

KANSAS STATE BOARD OF EDUCATION

MEETING MINUTES

November 3, 1998

CALL TO ORDER

Chairman Gilmore called the meeting to order at 10:00 a.m. on Tuesday, November 3, 1998, in the Board Room of the State Board of Education Building, 120 SE 10th Avenue in Topeka, Kansas.

ROLL CALL

Members present were:

Mary Douglass Brown

Wanda Morrison

Kevin Gilmore

I.B. "Sonny" Rundell

Linda Holloway

Mandy Specht

Scott Hill

Bill Wagnon

Dr. Abrams and Mrs. McMillon had indicated they would arrive late.

APPROVAL OF AGENDA

Chairman Gilmore noted for Board members that there was a replacement action sheet for item 12 b., replacement supplemental information for item 12 i. 1), and that item 12 j. 4) should be pulled because approval had been granted at the October meeting. The Chairman asked if there were any other changes to the agenda. Mr. Hill asked that item 12 i., the recommendations to conditionally accredit four schools, be pulled from the consent agenda. Dr. Wagnon asked that item 12. p., funding priorities for the 1999-2000 Education Excellence grant program, be pulled from the consent agenda. Mrs. Holloway asked that she be given additional information on item 12 q., receipt of the end-of-year report from Greenlawn Elementary Charter School, and that it be pulled from the consent agenda. There being no further changes, Mrs. Morrison, with a second by Mrs. Holloway, moved that the agenda be approved as amended. The motion carried.

APPROVAL OF THE MINUTES

Chairman Gilmore indicated that the Secretary had asked that a correction be made to the names approved for FY 1998-99 Kansas internship grants. There being no other changes, Chairman Gilmore asked for approval of the minutes of the October meeting. Dr. Wagnon moved that the minutes be approved as corrected. Mrs. Brown seconded the motion and the motion carried.

INTRODUCTIONS

1999 Special Education Advisory Council

Ms. Diana Miller, Consultant, Student Support Services, and Special Education Advisory Council Coordinator, reviewed for the Board state statutory requirements for the State Advisory Council for Special Education and how membership of the Council was being modified to meet additional membership requirements contained in the 1997 amendments to the federal law. Introduced were Mary Ellen Welshon, Chair, William Daugherty, Floyd Hudson, Joyce Markendorf, Ray Petty, Co-Chair, Sheila Simmons, Ninia Smith, Tina Gelpi, and Carol Dermeyer, Acting State Director of Special Education. Chairman Gilmore thanked the Council for their work.

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New Kansas Department of Education Staff

Mr. Lanny Gaston, Department Director of Personnel introduced new staff members: Natalie Banks, Development and Training Specialist, Heidi Collins, Assistant Education Program Consultant, and Gail Matthews, Office Specialist, Kansas Office of Community Service; Wenda Blaauw and Mark Ward, Education Program Consultants, and Carol LeDuc, Secretary I, Student Support Services; Karen McClintock, Secretary II, and Greg Rasmussen, Staff Development Specialist, Computer Information and Communication Services; Chris Zwiener, Office Assistant III, and Shawna Peterson, Accountant II, School Finance; Joan Peterson, Education Program Consultant, Driver's Education, Dr. Gayle Stuber and Kristy Jones, Education Program Consultants, and Dr. Steve Adams, Team Leader, School Improvement and Accreditation; Patricia Anderson, Education Program Consultant, Proprietary Schools, and Susan Peck, Education Program Consultant, Community Colleges and Technical Education; Sheila Stueve, Office Assistant IV, Consolidated and Supplemental Program; Dr. Sherrill Martinez, Director, Planning and Research; Dan Escher, Applications Programmer/Analyst II, Agency Budgeting and Program Accounting; and Karla Eigenman, Secretary I, Educate America Act.

CITIZENS' OPEN FORUM

Chairman Gilmore opened the Citizens' Open Forum at 10:38 a.m. Addressing the Board on the issue of alternate accreditation for private schools were: Kristian Pueschel, Bishop Seabury Academy, and Vice President of the Kansas Association of Non-Government Schools (KANS), Lawrence, KS, Karen Norton, The Independent School, Wichita, Terry L. Tilson, Berean Academy, Olpe, KS, Larry Daugherty, Maranatha Academy, Shawnee Mission, KS, and Jim Thiessen, KANS. Cindy Kelly, Kansas Association of School Boards, Topeka, KS, presented comments on proposed changes to the Kansas special education law; Terry Smedley, addressed the Board regarding emergency substitute teachers; and Susan Browning Pogany, Lawrence, KS, presented comments on abstinence sex education. Chairman Gilmore declared the open forum closed at 11:09 a.m. and the Board took a break until 11:21 a.m.

