

**KANSAS STATE BOARD OF EDUCATION  
Pre-Meeting Activity**

**April 12, 2004**

Board members Abrams, Gamble, Morris, Van Meter, Wagon, Waugh, Willard and Wyatt toured Colby High School, USD 315, Colby. After driving to Goodland, they also toured the Northwest Kansas Technical College and Goodland High School, USD 352, followed by dinner with members of the USD 352 Board, the Superintendent and Clerk of the Board.

**KANSAS STATE BOARD OF EDUCATION  
MEETING MINUTES**

**April 13, 2004**

Prior to the beginning of the formal Board meeting, members toured St. Francis Elementary School with St. Francis School District staff.

**CALL TO ORDER**

Chairman Waugh called the meeting to order at 10:00 a.m. on Tuesday, April 13, 2004, in the Home Economics Room of St. Francis High School, 100 College Street, St. Francis, Kansas.

**ROLL CALL**

Members present were:

Steve Abrams	Bill Wagon
Sue Gamble	Janet Waugh
Connie Morris	Ken Willard
Iris Van Meter	Bruce Wyatt

Mr. Bacon and Carol Rupe were not present for the meeting.

The Board stood for recitation of the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Chairman Waugh asked that item 14 b. 2), confirmation of an appointment, be added to the consent agenda. Mrs. Van Meter requested that item 14 j. 1), a request from USD 101, Erie-St. Paul, for authority to hold a bond election, be pulled from the consent agenda to be voted on separately. Mr. Willard moved, with a second by Mrs. Gamble, that the agenda be approved as amended. The motion carried.

**APPROVAL OF THE MINUTES**

Chairman Waugh asked for approval of the minutes of the March meeting. Mrs. Gamble moved, with a second by Dr. Wagon, that the minutes be approved as submitted. The motion carried.

**COMMISSIONER'S REPORT**

Dr. Tompkins informed the Board about a request from a legislator that the Kansas State School for the Blind and the Kansas State School for Deaf provide information that would substantiate the significance, importance, and need for KSSB and KSSD. Board members asked for copies of the reports provided as a response. In the

discussion of Dr. Tompkins' update on the computerized assessments currently being piloted, it was requested that representatives of CETE be asked to make a presentation to the Board on issues related to the comparability of scores from computerized assessments and paper/pencil tests.

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Dr. Tompkins discussed with the Board how it might like to meet with members of the Kansas Congressional delegation. It was decided that Chairman Waugh would write to the staff of members of the Kansas Congressional delegation about the possibility of meetings with delegation members and state board of education members. Board members asked staff for list of issues for possible discussion in the meetings.

Among the other issues that Dr. Tompkins addressed, he reported that the Department of Education had finalized its agreement with the Board of Regents making it the reporting agency for the Carl Perkins grant. He also reported that he had attempted to get a meeting scheduled between the State Board of Education and the Board of Regents in May, but nothing was confirmed. He noted that there were many issues regarding the transition from secondary school to college that could be explored in joint meetings of the two boards. It was requested that Chairman Waugh write to the Chair of the Kansas Board of Regents about scheduling a meeting with the state board and that the letter list the issues for future discussions between the two bodies, with copies sent to members of both boards.

Mr. Willard asked about the status of the project to develop a paperless Board agenda and meeting. Dr. Tompkins suggested that the Board subcommittee meet with Department staff assigned to the project in conjunction with the May meeting. Asked about the status of the charter schools grants, Assistant Commissioner Pochowski indicated that schools had until May 4<sup>th</sup> to accept or decline the grants and that none to date had declined.

## **RULES GOVERNING EMPLOYEES' AND STUDENTS' CONDUCT**

Mr. Bieker was directed at the March meeting to prepare a draft revision of K.A.R. 91-15-1 that would require local boards to adopt rules that govern the conduct of all persons employed or attending Kansas public schools, with procedures for enforcement, but that would eliminate the requirement that such rules be filed with the State Commissioner of Education. Mrs. Gamble expressed concern about proposed language requiring review of such rules by a school district's legal counsel, noting that many districts did not have their own attorney and would have to retain one for that purpose or pay the Kansas Association of School Boards (KASB) for the service. Dr. Abrams suggested the following change to section (b): "Before adopting the policies or rules, each board of education shall submit them to its legal counsel for review for compliance with legal requirements" thereby allowing districts to use their own legal counsel or the services of KASB. There were no objections to Dr. Abrams' suggestion. Mrs. Morris noted that conduct policies would only need legal review when changes were made.

