

# **KANSAS STATE BOARD OF EDUCATION MEETING MINUTES**

**May 9, 2006**

## **CALL TO ORDER**

Chairman Abrams called the meeting to order at 10:01 a.m. on Tuesday, May 9, 2006, 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	Bill Wagnon
Kathy Martin	Janet Waugh

Mr. Willard had a long-scheduled conflict and was unable to attend. Mrs. Morris was not present at the beginning of the meeting, but arrived after lunch.

The Board stood for recitation of the Pledge of Allegiance.

## **APPROVAL OF AGENDA**

Chairman Abrams asked that item 9, the discussion of abstinence and human sexuality education be moved to the afternoon as item 16, after the Consent Agenda. Travel would be renumbered as item 16 a. In the place of item 9 at 11:30, he asked that an executive session for discussion of non-elected personnel be substituted. He also asked that an executive session for consultation with the Board attorney be added at the end of the day as item 17. Mr. Bacon asked that item 15 n., continuation of contracts for investigation of special education complaints, be pulled from the consent agenda. Mrs. Gamble asked that item 15 h., a QPA waiver request, be pulled also. Mr. Bacon moved, with a second by Mrs. Martin, that the agenda be approved as amended. The motion carried 8-0, with Mr. Willard and Mrs. Morris absent.

## **APPROVAL OF THE MINUTES**

Chairman Abrams asked for approval of the April minutes. Dr. Wagnon moved, with a second by Mrs. Martin, that the minutes be approved as presented. The motion carried 8-0.

## **COMMISSIONER'S REPORT**

Commissioner Corkins reported that the theme of the just completed annual conference addressed engaging learners. He shared with the Board the concept behind a proposal that would be brought to the Board for discussion in June for a project in the assessment arena that would deal with approaches to boost secondary student engagement and active involvement. He noted that trends showed that as students reached higher grade levels performance dropped in both math and reading. Additionally, he noted ACT scores have been unchanged over the past five years. He stated his belief that an immediate response was necessary. Mr. Corkins said he believed that in the negotiations that were underway on the assessment contract there was the potential to save somewhere between \$100,000 and \$1 million which could be used to further develop the student engagement project. Components of the project would include a single substitute high school assessment, such as the ACT or SAT. The second component, to stimulate career orientation, would be to provide schools that do not have one, a tool for assessing students' interests and aptitudes for particular types of careers. The third component to be included would be a measurement of student engagement that could be incorporated into the longitudinal database. Mr. Corkins suggested that this project be undertaken as a pilot with districts that volunteer on a first come-first served basis as funding permits.

Mrs. Gamble asked where Mr. Corkins believed savings in the assessment contracts could be made. In the discussion that followed, Mr. Corkins suggested that there was the potential for savings in the WestEd contract. He added that the Department was in the process of listing all the services it wanted each vendor to provide in the assessment contracts up for renewal. Dr. Wagnon asked to see the specifications for contracts related to the state assessments before they went out for bid. He also requested that after bids are received an independent audit of previous contract performance be performed in order that timeliness is ensured in provision of the work products by the contractors, as well as with information supplied by the department to the contractors.

Dr. Wagnon also voiced his reservations about the plans for the new School Innovation Division and separating innovation from services, which he felt may create innovations which are not realistic in terms of what is needed in the field. Mrs. Gamble echoed his concerns. Mr. Corkins responded that the integrated workgroup process had been incorporated into the new division. Dr. Wagnon also questioned where the funding to pay for the leadership of the divisions would come from.

#### **PRESENTATION BY USD 500 ON “ZAP THE GAP” INITIATIVE**

Dr. Jill Shackelford, Superintendent of USD 500, shared with the Board information about the district and its efforts to raise student achievement and close the achievement gap.

#### **CITIZENS' OPEN FORUM**

Chairman Abrams declared the Citizens' Open Forum open at 10:54 a.m. Those addressing the Board were: John Richard Schrock, Emporia; Alicia Nelson, representing the YWCA of Topeka; Erin Finzer, Lawrence; and Kirk Fast, Ozawkie. Chairman Abrams declared the open forum closed at 11:09 a.m.

The Board took a break from 11:09 until 11:15 a.m.

#### **2005 NATIONAL FINALISTS FOR THE PRESIDENTIAL AWARDS FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING**

The Board had the opportunity to hear from Kansas's two National Finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching: Christine Herald, Eisenhower Middle School, Manhattan-Ogden USD 383, who received the finalist award in secondary science, and Audrey Smalley, Derby High School, Derby USD 260, who received the finalist award in secondary mathematics. Each shared some of the challenges they face in light of the requirements of the No Child Left Behind legislation. They also answered questions from the Board. Each received a certificate of recognition from the Board and had their pictures taken with Chairman Abrams and Commissioner Corkins.

