

**KANSAS STATE BOARD OF EDUCATION
Meeting Minutes**

October 13, 2009

CALL TO ORDER

Chairman Waugh called the October meeting of the State Board of Education to order at 10:00 a.m., October 13, 2009 in the Board Room of the Kansas Education Building, 120 SE 10th Avenue, Topeka, Kansas.

10/13/09 a.m.
session audio archive
(0:04:40)

ROLL CALL

Members present were:

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

Mr. Bacon and Mr. Willard were absent.

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

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

(0:05:43)

APPROVAL OF THE AGENDA

Chairman Waugh indicated that members had a copy of revised item 13c., school construction plans, and a copy of a new consent agenda item, 13 m., a contract with Achieve, Inc. She requested a working lunch during which she proposed the Board hold an executive session to discuss issues of non-elected personnel and to confer with the Board attorney in order to maintain attorney-client privilege. Mrs. Martin moved, with a second by Mr. Dennis, that the State Board accept the changes to the agenda and approve it. Dr. Chappell asked that an update on the H1N1 flu in Kansas schools be added to the agenda. Commissioner Posny responded no state data was being collected. Ms. Storm asked to pull several items from the consent agenda: item b., e., g. and k. Dr. Chappell asked to pull items f. and h. Mrs. Martin and Mr. Dennis accepted the changes to their motion to approve the agenda, though Mrs. Martin stated that she believed that Board members were to have their questions answered about agenda items before the Board meeting. The motion carried 8-0, with Mr. Bacon and Mr. Willard absent.

(0:07:42)

MOTION
(0:09:06)

APPROVAL OF MINUTES

The Chair asked for approval of the September 2009 meeting minutes. Mrs. Shaver moved, with a second by Ms. Storm, that the minutes be approved as presented. The motion carried 8-0.

(0:13:09)
MOTION

COMMISSIONER'S REPORT

The Commissioner shared with the Board information regarding the awarding of \$43 million for new five-year Teacher Quality Partnership grants to improve instruction in high needs and struggling schools. Among the 28 colleges and universities nationwide awarded grants, were MidAmerica Nazarene University in Olathe and Wichita State University.

(0:13:38)

The Commissioner also presented the Board with her letter of resignation. In her remarks regarding her resignation, Dr. Posny expressed her appreciation to the Board for allowing her the opportunity to serve them as the Commissioner of Education in Kansas.

(0:15:03)

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MINUTES

MOTION

(0:18:40)

Mrs. Cauble moved, with a second by Mrs. Martin, that the Board accept, with deep regret, Dr. Posny's resignation. The motion carried 8-0. Board members shared their appreciation with Dr. Posny for her leadership and her commitment to Kansas school children.

Other discussion briefly followed.

KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION ANNUAL REPORT

(0:30:41)

Gary Musselman, Executive Director of the Kansas State High School Activities Association (KSHSAA) presented the Association's annual report to the Board as required by state statute. He also passed out copies of *Synopsis of Major Changes to Bylaws and Rules, 2009 Regional Fall Regional Administrator and Board Of Education Meetings Agenda*, and a newspaper article about Olathe North and Smith Center High School students broadcasting the 2A and 6A champion high school football games. Among the issues Mr. Musselman discussed was how KSHSAA was dealing with the tight financial times that schools are experiencing. Questions were postponed until after the Citizens' Open Forum.

CITIZENS' OPEN FORUM

(0:49:49)

Chairman Waugh declared the Citizen's Open Forum open at 10:45 a.m. One individual, Kirk Fast, Ozakie, addressed the Board. He thanked Commissioner Posny for her work on behalf of the children in the state and wished the Board well in its search for a new commissioner.

Chairman Waugh declared the Open Forum closed at 10:48 a.m.

KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION ANNUAL REPORT (continued)

(0:53:03)

Board member questions and comments followed.

BREAK

(1:19:11)

The Board took a break at 11:15 and the meeting resumed at 11:22 a.m.

UPDATE ON THE KANSAS LONGITUDINAL DATA SYSTEM

(1:26:20)

Director of Information Technology provided an update on KSDE's Enterprise Data System project which is nearing project completion. She also outlined plans for continuing to enhance and expand the system and issues yet to be resolved regarding the data requirements of the Race to the Top grant. Discussion followed and Mrs. Gosa answered Board members' questions.

Follow up for staff included a request from Dr. Chappell for the list of questions asked to determine the uses of the Enterprise Data System and Mr. Dennis' interest in participating in the pilot of the Academic Achievement Dashboard for administrators and district data integration with the KIDS system.