## **CITIZENS' OPEN FORUM**

Chairman Waugh opened the Citizens' Open Forum at 10:34 a.m. Those addressing the Board were: Elaine Fox, Sublette, representing the Southwest Plains Regional Service Center; and John Richard Schrock, Emporia. Chairman Waugh declared the open forum closed at 10:44 a.m.

## **CLASSROOM VISITS ST. FRANCIS USD 297**

St. Francis Community Schools Superintendent Carl Werner welcomed the State Board and shared some demographics about the district. He invited State Board members to choose between three classrooms for which visits had been arranged. After a short break at 10:55 a.m., Mr. Willard, Dr. Wagon, and Commissioner

Tompkins walked to the St. Francis Elementary School and visited a piano keyboarding class; Mrs. Gamble, Mr. Wyatt, and Assistant Commissioner Pochowski visited an 8<sup>th</sup> grade math class; and Mrs. Morris, Mrs. Van Meter, Dr. Abrams, and KSDE Director of Communications Toelkes visited the high school journalism class. At 11:35 a. m., all gathered in the high school cafeteria for lunch, followed by a tour of the high school. The Board meeting resumed at 1:05 p.m. Mrs. Morris arrived at 1:10 p.m.

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### **AMENDMENTS TO THE NCLB STATE ACCOUNTABILITY PLAN**

Assistant Commissioner Pochowski reviewed amendments to the Kansas NCLB Accountability Plan that were being submitted to the U.S. Department of Education (US DOE) for approval. The amendments included:

- ? Using new assessments in schools that don't have grade levels for which assessments are required;
- ? Applying confidence intervals to safe harbor;
- ? Reassigning scores relative to the 1% cap on alternate assessment results;
- ? Establishing waiver requirements relative to the 1% cap on alternate assessment results;
- ? Implementing new assessment flexibility regarding English Language Learners;
- ? Defining the minimum number of students with disabilities for accountability purposes as 40;
- ? Changing confidence intervals from 95% to 99% and adding a Bonferroni adjustment;
- ? Applying safe harbor to small schools;
- ? Expanding the definition of graduation to include IEP graduates;
- ? Removing attendance as an indicator for high schools;
- ? Clarifying the proposed high school state mathematics assessment; and?
- ? Clarifying the formula for determining participation rate.

She indicated that KSDE hoped to hear from US DOE soon in order to release preliminary AYP data in August before the start of school as required by law. Final data would be released in October.

In the discussion that followed, Dr. Abrams recommended the use of a decision tree in explaining options for making AYP and several Board members requested additional time at a future meeting for a further explanation of confidence intervals.

The Board took a break from 2:05 to 2:15 p.m.

### **CURRICULAR STANDARDS FOR ENGLISH FOR SPEAKERS OF OTHER LANGUAGES**

The motion to adopt the Curricular Standards for English Speakers of Other Languages as submitted, which had been tabled until the April meeting, was reviewed. Chairman Waugh asked if there was further discussion of the motion. Mrs. Morris indicated she liked the way her initial recommendations had been incorporated into the standards. She noted they had been sent to Board members with a Commissioner's Friday letter and were also included in materials for the Board meeting as Appendix A1. Mrs. Morris asked for Board members to consider several other suggestions, a summary of which were passed out for review. Her suggestions included the inclusion, either in the standards or as appendices, of a checklist to monitor student progress on specific indicators and an English language assessment for use as a screening tool. She also recommended an English translation glossary of Spanish phrases commonly used in education settings as a resource to be made available to the field. Many Board members noted the usefulness of the screening tool and the checklist, but debated whether they should

be included with the standards document or included with the tools made available to the field through summer workshops, technical assistance provided by the department, and/or on the KSDE teaching resource website which is under development.? It was noted that most districts have their own assessment tools for ELL students as part of their local ESOL programs.