#### **EXECUTIVE SESSION**

Dr. Wagnon moved, with a second by Mr. Bacon that the Board recess into executive session for a period of 25 minutes for the purpose of discussing personnel matters of nonelected personnel so the privacy, confidentiality and other rights of such personnel would not be violated, and that the open meeting of the Board resume in the Board room at 12:05 p.m. The motion carried. The open meeting resumed at 12:05 p.m. Dr. Wagnon moved, with a second by Mr. Bacon to extend the executive session for an additional five minutes. The motion carried. The open meeting resumed at 12:10.

The Board recessed for lunch at 12:10 and returned at 1:32 p.m. Mrs. Morris was present for the afternoon session.

## **RECOMMENDATION ON AUTISM ISSUES FROM THE SPECIAL EDUCATION ADVISORY COUNCIL AND KSDE STAFF RESPONSE**

ZoAnn Torrey, Director of Student Support Services, reviewed the Special Education Advisory Council recommendations regarding issues related to autism and the Department's response to each recommendation. In the discussion that followed it was noted that, other than speech and language, autism would be the only other disability for which Kansas guidelines will have been developed. Also discussed were some of the challenges that should be considered and concerns that may arise with the identification of best practices and development of guidelines and how they may be viewed by the field. Ms. Torrey was asked how long it might take before the guidelines would be available. She explained that it would be at least two years, if not more, because of the peer review they must undergo during the process.

## **2005-2006 LICENSED PERSONNEL REPORT**

Mrs. Beth Fultz, Teacher Education and Licensure (TEAL), reviewed the Licensed Personnel Report that reflected data for the licensed personnel working in accredited Kansas schools during the 2005-2006 school year. During her presentation Mrs. Fultz shared a chart showing the impact of having mentors on the retention rate for new teachers. It was suggested that the information be shared with legislators. Dr. Martha Gage, Director of TEAL, and Mrs. Fultz answered board members' questions. There was Board member interest in gathering information in the future on assignments for those with superintendent licenses who were not serving as superintendents. There was also lengthy discussion of issues regarding the NCLB "highly qualified" teacher requirement and the Kansas definition of a fully licensed teacher. Follow-up information was requested on the length of service of terminated teachers as reported in the licensed personnel report; and a staff presentation on action the Board might take to address the problem of districts hiring unlicensed teachers was also requested.

## **ASSESSMENT ISSUES**

### **Dual-modality Comparability Study Update**

Dr. Tom Foster, Director of Learning Services, updated the Board on the need to study the comparability of the computerized versions of the state assessments (KCA) and the paper and pencil versions in order to ensure fairness. He indicated that previous studies had been done and, though there was no difference at the mean scores levels, there had been some discussion that the studies may not have been detailed enough. As a result of further examination of the data and a federal peer review of the state's accountability system, additional comparisons would be required at the cut score level. The study would be in two parts. The first would be a study that would analyze data already available. The second would take place in 2007, and be an empirically designed study using a stratified random sample and select students to test with either the KCA or pencil and paper. The data from the second study would be correlated with the first study. Both would be studies designed and carried out by CETE and supervised by Dr. Michael Kolen, a member of the Technical Advisory Council (TAC). Dr. Foster reported that input on the original comparability studies had been received from the Kansas Assessment Advisory Committee (KAAC) which is composed of approximately 35 Kansas educators from across the state. KAAC also recommended additional studies. Dr. Foster reviewed the membership of the TAC and reported that information on the current comparability study would be presented to it when it meets in July. Mr. Bacon asked that board members be notified of meetings of the assessment Technical Advisory Committee. Dr. Foster answered questions about the purpose of KAAC and TAC and the types of issues brought to them and how issues and complaints raised by the field are addressed.

### **Procedure for Development of Cut-scores for State Assessments**

Dr. Foster presented an overview of the process that will be used to establish the cut scores for the new state assessments and answered questions from Board members. Mrs. Morris asked that sufficient detail about how recommendations for assessment cut scores were determined be provided to board members to enable them to make appropriate decisions. Dr. Wagnon was concerned about how the integrity of the assessment system is monitored. Mrs. Gamble asked, in light of the delayed timeline for getting final assessment results to districts because of the new assessments, if the Department was communicating to districts how to use the raw data they already have.

