APPROVED

KANSAS STATE BOARD OF EDUCATION
Meeting Minutes

April 12, 2011

CALL TO ORDER

Chairman Dennis called the April meeting of the State Board of Education to order at 10:01 a.m., April 12, 2011 in the Board Room of the Kansas Education Building, 120 SE 10th Avenue, Topeka, Kansas.

4/12/11 a.m. session audio archive (00:00:02)

ROLL CALL

Members present were:

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

Mr. Bacon was unable to attend because of a work conflict.

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

Chairman Dennis 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.

APPROVAL OF THE AGENDA

(00:02:27)
MOTION & MOTION TO AMEND

Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the agenda be approved as presented. Dr. Chappell moved to amend the agenda to add a discussion of a possible breach of the Kansas Open Records Act at the March 8th meeting. The motion to amend died for lack of a second. Member Chappell voiced his concern about the need to address the issue. Chairman Dennis suggested that Dr. Chappell and the Board Attorney meet and discuss it. On the question of approving the agenda as presented, the motion carried 8-1-0, with Chappell voting in opposition and Bacon absent.

APPROVAL OF MINUTES

(00:5:43)
MOTION

Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the minutes be approved as distributed.

MOTION TO AMEND

Member Chappell, indicated that that it appeared to him that only the discussion of the prevailing side was mentioned in the Board minutes, and made an amendment to the motion to add substitute language, under the item "Action on Board Member Communications", page 6, March 8, 2011. This discussion is found in the Board audio archive for 3/8/11 p.m. Session II at 00:00:02. Mrs. Martin seconded the motion. In the discussion that followed, Mrs. Waugh objected to the substitute language. Dr. Chappell reiterated the content of an Op-Ed letter, mentioned during the March discussion, that he had sent to several newspapers regarding school districts' unspent end-of-year balances. The motion to amend failed on a vote of 2-7, with Waugh, Willard, Wims-Campbell, Dennis, Storm, Cauble and Shaver voting in opposition. The minutes were approved as presented on a vote of 7-2, with Chappell and Martin voting in opposition.

COMMISSIONER'S REPORT

(00:13:46)

Commissioner DeBacker reviewed the definitions of various compliance categories used by the Kansas State Board of Education and the Kansas State Department of Education. Included were guidelines, procedures, policies, regulations, and statutes. Other issues discussed included vocational funding for journalism courses; membership dues paid by the Department and the amount the Department spends on travel; and identification as drop-outs those students who leave public schools to be homeschooled.

REVISED BOARD ITEM

(00:33:36) Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the agenda be amended to include a revision to item 14 g. on the Consent Agenda. The revised information had been handed out prior to the meeting. The motion carried 9-0.

CITIZENS' OPEN FORUM

(00:34:32) Chairman Dennis declared the Citizen's Open Forum open at 10:34 a.m. The Reverend Ben Scott and Paul Adams, Topeka, spoke in favor of the Department developing a Black History standard or including African-American history in the history, government and social studies standards. Shari Wilson, KACEE, Kansas City, talked about the plan developed by Kansans for Children in Nature, the KACEE Excellence in Conservation and Environmental Education Awards Celebration April 1st, and the Green Schools conference upcoming in the summer. Steve Roberts, Overland Park, introduced himself as a candidate for the State Board of Education in the 2012 election. Mirah Dow, School of Library and Information Management at ESU, spoke about the value of School Library Media Specialists and their impact on student academic achievement.

Mrs. Wims-Campbell shared letters on the Black History Standard from two individuals who were unable to be present: Deborah Dandridge, Archivist, African American Collection at the University of Kansas, and Dr. James Boyer, Professor Emeritus, Curriculum and American Ethnic Studies at Kansas State University. Chairman Dennis declared the Open Forum closed at 10:51 a.m.