EXECUTIVE SESSION

(2:22:37)

Mrs. Martin moved, with a second by Mrs. Shaver, that the Board recess into a sixty minute executive session at 12:30 p.m. and that the open meeting of the Board resume in the Board Room at 1:30 p.m.; the purpose of the session being to consult with the Board Attorney to preserve the attorney-client privilege, and to discuss personnel matters of nonelected personnel so the privacy, confidentiality and other rights of such personnel are not violated. The motion carried 8-0. Mr. Bacon arrived during the executive session at 12:47 p.m. The executive session ended at 1:30 p.m. and after a short break, the open meeting resumed in the Board Room at 1:34 p.m.

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ACTION RESULTING FROM DISCUSSION DURING EXECUTIVE SESSION

Mr. Bacon moved that the State Board of Education contract with the National Association of State Boards of Education (NASBE) to conduct the Board's search for a new commissioner. Mr. Dennis seconded the motion which carried 9-0.

MOTION

10/13/09 p.m.
session audio
archive
(0:03:55)

Discussion followed about the best date for an initial meeting with Brenda Welburn, NASBE Executive Director. It was decided that a conference call meeting would be held on Wednesday, October 21, 2009, with several members expressing an interest in attending over the Interactive Distance Learning Network. Staff was instructed to make appropriate arrangements for the meeting. Mrs. Martin, regrettably, would be in Rome, Italy and unable to participate.

AYP RESULTS FOR DISTRICTS AND SCHOOLS FOR 2008-2009

Deputy Commissioner Diane DeBacker presented highlights of the 2009 state assessments. Results for reading, mathematics, science and history-government were shared with the State Board. 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. Other state trends and helpful background information were also presented. For the ninth year in a row, Kansas continued to show an increase in student performance. With over 99% participation statewide, students were able to achieve 82.8% proficient in mathematics, and 85.7% in reading, up from 81% and 84.1% respectively. Board questions and discussion followed.

(0:11:26)

Mr. Bacon asked for trend data on participation in the KAMM - the number of students taking the KAMM, with modifications and accommodations, and the alternate assessment.

The State Board took a break from 2:45 until 2:53 p.m.

BREAK
(1:14:27)

UPDATE ON THE KANSAS LEARNING NETWORK

Director Julie Ford reported on the activities within the Kansas Learning Network from July, 2009 through September, 2009. She indicated that quarterly reports will be given to the Board throughout the year. The current report included an update on the Leadership Summit, cohort meetings, implementation coach training, implementation coach and principal group training, the new Kansas Learning Network website and a summary of individualized technical assistance provided to each district this fall. Plans for the Kansas Learning Network from October through January and an overview of how the Kansas Learning Network will support Kansas' Race to the Top application were also shared. Discussion followed. Mr. Dennis asked for an overview of the technical assistance offered to schools not making AYP. Mrs. Wims-Campbell asked for the amount of Title I 1003a and 1003g (School Improvement) carryover funds from last year.

(1:21:37)

PRESENTATION AND PROCLAMATION ON DISABILITY HISTORY AND AWARENESS WEEK

Colleen Riley, Director of Special Education Services shared information regarding changes in the education offered to students with disabilities since the passage in 1975 of Public Law 94-142 which granted access to public education for them. She also updated the Board on Senate Bill 41 which was passed in the 2009 legislative session. The bill required that the State Board of Education designate a period of time each school year as a time for disability history and awareness. It also required the Board to develop objectives and guidelines for disability history and awareness, for all grade levels, within the existing curriculum for history, social studies or other appropriate subject-matter curriculum.

(2:10:57)

Mrs. Martin moved, with a second by Mr. Dennis, that the Kansas State Board of Education proclaim Disability History and Awareness Week as the third week in October in conjunction with recognition of October as National Disability Employment Awareness Month and October 21st as Disability Mentoring Day. The motion carried. A copy of the Proclamation is attached.

MOTION
(2:18:25)

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MOTION
(02:21:17)

Mrs. Storm reported she had received the information she needed regarding the items she pulled from the Consent Agenda and they could voted on with the others. Dr. Chappell asked that items f., h., and k. be voted on separately. Mrs. Shaver moved, with a second by Mr. Dennis, that the Board approve the Consent Agenda without items f., h., and k. The motion carried 9-0. In the Consent Agenda the State Board:

- Received the monthly personnel report.
- Confirmed the appointments of Stephanie Smith to the position of Assistant Director on the Fiscal Services & Operations team effective September 6, 2009, at an annual salary of \$70,000.00; Robin Harris to the position of Assistant Director on the Career, Standards & Assessment Services team effective September 6, 2009, at an annual salary of \$70,000.00; Norma Cregan to the position of Assistant Director on the Title Programs & Services team effective September 6, 2009, at an annual salary of \$70,000.00; Karla Denny to the position of Director on the Communications & Recognition team effective September 6, 2009, at an annual salary of \$82,000.00; Tom Foster to the position of Director of the Career, Standards & Assessment Services and the research & Evaluation teams effective August 9, 2009, with a month bonus of \$1,000.00; Diana Stephan to the position of Coordinator on the Teacher Education and Licensure team effective September 20, 2009, at an annual salary of \$58,000; Sara Barnes to the position of Coordinator on the School Finance team effective September 20, 2009, at an annual salary of \$60,000; Mason Vosburgh to the position of Coordinator on the Special Education Services team effective September 20, 2009, at an annual salary of \$54,500; and Charlotte Bogner to the position of IT Project Coordinator on the Information Technology team effective September 20, 2009, at an annual salary of \$53,414.40.
- Approved school construction plans for USD 338, Valley Falls; USD 233, Olathe; and USD 265, Goddard.
- Received a current list of virtual programs/schools for the 2009-2010 school year.
- Approved funding in the amount of \$12,000 for Elkhart, USD 218 as a previously successful Kansas 21st Century Community Learning Center (21st CCLC) as part of the Kansas 21st CCLC Sustainability Project.
- Approved the local in-service education plans for USD 200, Greeley County; USD 267, Renwick; USD 379, Clay Center; USD 484, Fredonia; and Heartspring.
- Issued an Order authorizing USD 263, Mulvane, 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 of Education authorized the *KSSD Superintendent* to enter into a contract with the Kansas Department of Health and Environment to provide "train-the-trainer" workshops for early intervention in a contract amount not to exceed \$50,000.

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

- the National Staff Development Council to develop a comprehensive professional learning system in an amount not to exceed \$40,000; and
- Achieve, Inc. on behalf of the P-20 Council to perform a gap analysis of Kansas High School curricular standards compared with the Common Core Standards in an amount not to exceed \$12,500.

TEACHER LEADER STANDARDS

MOTION
(02:22:38)

Mr. Dennis moved, with a second by Mrs. Wims-Campbell, that the State Board approved the teacher leader licensure standards. Discussion followed. The motion carried 9-0.

CONTRACT FOR FISCAL AGENT FOR THE MIGRANT EDUCATION PROGRAM INCENTIVE GRANT

MOTION

(02:27:14)

Mrs. Wims-Campbell moved, with a second by Mrs. Shaver, that the State Board authorize the Commissioner of Education to negotiate and continue a contract with Fort Scott Community College to serve as the fiscal agent for the Migrant Education Program Incentive Grant, in an amount not to exceed \$50,000. Discussion followed. The motion carried 8-1, with Dr. Chappell voting "no".

CONTRACT FOR ASSISTANCE WITH THE RACE TO THE TOP GRANT

Mrs. Martin moved, with a second by Mrs. Cauble, that the State Board authorize the Commissioner of Education to negotiate and enter into a contract with Research & Training Associates, Inc. to assist with the Race to the Top grant, in an amount not to exceed \$50,000. Discussion followed. The motion carried 8-1, with Dr. Chappell voting "no".

MOTION

(02:38:16)

EXECUTIVE SESSION

Mrs. Wims-Campbell moved, with a second by Mrs. Martin, that the State Board recess into executive session at 4:30 p.m. for a period of 30 minutes in order to confer with the Board Attorney and maintain attorney-client privilege and for the purpose of discussing personnel matters of nonelected personnel so the privacy, confidentiality and other rights of such personnel are not violated. Further, the open meeting of the Board would resume in the Board Room at 5:00 p.m. The motion carried. The open meeting resumed at 5:00 p.m. Mrs. Cauble moved, with at second by Mrs. Martin, that the executive session be extended an additional 30 minutes and that the open meeting resume at 5:30 p.m. The motion carried. The open meeting resumed at 5:30 p.m. and a motion to further extend the executive session an additional 15 minutes, until 5:45 p.m., was made by Mrs. Shaver and seconded by Ms. Storm. The motion carried. The open resumed in the Board Room at 5:45.

MOTION

(02:44:13)

There being no further business, Chairman Waugh recessed the meeting at 5:45 p.m.

RECESS

Janet Waugh, Chairman

Penny Plamann, Secretary

KANSAS STATE BOARD OF EDUCATION
MEETING MINUTES
OCTOBER 14, 2009

CALL TO ORDER

10/14/09 a.m. session
audio archive
(0:03:23)

Chairman Waugh called the meeting to order at 9:00 a.m. on Wednesday, October 14, 2009, in the Board Room of the Kansas Education Building, 120 SE 10th Avenue, Topeka, Kansas.