The Board took a break from 3:40 until 3:46 p.m.

### **LEGISLATIVE MATTERS**

Deputy Commissioner Dennis reviewed the conference committee report on the school finance plan and policy questions at issue. He also reviewed legislative bills of interest and highlights of the FY 2007 appropriations for the Kansas State School for the Blind and the Kansas State School for the Deaf.

### **BOARD REPORTS**

#### **Board Chairman**

Chairman Abrams reported that Mr. Willard would be attending the NASBE Public Policy Position meeting in June.

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

Mr. Biles reported that once the legislature passes a school finance bill, it would be necessary to get Board member input on the position the Board will want to take with the court regarding the legislation. He also reported that he had been assisting KSSD regarding a complaint from a former employee. Dr. Wagnon moved, with a second by Mr. Bacon, that the Board pay Mr. Biles' fees for services and expenses for April as presented. The motion carried.

#### **Other Board Member Reports**

Dr. Wagnon reported he had attended an Education Commission of the States (ECS) Steering Committee meeting and noted its annual national education policy forum would be in Minneapolis in July. In addition, he reported that ECS had conducted a study of leadership factors that were key to district success and that it would be available soon. He also advised that ECS dues were owing.

#### **Future Agenda Items**

Dr. Wagnon requested a Board discussion on defining the various categories of achievement on the new assessments and to review the character of the new tests based on the new curriculum standards benchmarks to see if the tests truly reflect measuring the quality the board has in mind. Dr. Wagnon also requested that staff report on how the core principles of redesign and the related white papers have been brought to the attention of the field; how staff is using the content of both to provide technical assistance for the field; and the extent to which they are being used to measure the work of the field. He indicated he was interested in learning how both are used to overcome obstacles to success throughout the field. A staff presentation on action the Board might take to address the problem of districts hiring unlicensed teachers was requested and Mrs. Morris requested a presentation on the content of teacher preparation programs for physical education teachers. Mrs. Martin raised the issue about what kind of response the Board should make in cases such as the one at the Riverton district where several students had been arrested for threatening violence at the school. Mrs. Van Meter stated that she felt while matters were still under investigation the Board should wait.

### **CONSENT AGENDA**

Mrs. Gamble, who had pulled item h., a waiver request from Smoky Valley Virtual Charter School to allow it to use an instructor for reading with an elementary endorsement regardless of the chronological age of the students, asked if Dr. Gage, Director of Teacher Education and Licensure, had been involved in the discussion regarding the recommendation to approve the request. Mrs. Gage indicated that she believed that elementary teachers were well-prepared to teach reading and were probably the best choice to meet the students' needs for reading assistance. Asked if other similar waivers were anticipated, Deputy Commissioner DeBacker reported that the Department had one pending, but needed more assurances from the school making the request.

Mr. Bacon had pulled item n., continuation of contracts for investigation of special education complaints. He indicated he was concerned that both the individuals had come from within the system and he would like to be assured of impartiality on the part of whoever investigated the complaints. He requested that action on the contract be postponed for a month so that feedback from a group such as Families Together, Inc. could be solicited regarding how well the contractors providing the investigations have performed and how impartial they have been. Chairman Abrams directed staff to prepare the report at the suggestion from Mrs. Gamble that it would be more appropriate. Mrs. Rupe moved, with a second by Mr. Bacon, that the Board approve the consent agenda, with action on item n. postponed for a month. The motion carried.

In the consent agenda, the State Board:

- Received the monthly personnel report.
- Confirmed the appointments of unclassified special projects positions: Cheryl Johnson to a half-time position of Staff Development Specialist II, Child Nutrition and Wellness, effective April 3, 2006 at an annual salary of \$25,168; Sapna Hegde to a half-time position of School Food Service Consultant, Child Nutrition and Wellness, effective April 10, 2006 at an annual salary of \$19,728; Allison Gilmore to the position of Team Nutrition Coordinator, Child Nutrition and Wellness, effective May 1, 2006 at an annual salary of \$46,779; Jonathan Loppnow to the position of Assistant Administrator, State and Federal Programs, effective March, 20, 2006 at an annual salary of \$39,457; and Olena Borysova to the position of Application Developer II, Information Technology, effective April 17, 2006 at an annual salary of \$43,451.
- Approved school construction plans for USD 225, Fowler; USD 231, Gardner-Edgerton; USD 250, Pittsburg; USD 259, Wichita; USD 260, Derby; USD 261, Haysville; USD 265, Goddard; USD 358, Oxford; USD 394, Rose Hill Public Schools; USD 425, Highland; USD 483, Kismet-Plains; and USD 512, Shawnee Mission Public Schools.
- Approved the proposed FY 2007 salary schedules for the Kansas State School for the Deaf as submitted.
- Approved the proposed FY 2007 salary schedules for the Kansas State School for the Blind as submitted.
- Received FY 2006 third quarter reports from the Kansas State School for the Deaf and the Kansas State School of the Blind.