BREAK The Board took a break at 10:51 and returned at 11:10 a.m.
(00:52:44)

RECOGNITION OF BLUE RIBBON SCHOOLS

(00:52:55) The State Board of Education had the pleasure of hearing from four of the five 2010 Blue Ribbon Schools, which were honored in November 2010 at a ceremony in Washington, D. C. Principal Phyllis Gibson, Franklin Elementary School, USD 475 Geary County, Principal Troy McChristian, Garden Plain High School, USD 267 Renwick, Principal Robert Green, Lakeside Intermediate School, USD 272 Waconda, and Principal Jeanne Fridell, Woodlawn Elementary School, USD 497 Lawrence, shared some of the strategies for student success used in their schools. Principal Debbie Edwards, St. George Elementary School, USD 323 Rock Creek, was unable to attend. At the conclusion of the presentations they answered questions from Board members.

LUNCH RECESS The Board recessed for lunch at 12:05 and the meeting reconvened at 1:30 p.m.

PUBLIC HEARING ON TEACHER LICENSURE REGULATIONS

4/12/11 p.m. session audio archive (00:00:01) Chairman Dennis opened the Public Hearing on teacher licensure regulations S.B.R. 91-1-200, 91-1-201, 91-1-202, 91-1-203, 91-1-20, 91-1-214, 91-1-230, 91-1-231, 91-1-232, 91-1-235, and 91-1-236 at 1:30 p.m. Giving testimony were Randy Mousley, Wichita; Karen Godfrey, Wakarusa, representing KNEA; Fred Bradley, Kansas State University, Manhattan; Dr. Steve Roberts, Overland Park; Peg Dunlap, KNEA, Topeka; John Richard Schrock, Emporia; Debbie Mercer, representing the Regulations Committee of the Professional Standards Board, Manhattan; and Rick Henry, Professional Standards Board, Kingman.

Several Board members asked questions about the current process for fingerprinting and background checks and what the desired result would be if conducted every five years, as proposed in the amendment to S.B.R. 91-1-214. Commissioner DeBacker reported that staff would address concerns expressed in the testimony received, as well as Board member questions at the meeting the following day, April 13th. Chairman Dennis declared the hearing closed at 2:15 p.m.

Chairman Dennis declared a five minute break, from 2:15 to 2:20 p.m. **BREAK** (00:44:08)

DISCUSSION OF BLACK HISTORY IN HISTORY AND GOVERNMENT AND SOCIAL STUDIES CURRICULUM

Don Gifford, Department of Education Consultant for History, shared information about what is currently included regarding Black History in the Kansas Standards for History and Government; Economics and Geography. He included in his presentation the most likely level in the structure of the existing standards at which to add additional Black History recommendations as well as difficulties that might be faced. The standards review process scheduled to begin in the fall of 2011, was outlined by Dr. Tom Foster, Director of Career Standards and Assessment. Discussion followed about the makeup of the standards writing committee and the extent of the review. It was requested that the Commissioner include in her weekly update to the Board information on the development of standards' writing committees and the process for revising standards. Several Board members indicated they would like to be able to make appointments to the membership of the committees. Additionally, having the issue on the Board agenda again in May was requested. (00:45:30)

REPORT ON THE NATIONAL GOVERNORS' ASSOCIATION POLICY ACADEMY

Commissioner DeBacker provided an update to the Board on the work of the National Governor's Association (NGA) Policy Academy, designed to provide selected states an opportunity to work with policy makers, academy faculty and NGA Center staff in developing a teacher compensation initiative. The committee formed through the NGA Academy focused specifically on teacher compensation and evaluation models, reviewing models currently in use in other cities and states; conducting a survey of educators in Kansas gaining their ideas regarding teacher compensation and evaluation models; and forming a the Multi-State Consortium for Revisioning the Professional Educator Continuum. The consortium has been engaged in collaborative problem-solving around development of a new system of educator recruitment, development, preparation and advancement. In addition, the state partnered with Educational Testing Services (ETS) to assist in developing teacher and leader evaluation instruments that incorporate best practices, the latest research and the ideas expressed by Kansas educators in the survey. A report on the ETS evaluation work will be brought to the Board in the early summer. A draft compensation model is in development, but Commissioner DeBacker stressed that it is a long way from being finalized because of the need to pilot and refine evaluation instruments that educators have faith in implementing. (01:20:20)