Dr. Abrams arrived at 11:25 a.m.

SPECIAL EDUCATION ISSUES

Proposed Changes to Kansas Special Education Law

Mr. Rod Bieker, Department General Counsel, presented the proposed draft of the state law for special education which contained amendments to be addressed during the 1999 legislative session. Mr. Bieker also responded to comments on the proposed changes presented by Cindy Kelly, Kansas Association of Schools Boards (KASB) during the open forum, but indicated he had not had the opportunity to review them in full. Mr. Bieker answered Board questions regarding gifted education, service to private schools, and the mediation process being proposed. He indicated a change in the definition of "parent" was being proposed and he would work with those who were supporting the change. Chairman Gilmore suggested the Board postpone action on approval of the draft legislation in order to respond to the concerns expressed by KASB in the open forum.

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Discussion of Revisions to Kansas Special Education Regulations

Ms. Carol Dermyer discussed proposed changes in the state special education regulations, addressing the process and basis for the proposed changes. She reported that issue team members had met over the last three years and developed the philosophy which would be the basis for the proposed changes. This included: 1) local decision-making, responsibility and accountability; 2) decisions and services based on each child's individual needs and abilities; 3) special education services to be provided by personnel who have the skills to meet the needs of the child, not because of a label on the child or on the personnel; 4) Reliance and trust based on professional skills and the integrity of staff; and 5) that the child's need would be considered in the context of his or her family and role in the community. Specific changes addressed by Ms. Dermyer were class size and case load (CSCL); eligibility determination; and gifted education. She indicated that new sections to be added to the regulations would include mediation and discipline. Ms. Dermyer answered Board questions regarding the class size case load formula and Dr. Abrams asked if the Board could be provided with a printout which would illustrate different configurations of the formula which might be used. She also responded to questions regarding the expanded types of data used to determine eligibility for special education services.

CURRICULUM STANDARDS

Draft of Geography, Civics-Government, History and Economics Curriculum Standards

Mrs. Kim Rasmussen, Program Consultant, School Improvement and Accreditation Team, introduced the Co-Chairs of the Kansas Civics-Government, Economics, Geography, and History Standards Writing Committee, Ms. Sherie Surbaugh, University of Kansas, and Ms. Jennie Chinn, Kansas State Historical Society. Ms. Chinn noted that the first draft of the revised standards was being sent out statewide for public review and comment. She invited Board member comments and indicated December 4, 1998, as the deadline for them to be received for committee review. She also indicated the committee would make revisions based on two additional public reviews prior to April, 1999. Ms. Chinn reported on the format followed in writing the standards: first by grade level, next by discipline and, thirdly, by standards per discipline. She indicated that the grade level benchmarks and indicators were structured so that knowledge taught at the earlier levels would not be repeated at later levels. Ms. Rasmussen answered Board questions about the distribution of the first draft and indicated it would also be available on the Department website.

Draft of Science Curriculum Standards

Mr. Greg Schell, Program Consultant, School Improvement and Accreditation Team, introduced Loren Lutes, Superintendent, Elkhart, USD 218, and John Staver, Kansas State University, Co-Chairs of the Kansas Science Education Standards Writing Committee. Other committee members present were Ken Bingman, Janeen Brown, and Sandy Tauer. Mr. Lutes reported the Committee had met for nine full days, with half the time spent working at grade level and the other half meeting in full committee. He noted the first draft of the standards represented a consensus of the Committee. Dr. Staver reported that the Committee embraced the vision of national science education standards and has used national standards as the basis of its work. The draft standards were being distributed statewide with comments to be submitted by December 4th.

The Board recessed for lunch at 12:17 p.m. and reconvened at 1:30 p.m. Mrs. McMillon was present for the afternoon session.

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LEGISLATIVE MATTERS

Report on Legislative Study Committees

Deputy Commissioner Dale Dennis reported that Mr. Hill and Dr. Birmingham had presented testimony on customized training to the Special Committee on Economic Development and the Committee had been pleased with the Board's response to the issue. He also noted that Dodge City Community College had ceased its program. Mr. Dennis also reported on the Legislative Post Audit report on special education funding and noted that Mrs. Holloway was present at the meeting of the Budget Committee when the report was presented. He reported that the Committee was not yet ready to make a recommendation on a funding method, but was considering several and intended to look at the experience of one of the states which was using a census-based formula. Brief Board discussion followed about the differences between districts in the percentage of special education costs funded by the state.