ROLL CALL

Members present were:

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

APPROVAL OF THE AGENDA

MOTION

(0:003:56)

Mrs. Cauble moved, with a second by Mrs. Martin, that the State Board approve the agenda as presented. The motion carried.

BOARD MATTERS – BOARD REPORTS

Board Chairman

(0:04:22)

Commissioner Posny handed out copies of *Pocket Pals*, booklets for parents outlining the assessed standards for every subject and grade level assessed. Chairman Waugh reported that she had received several very favorable responses to the letters sent to schools regarding their good work on the state assessments.

Evaluations of Commissioner, Board Attorney and Board Secretary

Indicating that the Board would evaluate the Commissioner, Board Attorney and Board Secretary at the November meeting, Chairman Waugh handed out packets with the evaluation instruments for all three positions and asked that they be returned to her for scoring no later than October 30th. Discussion followed about whether it was necessary or desirable to do an evaluation of the Commissioner since she would be leaving before the November meeting. It was the consensus of the Board to do Commissioner Posny's evaluation, as well as an exit interview. The exit interview was scheduled for October 20th. It was also decided that the Commissioner's evaluation would be shared with her in a conference call.

Appointment of an Interim Commissioner of Education

MOTION

(0:17:23)

Mrs. Martin moved, with a second by Mr. Bacon, that the Board appoint Diane DeBacker as Interim Commissioner of Education at a salary of \$160,000 a year during the time the Board engages in the search for a new Kansas Commissioner of Education and until such time as one is in place. The motion carried 9-0.

(0:19:03)

Discussion of Letter and Possible Action on the Appointment of the National Director of Safe and Drug Free School

Mr. Willard, who was unable to be present at the Board meeting, asked Chairman Waugh to read in open session the letter he had sent to her expressing his deep concern about the President's appointment of Kevin Jennings as the National Director of Safe and Drug Free Schools. In addition to reading the letter, she handed out copies which he requested serve as the basis of a motion calling for Mr. Jennings removal from the position. Chairman Waugh also handed out copies of an email from Mr. Willard with links to other websites supporting his statement and a statement she had gotten off the internet by the Learning First Alliance in support of Mr. Jennings. Discussion followed.

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Mrs. Martin moved, with a second by Mr. Bacon, that the State Board send a letter to the President and Education Secretary Duncan that would express the Board's concern, as well as the values of its constituents, and protest the appointment, and call for the immediate removal of Mr. Jennings from his directorship. Discussion followed about the motion, as well as whether Mr. Willard should be contacted by telephone to vote on it. The motion failed on a vote of 3-6, with Dr. Chappell, Mrs. Shaver, Mrs. Waugh, Ms. Storm, Mrs. Wims-Campbell and Mrs. Cauble voting "no".

MOTION
(0:25:23)

Board Attorney Ferguson updated the Board on the Dough Wright appeal and the issue with the Goddard school district and the City of Wichita's fire codes. He also reported that former Board Attorney Justice Biles had been nominated for the NASBE Doug Bates Distinguished Service Award and it would be received on his behalf by Mrs. Cauble at the NASBE meeting. Discussion followed. Mrs. Cauble moved, with a second by Mr. Dennis, that the Board approve payment for Mr. Ferguson's legal services for the month of September. The motion carried 8-1, with Dr. Chappell voting "no".

Board Attorney
(0:50:07)

MOTION
(1:00:51)

Mr. Bacon left at 10:00 a.m.

Ms. Storm reported on the Closure Commission's recommendations concerning the two schools; a recent meeting of the 2010 Commission, where Deputy Commissioner Dennis had presented information on the cuts school districts were making; and about discussions that are being held on catastrophic state aid for special education students.

**Legislative
Coordinator**
(1:02:03)

Policy Committee Chair, Mrs. Shaver, handed out copies of Board Policy 1006 and 3002 with the changes that had been approved by the Board at the July meeting. She also reviewed and answered questions about proposed changes to Policy No. 1010 - Operation of the State Board of Education; State Board Guidelines for Approval of Meeting Attendance; and State Board Guideline IV - Discussing and Addressing Issues. Discussion followed.

Policy Committee
(1:09:29)

Chairman Waugh requested that the remainder of the Policy Committee Report be postponed until after a short break and the presentation on the Foundation Agriculture in the Classroom. The Board took a break from 10:29 until 10:38 a.m.