Commissioner DeBacker and Director of Teacher Education and Licensure, Pam Coleman, answered Board members' questions and provided clarification regarding the work being done by ETS and how the evaluation instruments will be piloted beginning with the fall of the 2011-2012 school year. Mrs. Cauble, the Board representative in the NGA Policy Academy, shared some of her experiences regarding its work and expressed the need for a common definition of an effective educator at the federal level.

The Board took a break at 3:35 and returned at 3:45 p.m. **BREAK** (01:58:12)

UPDATE ON THE JOINT CCSSO/NASBE LEGISLATIVE CONFERENCE

Chairman Dennis, with additional comments by Ms. Storm, Mrs. Cauble and Commissioner DeBacker, reported on participation in the joint Council of Chief State School Officers (CCSSO)/ National State Boards of Education (NASBE) legislative conference they had recently attended in Washington, D.C. They shared information about conference presentations and visits with members of the Kansas Congressional Delegation. Mr. Dennis reviewed with the Board the talking points on ESEA that the Kansas participants had used in their visits. Deputy Commissioner Neuenswander also attended the conference. (01:58:18)

LEGISLATIVE MATTERS

(02:55:59) Filling in for Deputy Commissioner Dennis who was ill, Deputy Commissioner Neuenswander and Director of Fiscal Services Ethan Erickson updated the Board on the status of education budget recommendations made by the Governor, the House and the Senate, including the impact each would have on school district budget allocations. Included in their update of several bills of interest, was information on two bills that had been introduced to address changes in the KPERS law. Mr. Neuenswander also answered questions from Dr. Chappell regarding district cash balances in special education funds.

CONSENT AGENDA

(03:32:08)
MOTION Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the Board approve the Consent Agenda. Dr. Chappell expressed his concerns about the dollar amounts involved with the approval of many of the items on the Consent Agenda. Chairman Dennis indicated that Dr. Chappell had not pulled any of the items from the Consent Agenda when the agenda was approved earlier in the day, nor had he spoken with staff to get his questions resolved prior to the meeting. After a poll of the Board indicated no one else felt need of further discussion or clarification regarding the items on the Consent Agenda, the vote to approve was taken and carried 8-1, with Dr. Chappell voting in opposition. In the Consent Agenda the Board:

- Received the monthly personnel report.
- Confirmed the appointments of Kimberly Carlson to the position of Senior Quality Assurance Technician on the Information Technology team effective March 7, 2011, at an annual salary of $48,484.80; Kathryn Stotts to the position of Senior Administrative Assistant on the Title Programs Services team effective March 21, 2011, at an annual salary of $28,308.80; Emily Nelson to the position of Registered Dietician on the Child Nutrition and Wellness team effective March 21, 2011, at an annual salary of $53,414.40; Kelly Fraser to the position of Applications Developer I on the Information Technology team effective March 28, 2011, at an annual salary of $41,870.40; Tammy McFadden to the position of Applications Developer I on the Information Technology team effective March 29, 2011, at an annual salary of $41,870.40; Denise Desch to the position of Quality Assurance Technician on the Information Technology team effective April 4, 2011, at an annual salary of $46,092.80; and Raymond Williams to the position of Applications Developer II on the Information Technology team effective April 4, 2011, at an annual salary of $46,092.80.
- Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Adaptive Special Education:* Karen Jones, USD 218; Michelle Cantrell, USD 353; Julie Chamberlain, D0 611 and Jennifer Lynch, D0 637; *Early Childhood/Pre-School:* Brandi Gibson, USD 218; *Earth Space Science:* Jay Nicholson, USD 218; *English as a Second Language:* Debra Snow, USD 259; and *Gifted:* Rhonda Lefferd, USD 450.
- Issued a CY 2011 license for commercial driver training school Hutchinson Driving School in Hutchinson from April 12, 2011 to December 31, 2011.
- Approved the Education Flexibility Partnership Act waiver request from USD 266 for Maize South Elementary School.
- Issued an Order authorizing USD 230, Spring Hill, Johnson County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.
- Approved Four-Year-Old At-Risk applications for 2011-2012 for 12; USD 102 Cimarron-Ensign, 25; USD 107 Rock Hills, 16; USD 110 Thunder Ridge, 5; USD 111 Doniphan West, 12; USD 112 Central Plains, 35; USD 113 Prairie Hills, 23; USD 114 Riverside, 18; USD 200 Greeley County Schools, 8; USD 202 Turner-Kansas City, 163; USD 203 Piper, 8; USD 204 Bonner Springs/Edwardsville, 50; USD 206 Remington, 17; USD 209 Moscow Public Schools, 10; USD 210 Hugoton Elementary School, 60; USD 212 Northern Valley, 5; USD 214 Ulysses, 62; USD 215 Lakin Grade School, 13; USD 216 Deerfield, 18; USD 218 Elkhart Public Schools, 20; USD 220 Ashland-Englewood, 10; USD 225 Fowler Elementary, 8; USD 226 Meade Schools, 12; USD 230 Spring Hill School District, 16; USD 231 Gardner-Edgerton, 18;