Dr. Abrams, with a second by Mrs. Van Meter, moved to amend the motion to have the screener and checklist included in the ESOL standards.? The motion to amend failed on a vote of 4-4, with Mrs. Gamble, Dr. Wagnon, Mrs. Waugh, and Mr. Wyatt voting ?no?.

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Mrs. Morris, with a second by Dr. Abrams, moved to amend the motion to have the changes contained in Appendix A1 integrated into the ESOL standards.? The motion to amend failed on a vote of 4-4, with Mrs. Gamble, Dr. Wagnon, Mrs. Waugh, and Mr. Wyatt voting ?no?.

Mrs. Morris indicated that because she was appreciative of the fair hearing and the openness of the discussion, as well as the receptiveness of staff, regarding her suggestions, she would vote in favor of the motion to adopt the ESOL standards as submitted.? A vote on the motion carried unanimously.

Dr. Abrams moved, with a second by Mrs. Gamble, that staff be directed to develop samples of student screening instruments and indicator checklists for use as resources for teachers on the KSDE website and in standards training workshops.? The motion carried unanimously.

### **RECOMMENDATIONS OF THE PROFESSIONAL PRACTICES COMMISSION**

Mrs. Gamble moved, with a second by Dr. Wagnon, that the State Board adopt the findings of fact and conclusions of the Professional Practices Commission and approve the recommendations of the Commission in cases 03-O-22 and 04-O-01.? The motion carried.

### **LEGISLATIVE MATTERS**

Mr. Dennis handed out and discussed a status report on the major legislative bills affecting education.? He indicated that though a school finance bill had been passed in the House, the Senate had been unable to agree on one, but hoped to work on a bipartisan plan before the legislature reconvened at the end of April. ?Mr. Dennis handed out and discussed information as of? March 31<sup>st</sup> on state general fund receipts, as well as information on federal funds for state formula-allocated and selected student aid programs.? In the discussion of changes in federal funding, Mr. Dennis mentioned problems with state report cards being developed for the federal government by Standard and Poore.? Dr. Wagnon asked for a list of the problems with the state report card so that he could discuss them with Congressman Ryun.? The FY 2005 budget for KSDE was discussed and Mr. Dennis also updated Board members on the effect of the property tax accelerator on schools.? Mr. Dennis gave Board members copies of a preliminary summary of legislation prepared by Legislative Research and a bill locator.

### **CONSENT AGENDA**

Mr. Wyatt moved, with a second by Mrs. Morris, that the consent agenda be approved with item 14 j. 1) being voted on separately.? The motion carried.

In the consent agenda, the Board:

? Received the monthly personnel report.

? Confirmed the appointments of Dr. Tom Foster to the position of Assistant Director, Assessment Unit, School Improvement and Accreditation, effective May 3, 2004, at an annual salary of \$61,700; Dr. Cheryl Randall to the position of Coordinator, Assessment, School Improvement and Accreditation, effective April 25, 2004, at an annual salary of \$57,948; and J. Kathleen Gosa to the position of Director, Computer Information & Communications Services, effective April 19, 2004, at an annual salary of \$85,000.

? Approved school construction plans for USD 259, Wichita; USD 233, Olathe; USD 373, Newton; USD 266, Maize; USD 435, Abilene; USD 232, De Soto (2); USD 229, Blue Valley; USD 385, Andover; and USD 475, Geary County Schools.

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? Approved the Technical Education Cooperative Agreement between USD 491, Eudora, and USD 232, De Soto.

? Approved accredited status for the following schools: USD 233 Fairview Elementary School, Northview Elementary School, Oregon Trail Jr. High School, and Santa Fe Trail Jr. High School; USD 259 Irving Elementary, and Park Elementary; USD 267 Garden Plain High School; USD 456 Marais Des Cygnes Elementary, Marais Des Cygnes Middle School, and Marais Des Cygnes High School; USD 491 Eudora West Elementary School, Nottingham Elementary School, Eudora Middle School, and Eudora High School; and USD 500 Coronado Middle School.

? Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Gifted Education*: Shari Powell, USD 259; *Interrelated Special Education*: Timothy Klein and Molly Ryan, USD 364, Mary Ann Crome and John Lane, USD 379, Breanna Ozburn, USD 457, Kimberly Creswell, USD 480, Andrea Landreth and Mary Lippert, USD 490, Christine Grilliot, Reno CO Coop, Hutchinson, Margaret Adcock, David Neal, Beverly Weber, and Adam Wiginton, High Plains Ed Coop, Ulysses, and Susan Barnes, Doniphan CO Coop, Bendena; *Library Media*: Randy Traylor, USD 385; and *Social Studies*: John Greenup, USD 400.

? Approved the adjusted funding recommendations of the Mathematics Partnership Review committee for the Title II Part B Mathematics and Science Partnership Grants for 2003-04: USD 305 Salina \$63,604 instead of \$50,000 and USD 470 Arkansas City \$50,000 instead of \$70,020.

? Approved an Ed-Flex Waiver request for USD 249 Frontenac.

? Issued an order granting the application from USD 490, El Dorado, Butler County, for authority to hold an election on the question of issuing bonds over the school district's bond debt limitation.

#### *Contracts Approved:*

? The Superintendent of the Kansas State School for the Deaf was authorized to contract with Sprint for Video Relay Services (VRS) at no cost to the school. In exchange, Sprint would be permitted to use the

provision of VRS to KSSD in its marketing and outreach for a designated period of time.

**REQUEST FROM USD 101, ERIE-ST. PAUL, NEOSHO COUNTY, TO HOLD A BOND ELECTION**

Dr. Wagnon moved, with a second by Mrs. Gamble, that the State Board issue an order granting the application from USD 101, Erie-St. Paul, Neosho County, for authority to hold an election on the question of issuing bonds over the school district's bond debt limitation.? The motion carried on a vote of 7-1, with Mrs. Van Meter voting ? no?.

The Board took a break from 4:10 to 4:15 p.m.

**COMPETENCY-BASED EDUCATION AND EXTENDED LEARNING TIME**

To assist the Board in addressing its Strategic Goal Three, to redesign Kansas schools and learning environments for a new century, and its study of competency-based education, Assistant Commissioner Pochowski began a review of current research on restructuring high schools for the 21<sup>st</sup> century.

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**RECESS**

Chairman Waugh thanked Mr. Werner and St. Francis High School Principal Scott Carmichael for the hospitality extended to the Board during its visit.? There being no further business, Chairman Waugh recessed the meeting at 4:35 p.m.? At 6:30, the Board had an informal dinner in Bird City with superintendents and local board presidents from USD 103, Cheylin, USD 105, Rawlins County Schools, USD 297, St. Francis, USD 314, Brewster, USD 315, Colby, USD 316, Golden Plains, and USD 352, Goodland.

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Janet Waugh, Chairman???????????????????????????????????????????????????????????????????????????????????????? Penny Plamann,  
Secretary

**KANSAS STATE BOARD OF EDUCATION  
April 14, 2004  
Pre-Meeting Activity**

Before the meeting began, Board members Abrams, Gamble, Morris, Van Meter, Wagnon, Waugh, Willard and Wyatt toured the Atwood High School.

**MEETING MINUTES**

## **CALL TO ORDER**

Chairman Waugh called the meeting to order at 9:05 a.m. on Wednesday, April 14, 2004, in the Atwood High School Auditorium, 100 N. 8<sup>th</sup> Street, Atwood, Kansas.

## **ROLL CALL**

Members present were:

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

Mr. Bacon and Carol Rupe were not able to attend the meeting.??

## **APPROVAL OF AGENDA**

Mrs. Gamble moved, with a second by Dr. Abrams, that the State Board approve the agenda.? The motion carried.