- Approved a waiver for Smoky Valley Virtual Charter School from State Board of Education regulation 91-31-32 (c) (5) regarding highly qualified teachers assigned to teach in core academic subjects, to allow it to use a Kansas licensed professional who has Elementary (Early Childhood/Late Childhood Generalists) Licensure, with no regard to the chronological age of the student.
- Approved inservice plans for USD 274, Oakley; USD 373, Newton; and USD 451, B&B.
- Reappointed Orville Altevogt, Karen Godfrey, Carolyn Good, Deb Haltom, John Heim, Shirley Meissner, and Samuel Rabiola to their second three-year term on the Professional Standards Board to run from July 1, 2006 through June 30, 2009.
- Reappointed Tom Biggs, Andrea Ewert, and David Webb to their second three-year term on the Professional Practices Commission to run from July 1, 2006 through June 30, 2009.
- Appointed Mary Tate, who was completing an unfulfilled term, to her first three-year term and reappointed Mark Jarboe to his second three-year term on the Licensure Review Committee for terms to run from July 1, 2006 through June 30, 2009.
- Accepted the recommendations of the Licensure Review Committee in cases 2250, 2252, 2254-2255, 2260-2261, 2267, 2270-2272, 2274, 2276-2277, 2279-2280, and 2283-2286.
- Approved the request from USD 446, Independence, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation. .

#### *Contracts Approved*

- Authorized the Commissioner of Education to negotiate and continue a contract with the University of Kansas Research Center in an amount not to exceed \$125,000 and Emporia State University Jones Institute in an amount not to exceed \$125,000 to provide professional development to 300 Title I teachers in the area of scientifically based reading research.
- Authorized the KSSD Superintendent to enter into a contract for non-resident student tuition for the 2006-07 school year from Raytown School District, Raytown Missouri, with KSSD to receive \$10,750 for one student.
- Authorized the KSSB Superintendent to renew a contract with Accessible Arts, Inc. for arts-related services for students attending KSSB in exchange for KSSB facility use and statewide outreach services in the Arts (drama, movement, dance, visual arts, and music) for Kansas individuals with disabilities in an amount not to exceed \$150,000.

#### **DISCUSSION OF POSSIBLE REQUIRED COMPONENT IN HUMAN SEXUALITY EDUCATION**

Dr. DeBacker reported that the staff had, at the request of the Board, prepared a statement regarding required human sexuality instruction. The statement, "Each board of education shall provide a comprehensive program of abstinence until marriage in human sexuality that is developmentally appropriate, including information about sexually transmitted diseases, especially HIV/AIDS. It is imperative that medically accurate and research-based information be provided, including factual information regarding contraception and disease prevention", had been sent to Board members in the

materials for the meeting. She indicated that if staff was asked for a recommendation for where the statement should be placed, it would be in the introduction of the Model Curricular Standards for Health

Education. A copy of the introduction with the statement included was passed out to the Board. Mrs. Rupe asked why a shorter statement suggested by Mr. Bacon at the April meeting had not been used. Dr. DeBacker indicated that staff had based its recommendation on statements it had researched that were used by other states and in other areas and felt comfortable with the recommendation. Mr. Bacon asked for clarification that what was being proposed was not a regulatory change, but an addition to the optional model health standards. Dr. DeBacker agreed that it was suggested as an addition to the health standards which had been developed as a framework for local district health programs. Mrs. Gamble asked why the health standards were still posted on the KSDE website as a draft. Dr. DeBacker explained that when the Board had adopted the opt-in policy as part of the standards, language in the introduction had referred to a sample opt-in parental letter and a checklist that districts might use. It was noted that Mr. Bacon had volunteered to prepare a draft checklist and staff was waiting to incorporate it into the standards. Mr. Bacon indicated he would follow up.

Mrs. Waugh asked how the proposed statement was different from what would be provided in an abstinence-plus program. Chairman Abrams indicated that he believed the statement was an attempt to define more specifically what needs to be discussed and included in an human sexuality abstinence-until-marriage education program. He added that he felt it went beyond a “just say no” abstinence-plus program and provided direction regarding specific important elements that should be included. Mrs. Gamble questioned how the statement’s inclusion in the introduction provided additional information, clarified or strengthened the standards document and added that she felt the statement was not precise enough.