USD 232 De Soto, 24; USD 233 Olathe District Schools, 60; USD 234 Fort Scott, 36; USD 235 Uniontown, 14; USD 240 Twin Valley, 24; USD 244 Burlington, 13; USD 246 Northeast, 12; USD 247 Cherokee, 12; USD 248 Girard, 14; USD 249 Frontenac, 14; USD 250 Pittsburg, 40; USD 252 South Lyon County, 19; USD 253 Emporia, 140; USD 254 Barber County North, 10; USD 255 South Barber, 6; USD 256 Marmaton Valley, 15; USD 257 Iola, 28; USD 258 Humboldt, 12; USD 259 Wichita Public Schools, 1912; USD 260 Derby, 50; USD 261 Haysville, 150; USD 262 Valley Center, 36; USD 263 Mulvane, 30; USD 264 Clearwater, 6; USD 265 Goddard Public Schools, 60; USD 266 Maize, 36; USD 268 Cheney, 20; USD 269 Palco Elementary, 5; USD 271 Stockton, 8; USD 272 Waconda, 20; USD 273 Beloit Public Schools, 28; USD 282 West Elk, 12; USD 283 Elk Valley, 10; USD 286 Chautauqua Co Community, 12; USD 288 Central Heights Public School, 10; USD 290 Ottawa School District, 36; USD 291 Grinnell, 3; USD 293 Quinter Public Schools, 6; USD 298 Lincoln, 13; USD 299 Sylvan, 7; USD 305 Salina School District, 60; USD 308 Hutchinson Public Schools, 56; USD 309 Nickerson-South Hutchinson, 16; USD 312 Haven Public Schools, 9; USD 313 Buhler, 60; USD 316 Golden Plains, 6; USD 321 Kaw Valley, 24; USD 326 Logan, 6; USD 332 Cunningham: W Kingdom Co, 12; USD 333 Concordia, 30; USD 338 Valley Falls, 12; USD 339 Jefferson County North, 10; USD 341 Oskaloosa, 30; USD 342 McLouth, 24; USD 343 Perry-Lecompton Schools, 13; USD 344 Pleasanton, 20; USD 345 Seaman, 40; USD 346 Jayhawk, 20; USD 347 Kinsley-Offerle-Lewis, 15; USD 348 Baldwin City, 50; USD 351 Macksville, 12; USD 353 Wellington School, 14; USD 357 Belle Plaine, 30; USD 358 Oxford, 5; USD 359 Argonia Public Schools, 4; USD 360 Caldwell Public School, 8; USD 361 Anthony-Harper, 52; USD 362 Prairie View, 20; USD 363 Holcomb Schools, 24; USD 364 Marysville, 25; USD 366 Woodson Schools, 17; USD 367 Osawatomie, 24; USD 369 Burrton Schools, 12; USD 371 Montezuma Schools, 18; USD 372 Silver Lake, 16; USD 373 Newton Public Schools, 56; USD 374 Sublette, 22; USD 376 Sterling, 12; USD 377 Atchison Co Community School, 18; USD 380 Vermillion, 18; USD 382 Pratt, 20; USD 383 Manhattan-Ogden, 108; USD 384 Blue Valley-Randolph Schools, 20; USD 385 Andover, 45; USD 386 Madison-Virgil, 8; USD 387 Altoona-Midway, 12; USD 389 Eureka, 30; USD 390 Hamilton, 6; USD 394 Rose Hill, 24; USD 396 Douglass, 10; USD 398 Peabody-Burns, 15; USD 399 Paradise, 12; USD 400 Smoky Valley, 24; USD 401 Chase-Raymond Schools, 8; USD 402 Augusta, 30; USD 404 Riverton, 14; USD 405 Lyons Park Elementary, 38; USD 409 Atchison Public Schools, 40; USD 410 Hillsboro, 10; USD 413 Chanute, 34; USD 417 Morris County, 15; USD 418 McPherson, 34; USD 419 Canton-Galva, 10; USD 423 Moundridge, 10; USD 428 Great Bend, 30; USD 431 Hoisington, 40; USD 434 Santa Fe Trail, 24; USD 436 Caney Valley, 30; USD 437 Auburn-Washburn, 60; USD 440 Halstead/Bentley, 20; USD 442 Nemaha Valley, 18; USD 443 Dodge City Public School/Bright Beginnings Early Childhood Ctr, 149; USD 444 Little River, 10; USD 445 Coffeyville, 56; USD 446 Independence, 28; USD 447 Cherryvale, 24; USD 448 Inman, 18; USD 452 Stanton County, 30; USD 453 Leavenworth, 144; USD 457 Garden City Public Schools, 204; USD 459 Bucklin, 12; USD 461 Neodesha, 16; USD 463 Udall, 4; USD 465 Winfield, 30; USD 466 Scott Co Schools, 30; USD 467 Wichita Co Schools-Leoti, 30; USD 470 Arkansas City Schools, 115; USD 474 Haviland, 7; USD 475 Geary County Schools, 48; USD 476 Copeland Schools, 12; USD 477 Ingalls, 13; USD 479 Crest, 10; USD 480 Liberal Public Schools, 170; USD 481 Rural Vista, 12; USD 482 Dighton, 10; USD 483 Plains-Kismet, 40; USD 484 Fredonia, 20; USD 487 Herington, 13; USD 489 Hays, 40; USD 490 El Dorado Public Schools, 30; USD 493 Columbus, 30; USD 494Syracuse Elementary, 20; USD 495 Ft. Larned, 30; USD 497 Lawrence Public School, 84; USD 498 Valley Heights, 7; USD 499 Galena, 26; USD 500 Kansas City Public Schools, 570; USD 501 Topeka Public Schools, 200; USD 502 Lewis, 10; USD 503 Parsons, 24; USD 504 Oswego, 12; USD 505 Chetopa-St. Paul, 12; USD 506 Labette County, 24; USD 507 Santana, 20; USD 508 Baxter Springs, 30; USD 509 South Haven, 6; USD 512 Shawnee Mission, 120; and D0 620 Burlington/Three Lakes Coop, 12.