Legislative Issues

Mr. Dennis reported that an issue regarding the federal impact aid deduction used in computing state general aid had arisen in anticipation of a change in federal law. He noted that currently all districts, except Ft. Leavenworth, deduct 75% of the federal impact aid they receive in computing state aid. By statute, Ft. Leavenworth deducts 100%. He reported that the Governor's staff was recommending that the statute be amended to allow the 75% deduction for Ft. Leavenworth. Mr. Dennis asked the Board to consider support of this amendment in order to provide fair and equitable treatment for all districts. Mr. Hill, with a second by Mrs. Morrison, moved that the Board include in its appeal and legislative package an amendment to the School Finance and Quality Performance Act to provide for equal treatment for all school districts which receive federal impact aid. The motion carried unanimously.

Federal Funds

Mr. Dennis provided Board members with information on federal funding for FY 1999, including the new class-size reduction program. He reviewed the amounts approved by Congress compared to present funding and the impact on Department funding. Mr. Dennis and Mr. Gentry, Team Leader, Consolidated Programs, reviewed the key features of the one-year authorization for the class-size reduction program and noted the state may have to determine a poverty criteria in order to meet the requirement that 80% of the funds allocated in Kansas be based on poverty and the other 20% based on population. Mr. Gentry indicated some data gathering and reporting would be required. He also noted that up to 15% of the funds could be used by local districts for professional development.

Mr. Gentry also reported on the new Reading Excellence Grant program. He indicated it was a competitive grant and would like Board support before undertaking the application process. He noted Kansas could possibly receive between \$500,00 and \$1 million in funds to support long-term results in improving literacy skills. He also indicated the three areas for which funding could be sought were for family literacy, professional development and out-of-school tutoring. He reported that Kansas would probably focus on staff development programs. Mr. Gentry answered questions about federal funding as well as the grant program. He reported applications for the grant would be due in Washington in February, 1999.

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State General Fund

Mr. Dennis reviewed state general fund receipts and uncommitted balances. He noted the slump in the agricultural economy and employee cut-backs at Boeing would affect funding recommendations and decisions made by the Governor and the legislature.

Chairman Gilmore asked when the Board would take action on the legislative brochure. Mr. Dennis indicated he would ask for approval at the December Board meeting.

INSTITUTIONAL HANDBOOKS ON ACCREDITATION & PROGRAM APPROVAL

Mr. Ken Bungert, Team Leader, Certification and Teacher Education, reviewed the process for accreditation of institutions providing teacher education in Kansas as well as the process for approval of programs offered by the institutions. He reported that the approval process for both had changed and information which was included previously in one document had been separated into two. Revisions were also included in the new handbooks. Mr. Bungert reviewed the changes to the Accreditation Handbook being recommended by the Professional Standards Board. Board discussion followed. Mrs. Brown asked how on-site accreditation teams were chosen. Mr. Bungert indicated team members were recommended from the field, educational organizations, school boards and universities and that 40 teams were trained each year. Mr. Bungert reported that the On-Site Handbook was also under review.

Mr. Bungert continued his presentation with a review of the changes being recommended to the Program Approval Handbook. In response to a question from Dr. Wagon, he indicated that institutions take very seriously citations of weakness or stipulations in their programs. He also answered questions regarding the folio review process and factors which may contribute to an institution's failure to meet state standards.

The board took a short break at 2:50 p.m. and reconvened at 3:00 p.m.

CONSENT AGENDA

Conditional Accreditation of Schools

Mr. Hill asked that item 12 i., the recommendations to conditionally accredit four schools, be removed from the consent agenda and voted on separately. Dr. Freden and Dr. Adams responded to Board questions regarding conditional accreditation. The concern of several Board members that a message be sent to schools not performing up to standards was discussed. Mrs. Theresa White, Program Consultant, reviewed monitoring that was being undertaken for the three schools in USD 445, Coffeyville. Dr. Wagon suggested the Board give more serious consideration to the whole accreditation cycle and the Department, which has recently undergone some reorganization, could be helpful on a more regular basis prior to accreditation visits. He recommended that the Board approve conditional accreditation for all four schools under discussion. Mr. Hill added that the schools should be required to report to the Board at regular intervals and include in their report how Department staff could be of help. Mrs. Morrison, with a second by Dr. Wagon, moved that the motion to conditionally accredit Chase County High School be taken off the table from last month's meeting. The motion carried. Mr. Hill moved, with a second by Mrs. Brown, that the Board approve the conditional accreditation of Chase County High School. The motion carried. Mr. Hill asked that the school make reports to the Board at six months and one year on progress made in eliminating the deficiencies.