## **BOARD REPORTS**

### **Chairman**

Chairman Waugh thanked Dr. Tarrant, Superintendent of Rawlins County Schools, USD 105, and the Atwood High School staff for their hospitality.? She also thanked State Board members and department staff for their cards and phone calls during her recent illness.

### **Legislative Coordinator**

Mr. Wyatt reported that he had nothing to add to Deputy Commissioner Dennis? legislative report presented on Tuesday.? He expressed the hope that during the legislative break, legislators would realize that something needed to be done to devise survival funding for schools and that they would be able to address the issue when members returned at the end of April.? Mr. Wyatt also thanked Mrs. Gamble, Assistant Legislative Coordinator, for filling in for him many times during the session.? Mrs. Gamble mentioned a bill that was moving through the legislative process that would update building codes for school districts.

### **Board Attorney**

Mr. Biles gave the Board an update and answered questions about the federal and state school finance cases, indicating that oral arguments were expected before the Kansas Supreme Court in September, with a decision prior to the start of the 2005 legislative session.? He also reported that an employment law training required of KSSD as a part of the settlement in the Donahue case was scheduled for the end of May.? Mrs. Gamble moved, with a second by Mr. Wyatt, that Mr. Biles? fees for services for the month of March be approved for payment as submitted.? The motion carried.

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## **Other Board Member Reports**

Dr. Wagnon reported on his participation in several activities, including the NASBE ?Closing the Gap? study

group; a KASB seminar on school funding and budgeting issues; and the Sesquicentennial Gala marking the 150<sup>th</sup> anniversary of the Kansas Territory.?? He also updated Board members on upcoming activities commemorating the Brown vs. Topeka Board of Education case, including the dedication of the Monroe School National Site.?

Mr. Willard reported that he had attended the NASBE Commission on High School Athletics.? He noted that the Commission had received many reports about the benefits of extracurricular activities and their impact on keeping students in school.? He noted that every state involved in the study had reported the same fiscal crisis as Kansas and discussions had been held about the proper source of funding for extracurricular activities.? Mrs. Gamble and Mr. Willard asked Atwood High School students who were present what their feelings were about participation in sports and other extracurricular activities.? Several mentioned that the extra activities made a difference in how they viewed their school experience.? Mr. Willard also reported on a recent trip to Fiji and his experience visiting a local school.

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

Discussions with CETE and staff about the comparability of computerized and paper/pencil assessments results, as well as an explanation of confidence intervals, and the use of a decision tree in explaining options for making AYP were requested.

### **PRESENTATION BY USD 105, RAWLINS COUNTY SCHOOLS**

Dr. Tarrant handed out a copy of the study, "Enrollment, Facilities and Future Choices in USD 105" Rawlins County?, that had recently been released.? He discussed some of the findings from the study and the transitions the district will have to face over the next five years because of declining population in the district and Western Kansas in general.? Dr. Tarrant discussed LOBs, the school funding differences between large communities and smaller communities, and the need for an equalized tax burden.? He also discussed the importance of the local school in small communities, but noted that parameters for school size should be established, with a waiver granted by the State Board if a school's population dropped below the minimum.? A discussion followed about other remedies for school funding.

Mr. Tarrant also gave the Board an update and answered Board member's questions on the consolidation with Herndon.? He indicated that an improvement that could be made in the state law concerning the make-up of the local board of a consolidated district, would be to allow for staggered terms, initially, in order to allow better continuity.

### **REQUEST FROM KAN-ED TO VIDEO STREAM STATE BOARD MEETINGS**

Dr. Steve Wycoff, who works for the Education Services and Staff Development Association of Central Kansas (ESSDACK) and provides consultant services to KAN-ED was present to answer Board member's questions about KAN-ED's request to video stream the State Board meetings.? He explained accessibility issues for schools and public libraries and options for using the KAN-ED network video streaming capability.? He noted that staff development and curriculum conferences were two uses that would be advantageous to schools.? He explained that if the Board would like to have its meeting broadcast over the web, KAN-ED would provide the cameras and be responsible for all aspects of the service.? He noted that they could begin the service as early as May.?

The Board took a break from 10:40 to 10:55 a.m.