- Approved Pre-K Pilot Program grants for Sedgwick County, $714,986; Dodge City, $199,374; Topeka, $466,667; Douglas County, $369,644; Reno County, $524,162; Crawford County, $221,675; Manhattan, $457,443; Geary County, $448,981; South Central Kansas Education Service Center, $390,121; Shawnee Mission, $248,502; The Opportunity Place, (Wichita), $345,663; and Kansas City Kansas, $612,782.

- Approved grants to participating Kansas International Baccalaureate (IB) schools in the amounts as follows: USD 500, Sumner Academy of Arts & Science, $34,443; USD 259, Wichita East High School, $8,424; USD 308, Hutchinson High School, $1,761; USD 512, Shawnee Mission Northwest High School, $1,671.

- Approved continued funding of Title II Part B Math and Science Partnership Grants for 2011-2012 for the following: *Recommended for second year funding*: Coffeyville USD 445, in partnership with: USD 234; USD 247; USD 257; USD 436; USD 503; USD 504; Pittsburg State University; and SEKESC (Service Center #609) in the amount of $132,863; Emporia State University in partnership with: USD 253; and Sacred Heart and St. Joseph Catholic Schools (Emporia) in the amount of $192,560; Hutchinson USD 308, in partnership with: USD 349; Holy Cross Catholic Elementary (Hutchinson); Wichita State University; Tabor College; and ESSDACK (Service Center #622) in the amount of $172,576; and Salina USD 305, in partnership with: Kansas Wesleyan University & Kansas State University at Salina the amount of $149,033. *Recommended for third year funding*: Emporia State University in partnership with: USD 243; USD 244; USD 251; USD 252; USD 287; USD 288; USD 390; and USD 456 in the amount of $170,175.60; and Kansas State University in partnership with: USD 320; USD 378; USD 379; USD 383; USD 475; and USD 500 in the amount of $201,007.

Contracts Approved:

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

- continue contacts with Dr. Richard Whelan and Ms. Diana Durkin for the purpose of investigating special education complaints, with each contract amount not to exceed $50,000 and with an hourly rate of $40 per hour plus expenses.
- enter into a one-year contract with the National Student Clearinghouse to provide information regarding postsecondary enrollment status and educational achievements of Kansas high school graduates, with the contract amount not to exceed $30,000;
- enter into a revised contract with the Center for Educational Testing and Evaluation (CETE) for the development cost of 8 End-of-Path Assessments, in an amount not to exceed for $987,460. (This was previously approved by the Board in December but was resubmitted to include a corrected indirect-cost amount); and
- enter into a contract with the Center for Learning Tree Institute, a division of the Southeast Kansas Education Service Center, to provide evaluation services for the Safe and Supportive Schools Grant awarded to KSDE in October 2010, an amount not to exceed $400,000 ($100,000 per year for 4 years).

RECESS There being no further business, Chairman Dennis declared a recess at 5:30 p.m.

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David Dennis, Chairman Penny Plamann, Secretary

APPROVED

KANSAS STATE BOARD OF EDUCATION
Meeting Minutes

April 13, 2011

CALL TO ORDER

Chairman Dennis called the second day of the April meeting of the State Board of Education to order at 9:00 a.m., April 13, 2011 in the Board Room of the Kansas Education Building, 120 SE 10th Avenue, Topeka, Kansas.

4/13/11 a.m. session audio archive (00:00: 03)

ROLL CALL

Members present were:

Carolyn L. Wims-Campbell	Jana Shaver
Sally Cauble	Janet Waugh
David Dennis	Ken Willard
Kathy Martin	

Mr. Bacon was absent and Dr. Chappell arrived at 9:04 a.m.

APPROVAL OF THE AGENDA

Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the agenda be approved as presented. The motion carried 8-0, with Bacon and Chappell absent.