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Mr. Rundell moved approval of the conditional accreditation for Whittier and Garfield Elementary Schools and Field Kindley High School in USD 445. Dr. Wagon seconded the motion. Board discussion followed with concern expressed about the seriousness of the situation at Field Kindley High School. The Board considered additional options, including the assignment of an in-building mentor, to improve the performance of the schools. Dr. Adams noted that a press release on the conditional accreditations would be sent to local papers. Chairman Gilmore asked that the Board review the releases before they were sent. Dr. Abrams, with a second by Mrs. Brown, moved that the motion be amended to remove Field Kindley for a separate vote. The vote on the motion to amend carried. The amended motion, to grant conditional accreditation to Whittier and Garfield Elementary Schools, carried. Mr. Hill, with a second by Mrs. Specht, moved that the Board grant conditional accreditation to Field Kindley High School. The motion carried on a vote of 8-2, with Mrs. Brown and Dr. Abrams voting against the motion.

Discussion and Action on the Consent Agenda

Dr. Wagon, indicating that he believed the Board needed to emphasize staff development, moved that item 12. p., funding priorities for the 1999-2000 Education Excellence grant program should be limited to only innovative programs or strategies which focus on aligning curriculum, instruction and assessment with State standards. Mrs. McMillon seconded the motion. Discussion followed and the motion failed and the item remained on the consent agenda as proposed. Mrs. Holloway reported that she had no problem with item 12 q., receipt of the end-of-year report from Greenlawn Elementary Charter School, but she would like to have a presentation from Greenlawn at the December Board meeting. Mr. Rundell moved, with a second by Mrs. Morrison, that the consent agenda be approved as amended. The motion carried.

In the consent agenda, the State Board:

- Received the monthly personnel report.
- Confirmed the unclassified special project appointments of Heidi Collins as an Assistant Education Program Consultant under the Kansas Commission on National and Community Services and Program Development Assistance and Training grant, effective October 8, 1998 at an hourly rate of \$15.80; and Douglas Smerchek as an Applications Programmer/Analyst II position under IDEA and Federal Data and Statistics grant, effective September 20, 1998, at a bi-weekly pay rate of \$1,778.40.
- Approved school construction plans for Kansas City, USD 500; Oswego, USD 504; Haysville, USD 261 (3); Paola, USD 368; Basehor-Linwood, USD 458; Cedar Vale, USD 285; Cimarron-Ensign, USD 102; Eureka, USD 389; Ness City, USD 303; Oxford, USD 358; and Butler County Community College.

- Received 1st quarter FY 1999 reports from the Kansas State School for the Blind and the Kansas State School for the Deaf.
- Received minutes from the June 15, 1998 meeting of the Quality Performance Accreditation Advisory Council.

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- Approved Cycle I accredited status for USD 500 Kansas City: White Church Elementary; USD 512 Shawnee Mission Public Schools: Shawnee Mission East High School; USD 290 Ottawa: Eisenhower Elementary; USD 501 Topeka Public Schools: Quinton Heights Elementary; USD 224 Clifton-Clyde: Clifton Elementary K-5, Clifton-Clyde Elementary 6-8, Clyde Elementary K-5, and Clifton-Clyde Sr. High; and USD Coffeyville: Edgewood Elementary, Longfellow Elementary, McKinley Middle School and Roosevelt Middle School; and Cycle 2 accredited status for USD 443 Dodge City: Dodge City High School.
- Approved requests for waiver of state QPA regulations from: USD 321, Kaw Valley, to hold athletic practice during the school day; USD 373, Newton to allow Walton Elementary and Slate Creek Elementary to restart their accreditation cycle and to extend the cycle to six years for all elementary schools in the district; USD 252, Olpe High School to allow Eric True to teach high school physics; USD 259, Wichita, to allow Patricia Baker to teach interrelated special education students in grades 6-8, Linda Butler to teach special education interrelated behavioral disorder students at the elementary level, Marjorie Diss, Janice Oliver and Tamara D. Ray to teach interrelated special education students at the elementary level, Celcilia Fry, Karen Haughawout and Odus J. Isaacs, Jr. to teach special education interrelated students at the high school level, Anthony Giardina to teach special education gifted students at the high school level, Michael J. Hill and Pamela F. Stuckey to teach special education interrelated students at the middle school level, Reiko Iijima to teach special education gifted students at the elementary level, LeDean Willig. to teach special special education students at the elementary level, and Michelle Young to fill the position of middle and high school counselor; USD 267, Renwick, to allow Robert Leis to teach 6-8 social studies; USD 415, Hiawatha, to allow Joyce Johnson to fill the position of guidance counselor at the middle school level; USD 470, Arkansas City, to allow Janice E. Miller to serve as an elementary school counselor; USD 488, Axell-Bern-Summerfield, to allow, with stipulations, Dewey Urbauer to teach chemistry and physics at the high school level for the 1998-1999 school year; Barton County Cooperative Program of Special Services to allow Diana Zecha and Carey Stone to teach special education interrelated students at the secondary level and DeAnna Carter to teach early childhood handicapped students; East Central Kansas Cooperative in Education to allow Julie L. Schrum to teach special education learning