Mrs. Martin expressed her reservations about the recommendation. She indicated that she was not convinced that the inclusion of a statement in the introduction of the model health standards would accomplish what a regulatory change would. She also noted that comprehensive sex education programs don’t normally have as their focus abstinence until marriage and concentrate instead on contraception and sexually transmitted diseases. She indicated that the three programs she had examined were very complete. She was concerned about the use of the word “comprehensive”, which she felt was normally associated with those programs that dealt more with contraception and safe sex instead of focusing on the message of abstinence until marriage. She indicated she would prefer that “complete” be used in its place if a descriptor was even necessary. Mrs. Martin said she was afraid that the message would be skewed in favor of promoting the use of contraception, and that was not the message that should be promoted to young people. The message, she believed, should be there is no safe sex until marriage when individuals are responsible and are emotionally and physically mature enough to handle a physical relationship. She said that she wanted the right message sent; one that was best for society and for young people, as well. Mrs. Martin said that having the message put into regulation or the introduction to the voluntary standards wouldn’t make a difference as long as it was the right message. She added that she had believed if it were in regulation it would make districts understand the importance of it.

Mrs. Waugh expressed her personal agreement with much of what Mrs. Martin had said about the message of waiting until marriage, but she indicated that she believed that the decision about what was taught by a district was a local decision and should be left to locally elected boards of education. She added that she had faith in local boards making good decisions about what is needed for their communities. Mrs. Martin suggested that the local decision would be about what program to use, but that the message that abstinence until marriage was the standard and expectation should still be the focus.

Mrs. Gamble stated that if the Board were to adopt a statement, she would prefer that it be in the health standards instead of regulation. She expressed concern about what the outcome might be for students if it were put in regulation. Asked by Mrs. Martin for an explanation, she pointed out that it could be possible if a school lost its accreditation by not following the regulation that its students would then graduate from a non-accredited school; something that could affect their options for college or other post-secondary opportunities. She added that she felt the issue did not warrant such a high standard.

#### **APPROVAL OF BOARD TRAVEL**

Mrs. Rupe moved, with a second by Mr. Bacon, that the Board travel requests be approved. The motion carried.

The Board took a break from 5:05 until 5:15 p.m.

#### **EXECUTIVE SESSION**

Mrs. Waugh moved, with a second by Mr. Bacon, that the Board recess into executive session for a period of thirty minutes for the purpose of consultation with the Board attorney so that the attorney-client privilege could be preserved, and that the open meeting of the Board resume in the Board room at 5:45 p.m. Chairman Abrams advised that there would be no action taken at the conclusion of the executive session. The motion carried. At 5:45 p.m. the open meeting resumed. Mrs. Van Meter, with a second by Mr. Bacon, moved that the executive session be extended for an additional five minutes and that the open meeting resume at 5:50 p.m. The motion carried on a vote of 8-0-1, with Mr. Willard absent and Mrs. Rupe abstaining. The open meeting resumed at 5:50 p.m.

#### **ADJOURNMENT**

There being no further business, Chairman Abrams adjourned the meeting at 5:50 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***

**May 10, 2006**

Board members Abrams, Bacon, Gamble, Martin, Morris, Rupe, Van Meter, Wagnon and Waugh participated in the State Board's annual visit at the Kansas State School for the Blind (KSSB). In addition to highlights of the quarterly report, the Board heard updates on student transition initiatives.

The annual Accessible Arts, Inc. awards ceremony followed. Tina Blatte was the recipient of the *2005 Distinguished Service Award in Arts and Disabilities* and Joell Ramsdell received the *2005 Educator of the Year in Arts and Disabilities* award.

After lunch with students and staff, Board members traveled to Olathe to visit the Kansas State School for the Deaf.

**KANSAS STATE SCHOOL FOR THE DEAF  
*Annual Visit***

Board members Abrams, Bacon, Martin, Morris, Rupe, Van Meter, Wagnon and Waugh participated in the Board's annual visit at the Kansas State School for the Deaf (KSSD). Their visit included student presentations from oratorical competitions; a demonstration of the ASL/English Media Lab; student presentations and an update on the student transition process; viewing of a video, "A Different Way to Hear"; a visit to the early childhood program; and a tour of the William Marra Museum at the Dear Culture Center.

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Steve Abrams, Chairman

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Penny Plamann, Secretary