(00:00:23) **MOTION**

STAFF RESPONSE TO PUBLIC HEARING ON AMENDMENTS TO LICENSURE REGULATIONS

(00:00:50)

Commissioner DeBacker provided the Board with the timeline which had been followed, including supporting documents, for the review process for the proposed amendments to licensure regulations 91-1-200; 91-1-201, 91-1-202, 91-1-203, 91-1-204, 91-1-214, 91-1-230, 91-1-231, 91-1-232, 91-1-235 and 91-1-236. Included were the dates the information had been provided to the Board and the public over the past eight months. She also reviewed the rationale behind the proposed requirement to have a fingerprint background check for license renewal. She noted that approximately 43,000 educators who received their initial license before 2003 had not had a this type of criminal history background check. Pam Coleman handed out and reviewed several items for the Board on the background check issue, including the staff responses to comments made at the public hearing on Tuesday. She also addressed Board concerns expressed on Tuesday after the public hearing and answered Board members' questions.

After sharing information about procedures used in other states, pointing out difficulties in Kansas statute and regulations, and statistics regarding Kansas reporting, Dr. Coleman offered an alternative proposal to the Board, suggesting that KSDE participate in the KBI's Rap Back program as an alternative to background checks upon renewal. She told Board members the Rap Back program would provide KSDE with daily matches from arrest reports for licensed educators who had fingerprints on file. The cost for the Rap Back program would be $3 per year per person, considerably less than the $50 required for a background check. She told Board members that if KSDE were to participate in the Rap Back program, the regulation would need to contain language requiring educators who received their initial licenses prior to 2003 to provide fingerprints to the KBI. There were concerns expressed about the magnitude of that task and whether it would be feasible. Some Board members also objected to the finger printing due to privacy issues, although KSDE staff shared that the KBI required the fingerprints in order to do the checks.

Mrs. Shaver moved, with a second by Mrs. Waugh, that Department staff develop regulation language for a Rap Back program to present to the Board in June. After brief discussion, the motion carried 9—0. Other follow-up included a request that staff inquire of KASB what recommendations the association had for districts regarding background checks for classified personnel and verification that KBI fingerprint checks also included an FBI check.

MOTION (01:16:34)

BREAK (01:24:19) The Board took a break from 10:25 to 10:33 a.m.

ENDORSEMENT OF KANSANS FOR CHILDREN IN NATURE PLAN

MOTION (01:33:13) Mrs. Waugh moved that the Kansas State Board of Education endorse the plan developed by Kansans for Children in Nature (KCN). Mrs. Cauble provided a second for the motion. Asked if the plan would be for optional use by districts, Mrs. Waugh, a member of KCN, indicated it would be optional, but it is was the hope of the group that some of the recommendations could be embedded in several standards subject areas. Chairman Dennis wanted to ensure that Board members understood that Board endorsement of the plan was not mandating the recommendations it contained. The motion carried 9-0.

BOARD REPORTS

Chairman (01:37:43) Chairman Dennis reported that the Kansas Policy Institute's offer to bring Jon Winn, former Florida Commissioner of Education, to Kansas to speak to the Board would not be possible in May, as Mr. Winn as unavailable.

Chairman Dennis noted that Kansas had been invited to send two Board representatives to a NASBE Central Area meeting on the Common Core Standards in May. Participation would be paid for by the Bill and Melinda Gates Foundation. He appointed Kathy Martin and Jana Shaver to attend.

At Chairman Dennis' request, it was the consensus of the Board that he prepare a follow-up letter to Secretary Duncan regarding the request for a waiver to suspend the Kansas 2011 assessment targets and hold them at the 2010 level.

Attorney (01:46:13) Board Attorney Ferguson gave an update on the Petrella school finance case and answered questions about the attorneys' costs associated with it.

Legislative Coordinators and Other Board Member Reports (01:54:56) Ms. Storm reported on the NASBE Teacher Evaluation and Retention study group with which she is participating. She also reported on legislative activity on two bills the Board had asked be introduced during the 2011 session. She noted that the campaign finance legislation was still alive but had not yet reached the Governor. On another note, she reported that she had attended a dinner with a group of arts educators where the discussion concerned protecting the arts and continuing to provide opportunities for creativity for students during a time of deep budget cuts in schools.