disabled students at the elementary level; Flint Hills Special Education Cooperative to allow Myrna Cornstock to teach special education learning disabled students at the elementary level; Harvey County Special Education Cooperative to allow Judy A. Fleming to teach Adaptive Physical Education at the high school level; Lawrence Gardner High School, Topeka, to allow Douglas Sandburg to teach principles of technology; Northeast Kansas Educational Service Center to allow Tiffany Wagner to teach interrelated special education students for grades 10-12; and Reno County Education Cooperative to allow Brandi Linn Williams to teach special education classes at the middle school level and Kristin Leann Ricker to teach special education classes at the high school level.

- Approved the inservice education plans for USD 376 Sterling, USD 266 Maize, USD 382 Pratt, USD 320 Wamego, USD 412 Hoxie, Northeast Kansas Education Service Center and the Kansas State Department of Education.
- Approved Parents as Teacher grant awards for USD 389 Hays Tri County Consortium and USD 509 South Haven/Sumner County Consortium.

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- Approved requests for waivers of the education requirement for the Parents as Teachers Parent Educators program for Sue Alexander in USD 333, Learning Cooperative of North Central Kansas, and for the Native American program in USD 259, Wichita.
- Approved funding for 1998-99 Educate America Act year two, three, and four and five local reform subgrants in the amount of \$7,000 each for USD 216 Deerfield; USD 415 Hiawatha, USD 410 Hillsboro, USD 405 Lyons, USD 408 Marion, USD 226 Mead, Prairie Hills Interlocal 605, USD 217 Rolla, USD 441 Sabetha, USD 338 Valley Falls, USD 289 Wellsville and USD 292 Wheatland; year two, three, and four local reform subgrants for USD 313 Buhler (\$9,170), ESSDACK 622 (\$12,808-year 2, \$15,524-year 3, and -\$32,840-year 4), USD 453 Leavenworth (\$17,464), USD 480 Liberal (\$17,172), USD 383 Manhattan-Ogden (\$24,668), USD 373 Newton (\$14,332), USD 450 Shawnee Heights (\$14,164) and USD 202 Turner (\$15,664); preservice teacher education/professional development partnership subgrants in the amount of \$25,000 each for ESSDACK 622, USD 457 Garden City, USD 415 Hiawatha, USD 430 Horton, USD 453 Leavenworth, USD 480 Liberal, USD 383 Manhattan-Ogden, USD 270 Plainville, USD 512 Shawnee Mission, and USD 230 Spring Hill and USD 406/486 Wathena/Elwood; new 1998-99 Educate America Act local reform subgrants in the amount of \$7,000 each for USD 220 Ashland, USD 459 Bucklin, USD 454 Burlingame, USD 102 Cimarron, USD 482 Dighton, USD 218 Elkhart, Ft. Hays Education Development Center 633, USD 460 Hesston, USD 467 Leoti, USD 466 Scott City, USD 214 Ulysses and USD 330 Wabaunsee East and for Southeast Kansas Education Service Center 609 in the amount of \$66,128; new preservice teacher education/professional development partnership subgrants in the amount of \$25,000 each for USD 402 Augusta, USD 476 Copeland and Northeast Kansas Education Service Center 608; and \$2,000 teacher classroom action research subgrants to: USD 361 Anthony-Harper (2), USD 402 Augusta (2), USD 254 Barber County North, USD 357 Belle Plaine, USD 229 Blue Valley, USD 204 Bonner Springs, USD 454 Burlingame, USD 493 Columbus, USD 232 DeSoto, USD 101 Erie-St. Paul, USD 484 Fredonia, USD 489 Ft. Hays (2), USD 460 Hesston, USD 363 Holcomb, USD 257

Iola (2), USD 347 Kinsley-Offerle, USD 215 Lakin, USD 453 Leavenworth, USD 226 Meade, USD 263 Mulvane, USD 461 Neodesha, USD 233 Olathe, USD 341 Oskaloosa, USD 503 Parsons, USD 250 Pittsburg, USD 382 Pratt, USD 384 Randolph/Blue Valley, USD 305 Salina, USD 305 Southeast of Saline, USD 334 Southern Cloud, USD 230 Spring Hill (4), USD 202 Turner, USD 353 Wellington, USD 292 Wheatland, USD 259 Wichita (5) and USD 465 Winfield.