BREAK
(1:30:50)

PRESENTATION ON THE KANSAS FOUNDATION FOR AGRICULTURE IN THE CLASSROOM

Cathy Musick, Executive Director for the Kansas Foundation for Agriculture in the Classroom (KFAC), updated the Board on recent activities.

(1:30:42)

BOARD REPORTS (continued)

Discussion continued on Policy Committee recommendations and Mrs. Shaver continued her review of recommended changes. She noted that the proposed changes would be on the Consent Agenda for approval in November. Mrs. Shaver also presented a proposal for discussion at the November meeting.

Policy Committee
(2:19:14)

Mrs. Martin reported on the recent Kansas Volunteer Commission meeting she had attended. She indicated that a new Commission initiative is to increase the number of applications for the Governor's Point of Light award. Mrs. Martin also handed out a copy of an editorial on financing schools. Dr. Chappell reported on a board meeting of the Wichita Area Technical College that he had attended. He also reported on a Kansas Drop-ins meeting and mentioned a survey that had been done on reasons students drop out of school. Mrs. Cauble reported on a legislative forum with Donna Shenk of the Kansas Board of Regents. During that meeting Mrs. Cauble said that she recognized the need to communicate with the public, as part of Board goal four, more details about the 50% of the state budget used for education. She also

**Other Board
Member Reports**
(3:12:05)

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reported on her experience as a breakout speaker at a reading conference in Garden City where she had heard requests to change to birth date for starting school moved from September to May 1st. Mrs. Shaver reported on the Coordinated School Health conference she had attended in Wichita.

Chairman Waugh handed out the Commissioner's position description to help Board members with their evaluation of Dr. Posny and asked that the date for the return of the staff evaluations be moved to October 23rd. It was requested that the evaluation instrument be made available to Board members electronically.

**Requests for Future
Agenda Items**
(3:26:58)

Mrs. Cauble asked for consideration of the development of a Kansas virtual school. It was suggested that the Virtual School Advisory Council be reinstated and the issue given to it for initial consideration. Dr. Chappell asked for a presentation on how to get more physical activity and better nutrition into the school day.

A request to be followed up by staff came from Mr. Dennis. He requested that the Department IT team contact the Wichita School District about using their instant messaging program that had been modified for use during their Board meetings.

LEGISLATIVE MATTERS

(3:33:41)

Deputy Commissioner Dale M. Dennis presented the most recent budget reports to the Board, focusing attention on the reductions schools have been making and noting the overall impact on student learning. He also discussed the issue of catastrophic state aid for special education that had been reported on briefly by Ms. Storm.

It was the consensus of the Board to include its request for campaign finance changes in its legislative package for 2010. Deputy Commissioner Dennis also reported on agendas for recent legislative interim committees.

MOTION
(4:10:58)

In the discussion that followed the correlation between school funding cuts by the legislature and consolidation was brought up. After discussing whether it was an issue the Board would like to pursue, Ms. Storm moved that Department staff give the Board a brief overview of the research that has been done on consolidation or district reorganization and how much money it saves. Dr. Chappell seconded the motion. The motion carried 6-1-1, with Mrs. Waugh voting in opposition; Mrs. Martin abstaining; and Mr. Willard and Mr. Bacon absent.

MOTION
(4:21:51)

Dr. Chappell shared suggestions about possible legislation the Board might suggest. Discussion followed. Mrs. Martin moved that the State Board have a presentation by Department staff about what could be done to give school districts as much flexibility as possible to use fund that are given to them. Dr. Chappell seconded the motion.

Mrs. Cauble left the meeting at 1:30 p.m.

After discussion of the motion and the other suggestions proposed by Dr. Chappell, the motion failed on a vote of 2-5, with members Waugh, Dennis, Shaver, Storm and Wims-Campbell voting in opposition and Mrs. Cauble, Mr. Bacon and Mr. Willard absent. Brief discussion followed.

ACT ON BOARD MEMBER TRAVEL REQUESTS

(4:36:34)

Three members asked to add to their travel requests. Mrs. Waugh requested mileage to Topeka for the conference call meeting on October 21st. Requests were also added for the Kansas Teacher of Year Awards banquet in Wichita to ensure that all who indicated they were planning on attending were included – members Shaver, Wims-Campbell, Storm, Waugh, Chappell, Dennis, Willard, Cauble and Martin.

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Mr. Dennis moved, with a second by Mrs. Wims-Campbell, that the Board travel requests be approved as amended. The motion carried 7-0.

Brief discussion followed about the logistics for the conference call/IDL meeting on the 21st.

There being no further business, Chairman Waugh declared the meeting adjourned at 1:43 p.m.

ADJOURNMENT
(04:40:12)

Janet Waugh, Chairman

Penny Plamann, Secretary