Mr. Willard reported that he had nothing to add to Ms. Storm's report on the legislature, adding that he hoped to have more time to be available during the veto session. He also reported on attending a Technology Student Association (TSA) conference in Salina. As a follow-up for staff, he asked for information regarding the compensation for statewide supervisors of Career and Technical Students Organizations (CTSOs) such as the TSA.

Mrs. Shaver reported on the Master Teacher Awards dinner she had attended at Emporia State University. Mrs. Waugh reported on a visit she had made to the Women's Correctional Facility in Topeka and a roundtable discussion in which she had participated at the Department on character education standards.

(02:12:30) Before reporting on his attendance at the FCCLA conference and participation in a bullying conference in Wichita, Dr. Chappell shared with the Board how his education, background and experience have influenced his continued interest in school funding issues, such as the use by districts of their ending cash balances and the need for accurate data. He stated his concern about the money the Board has spent on attorney fees in its attempts to find a way to deal with his public statements and views that are at odds with the official position of the Board. Dr.

BOARD REPORTS (continued)

Chappell stated his right to speak and share his beliefs and indicated he would return to adding his Board position to his signature line on e-mails, but would not pursue at this time the reporting of what he believed was a violation of the Kansas Open Meetings Act (KOMA) by the Board at its March meeting. Mrs. Waugh stated she had no objections to Dr. Chappell's statements to the press as a state Board member, but stressed the importance that they be identified as his personal opinion.

Mrs. Martin reported that the article about the Kansas teacher leadership model written primarily by TEAL Director Pam Coleman had been published in the current issue of the ***Delta Kappan Journal.*** Mr. Willard reported on his attendance at the USD 218 MC^3 celebration in McPherson. Dr. Chappell reported that a publication by the Center for Educational Progress indicated Kansas had lowered its cut scores on state assessments, skewing the data for academic progress in the state. In order to ensure a true picture, the McPherson District would be using other assessments to gauge student academic performance.

OTHER BUSINESS – KANSAS OPEN MEETNGS ACT (KOMA)

Board Attorney Ferguson, noting that Dr. Chappell did not indicate a KOMA violation had not occurred – only that he was dropping his concern about it for the time being, stated he did not feel that ignoring the allegation was a sufficient resolution of the issue. He added that he felt an ethical obligation to the Board and when an allegation is made it that of a violation of law has occurred it should be addressed. He asked for direction from Board leadership about how to proceed. (02:35:48)

Dr. Chappell indicated that freedom of speech was the right of each Board member and that an executive session should not be used as an opportunity for consultation with the Board Attorney to find a way to deal with a member who holds opinions that are not held by the majority of the Board. He indicated he would like to drop the issue in order to avoid more expense and have it drawn out for several more months.

Because the impression exists that a violation of KOMA occurred, Chairman Dennis stated he, too, felt an ethical obligation to pursue Dr. Chappell's allegations about possible violations by the Board of the Kansas Open Meetings Act. With no objections from the Board, Mr. Ferguson was directed to ask the Shawnee County District Attorney to investigate the possibility of a violation of KOMA at the March State Board of Education meeting.

FUTURE AGENDA ITEMS

Mrs. Wims-Campbell asked to have the Black History standard issue on the agenda again in May. 7 (02:46:10)

ACT ON BOARD MEMBER TRAVEL REQUESTS

Mr. Willard moved, with a second by Mrs. Shaver that the Board travel requests be approved as presented. The motion carried 8-1, with Mrs. Cauble voting in opposition. **MOTION** (02:57:13)

ADJOURNMENT

There being no further business, Chairman Dennis declared the meeting adjourned at 11:58 a.m.

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David Dennis, Chairman Penny Plamann, Secretary