- Approved Structured Mentoring grants for USD 250 Pittsburg, USD 352 Goodland, USD 357 Belle Plaine, USD 443 Dodge City and USD 450 Shawnee Heights.
- Approved funding priorities for 1999-2000 Educational Excellence grants.
- Received 1997-98 year-end report for Greenlawn Elementary Charter School, Columbus, KS.
- Approved recommendations from the Certification Review Committee for cases 1652, 1654, 1658-1671, 1674-1677, 1679-1682

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- Approved the recommendations of the Evaluation Review Committee of the Teaching and School Administration Professional Standards Advisory Board as follows:
- *Ottawa University*: two programs were recommended as "*approved*" through December 31, 2003 - Art (U, K-12); US History, US Government and World History (U, 7-12); six programs were recommended "*approved with weaknesses*" through December 31, 2003 - Elementary Education (U, K-9), Elementary Education OUKC (U, K-9), English (U, 7-12), Music (U K-12), Physical Education (U, K-12) and Drama (U, K-12); one program was recommended "*approved with stipulation*" through December 31, 1999 - Biology (U, 7-12) and two programs were recommended "*not approved*" - Mathematics (U, 7-12) and Computer Studies (U, 7-12).

Fort Hays State University: one program was recommended as "*approved*" through December 31, 2002 - Special Education Cross-Categorical (G, K-12).

- Certificates of Approval under the Kansas Proprietary School Act were issued to The Reece Institute, Overland Park, KS; Real Estate School of Lawrence, Lawrence, KS; U.S. Dent, Inc., Olathe, KS; Stroud Truck Driving Academy, Elwood, KS; Wichita Area Builders Association and Real Estate Development Institute, Wichita, KS.
- Approved an FY 1998-1999 Kansas Internship grant for and Linda Morgan at Inacom Information Systems and Garden City Community College and two innovative course or areas of skill shortages grants for Communication Network Technology with Cunningham Telephone Company and Center Telephone and Northwest Kansas Technical School; and Advanced Programmable Logic Controller and Mechanical Maintenance with IBP., Inc. and Garden City Community College.
- Approved a new program, Professional Fitness Specialist, at Neosho County Community College, to begin in the Spring of 1999.
- Approved Guidelines for Customized Training Course Approval as submitted.

- Issued orders to USD 217, Rolla, Morton County, and USD 283, Elk Valley, Elk County, granting them authority to hold an election on the question of the districts' general bond debt limitation.
- Approved the 1998-99 amended capital outlay request in the amount of \$24,667 for the Salina Area Technical School.

Contracts Approved:

The Superintendent of the Kansas State School for the Blind was authorized to negotiate and enter into contract for case management services for children who are deaf-blind with Envision, in an amount not to exceed \$12,000.

The Commissioner of Education was authorized to negotiate and enter into a contract with CRL at the University of Kansas Center for Research, Inc. to provide technical assistance to initiate a web-based reporting system to serve as a model for agency migration to the web, with the contract amount not to exceed \$25,000.

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STUDY SESSION

Current and Proposed Certification Regulations

Mr. Hill report to the Board on progress he and Mrs. Morrison had made in their work with staff on proposed revisions to the regulations to educator licensure. Areas in which the subcommittee concurred were: the addition of a licensure level for early childhood and the addition of grade level parameters to each licensure level; elimination of the Basic Skills Assessment for an emergency substitute license and the elimination of a 2.75 GPA in endorsement and pedagogical coursework and a 3.25 GPA in leadership coursework for a conditional license; reinstatement of National Board Certification reciprocity for licensing out-of-state and foreign applicants. Areas that remained unresolved were: pedagogical assessment for conditional school leaders and school psychologist licenses and the elimination of teaching experience and license for library media and school counselor; language for issuance and determination of licensure, based on an out-of-state or foreign applicant's standing in his or her home state; the elimination of the option to renew based on experience; and the addition of performance evaluations conducted by local review boards. Mr. Hill indicated that there was agreement that the endorsement area still needed work and that details regarding classroom teaching prior to certification needed to be addressed in the proposal for visiting scholars. Board discussion followed regarding Mr. Hill's proposal for performance reviews by local review boards before the issuance of an initial license or renewal of an existing license.

