaboration, one of the barriers to implementing such programs.? He also expressed the view that high school graduation should guarantee that students can go anywhere educationally anytime in their lives, with a foundation of basic skills that would not prevent them from making a different choice than the one they may have focused on in high school.? Further, he added, college-level personnel need to understand that academics learned in vocational programs are comparable to college preparatory courses.

In the discussion of the issues, it was suggested that the Board look at schools which have successful programs.? It was also suggested that the Board encourage some group such as ESSDACK to develop and implement a model.? Mrs. Gamble pointed out that when the Board visited Goodland Technical College, they had been told that one-third of the students were not prepared to be there, so it was important that schools not wait until high school to engage students.? Commissioner Tompkins pointed out problems that would need to be addressed, including teacher licensure; state graduation requirements; and the problems with which courses the Board of Regents would accept for Qualified Admissions.? He noted that there were some technical high schools in the Northeast which had developed required competencies in core areas and recommended that the Board look at programs such as those, as well as a look again at the High Schools that Work program.

**APPROVAL OF BOARD TRAVEL**

Mr. Bacon, Mr. Willard, Dr. Wagnon and Mrs. Morris asked that travel to Byrd Scholarship meetings be added to their travel requests.? Mr. Bacon moved, with a second by Mr. Willard, that the Board travel requests be approved as amended.? The motion carried 10-0.

**ADJOURNMENT**

There being no further business, Chairman Abrams adjourned the meeting at 11:34 p.m.?

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Steve Abrams, Chairman  
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Penny Plamann, Secretary

**KANSAS STATE BOARD OF EDUCATION**  
**KANSAS STATE SCHOOL FOR THE BLIND**  
*Annual Visit*  
**March 9, 2005**

Board members Chairman Abrams, Mrs. Gamble, Mrs. Martin, Mrs. Van Meter, and Mrs. Waugh gathered with staff of the Kansas State School for the Blind (KSSB) in the student cafeteria at 1:00 p.m. for the Board's annual

visit.? Superintendent Daugherty welcomed the Board and staff made presentation on areas covered in the Quarterly Report.

**ACCESSIBLE ARTS AWARDS**

Mr. Daugherty introduced Vicki Tucker, President of the Accessible Arts, Inc. (AAI) Board of Directors, who welcomed those present and introduced Martin English, Executive Director, AAI.? Mr. English explained the history and purpose of the annual AAI awards and asked Chairman Abrams to joint him for presentation of the awards.? Receiving the 2004 AAI Distinguished Service Award in Arts and Disabilities was Barry Bernstein.? The recipient of the 2004 Educator of the Year in the Arts and Disabilities Award was Anne Miller.? Each recipient was presented with a certificate from the Board of Education as well as the award, after which they made brief remarks.? At the conclusion of the awards ceremony, Board members were invited to a reception at the Arts Center with the honorees, their guests and staff, and Board members of AAI.

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\_\_\_\_\_ Steve Abrams, Chairman?? Penny Plamann, Secretary