EXECUTIVE SESSION

Dr. Wagnon moved, with a second by Mrs. Holloway, that the Board recess into Executive Session for period of thirty minutes for the purpose of discussing personnel matters of non-elected personnel so that privacy, confidentiality and other rights of such personnel are not violated, and that the open meeting of the Board resume in the Board Room at 5:00 p.m. The motion carried.

ADJOURNMENT

At 4:50 p.m. the open meeting resumed. There being no further business, Chairman Gilmore recessed the meeting.

Kevin Gilmore, Chairman

Penny Plamann, Secretary

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CALL TO ORDER

Chairman Gilmore called the meeting to order at 9:00 a.m. on Wednesday, November 4, 1998, 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

Mildred McMillon

Mary Douglass Brown

Wanda Morrison

Kevin Gilmore

I.B. "Sonny" Rundell

Linda Holloway

Mandy Specht

Scott Hill

Bill Wagnon

APPROVAL OF THE AGENDA

Chairman Gilmore reported he was adding an additional item to the agenda, issuance of a certificate to a proprietary school, at the request of staff. It would be added as item 12. Mr. Rundell moved, with a second by Mrs. Specht, that the agenda be approved as amended. The motion carried.

QUALITY PERFORMANCE ACCREDITATION REGULATIONS

Dr. Steve Adams, Team Leader, School Improvement and Accreditation, reviewed for the Board how changes to the proposed regulation revisions had been made in accordance with Board requests at the October meeting. In response to Board discussion of the various ways the word *assessment* was used in the regulations, Dr. Adams indicated a list of acceptable examples of different assessments would be added to the QPA manual that is distributed to schools. *Results-based staff development* was discussed and Dr. Adams was asked to provide Board members with examples and to provide a brief presentation at the December meeting. The Board also discussed the changes to the regulation regarding substitute teachers. At the close of the discussion, Dr. Adams indicated that staff of the School Improvement and Accreditation Team would be developing a handbook for internal use, in order to maintain consistency in the way the regulations are implemented.

TRANSFER OF TERRITORY

Dr. Wagnon moved that the petition to transfer territory from USD 404 to USD 499 be approved. Mrs. Morrison seconded the motion which carried on a vote of 9-1, with Mr. Rundell voting against the motion.

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PROFESSIONAL PRACTICES COMMISSION

Kevin Ireland presented the recommendations of the Professional Practices Commission for Board action and answered questions. Dr. Wagnon moved, with a second by Mr. Rundell, that the Board adopt the findings of fact and conclusions of the Professional Practices Commission and approve the recommendations of the Commission. Board questions followed regarding case number 98-FC-05, and Mr. Ireland explained the details of the case. He indicated the application had been received prior to the July 1, 1998, effective date of a new law requiring a five-year waiting period before the issuance of a certificate to any person convicted of a felony. Thus, the Commission and the State Board had discretion in granting or denying this application. The Commission recommended that a certificate be issued based on factors stated in its report to the State Board. Discussion followed with Dr. Abrams indicating that five years from the date of conviction of a felony is a reasonable amount of time to wait for a teaching certificate. Mr. Hill moved to divide the question. Dr. Abrams seconded the motion, which carried on a vote of 6-4. On the motion to divide, approval of the recommendation of the Professional Practices Commission in case No. 98-FC-05 failed on a vote of 4-6. On separate votes on the recommendations of the Professional Practices Commission, cases No. 98-FC-07, 98-FC 08, 98-FC-09 and 89-FC-10 passed unanimously.

The Board took a break from 10:40 a.m. until 10:50 a.m.

When the Board returned, it was explained that the Board's action on case No. 98-FC-05 was on a motion "to adopt the findings of fact and conclusions of the Professional Practices Commission and approve the recommendation of the Commission". However, the failure of that motion was not action to grant or deny the application for a teaching certificate and it would be necessary to take action on the application, including: 1) making findings of fact or accepting the findings of fact of the Professional Practices Commission; and 2) granting or denying the application for certificate. It was noted the motion to grant or deny the application must include the basis for the Board's decision. Discussion followed. Dr. Abrams moved, with a second by Mrs. Brown, that the Board adopt the findings of fact of the Professional Practices Commission in case No. 98-FC-05. The motion carried. Dr. Abrams moved, with a second by Mrs. Brown, that the Board deny the application for a teaching certificate submitted by Janet Weber, based on her conviction of a felony and the reasonableness of having to wait five years from the date of the conviction to be issued a teaching certificate by the State Board. Board discussion followed. Then, upon vote of the Board, the motion failed 5-5.

STUDY SESSION

Abstinence and Human Sexuality Education

Dr. Freden introduced Dr. Darrell Lang, Program Consultant, Health and Physical Education, HIV/AIDS Human Sexuality Education, to provide an overview of current state regulations regarding human sexuality education programs and results of a recent survey of school districts' practices. Dr. Lang reported that the survey had a response rate of 82% and indicated that 25.2% of districts responding had abstinence-only programs; 72% had abstinence-based programs; and 3.6% had programs combining both elements. Dr. Lang also reviewed and answered questions about the 1997 Youth Risk Behavior Survey which was included with

Board materials. He noted Kansas results were consistent with nationwide results. Dr. Lang also reported that the Kansas Department of Education funds six resources centers throughout the state that provide staff training and resources using CDC approved programs.

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Present to report on what local districts are doing were Millie Sampson of USD 229, Blue Valley, Vickie Deines, USD 274, Hoxie, and Joan Stear and Fran Holly, from USD 385, Andover. Ms. Sampson reported that human sexuality is part of a comprehensive health education program used in the district throughout the elementary, middle and high school levels. She indicated their abstinence-based curriculum was developed with input from patrons, nurses, and teachers and then presented to the local board for approval. The curriculum is available for parental and public review and parents have the option to have their children not participate in a particular presentation if they are uncomfortable with the content. Training is provided for elementary teachers, for core teachers at the middle school level and for teachers of specific classes at the high school level.

Ms. Deines reported that as a K-12 Health and Physical Education teacher she has been involved in the development of the physical education and health curriculum for USD 274, Hoxie. She reported that the curriculum was developed with staff and community input, but that teachers at the lower levels were uncomfortable with the human sexuality material. She noted that some of the material is covered in biology and home economics, but not much is done at the elementary or middle school level and most of the human sexuality education is provided during the freshman year. She reported that a Hoxie school had been a pilot school for Human Dimensions, a yearlong curriculum, which was developed as a model for the nation and had a three-week human sexuality component. The human sexuality component stressed abstinence, though contraception was addressed, and sexually transmitted diseases, as well as issues such as sexual harassment and rape and date rape. She indicated that, though the program had been piloted in Hoxie, no other school had adopted it. She suggested that the district was probably not unlike many other small, rural districts and indicated that parental interest was not very high, with low attendance when materials were been presented. Ms. Deines said that some parents who have looked at the curriculum haven't examined the overall scope, with its emphasis on abstinence and the development of refusal skills. Ms. Deines also discussed problems encountered with an alternative curriculum for students whose parents elect for them to not participate in the regular curriculum.

Ms. Holly, a school nurse in the Andover school district, was involved five years ago when the district redid its health curriculum. She reviewed the process involved and noted that after goals had been established, a committee composed of a broad, diverse group, which included parents, educators, and community members, began meeting to decide what should be taught at which grade levels and what guidelines should be implemented in the district to address parental concerns and gain their support. She also reported that parents have the option to have their child not participate and that alternate material is available. Ms. Holly reported the underlying philosophy of the district program has five main considerations: 1) that sex education begins

in the home; 2) schools should seek parental involvement; 3) education is important to the well-being of the child; 4) abstinence is the only wise choice; and 5) sex education should be based on positive values. Ms. Stear reviewed the emphasis of the curriculum grade by grade at the middle school level. She noted that classes were separated by gender at the 6th grade level when dealing with personal gender and hygiene issues, and again in 7th grade when dealing with discussion of the opposite gender. Ms. Stear reported that one of the focuses of the middle school program was AIDS education. In the 8th grade, topics are abstinence-based and cover how to act appropriately in a co-educational setting, relationship abuse and community responsibility. Ms. Stear and Ms. Holly answered Board questions, both stressing the importance of community and parental involvement. Ms. Holly stated that a high level of parental participation in the district activities had preceded development and implementation of the human sexuality curriculum.

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The Board took a break at 11:02 a.m. and reconvened at 11:13 a.m.

Dr. Freden introduced Ms. Roseanne Rutkowski, Child Health Consultant with the Kansas Department of Health and Environment (KDH&E). Ms. Rutkowski described a five-year federally funded abstinence education grant program funded through KDH&E and handed out a fact sheet which outlined the program and described the local grant process. She reported that fourteen grant applications had been received and six were awarded. She also noted local grants were not the only activity for which states could use the funds. Funding was also available to Kansas for a media campaign and for individual and population-based program evaluation and for longitudinal follow-up. Board questions followed.

The next presenter was Carlos Vega-Matos, Director of the NASBE Healthy Schools Project. He reported that, though NASBE does not recommend particular programs, it does accumulate data on what states are doing in the area of human sexuality education. It also reviews and evaluates research that has been done on program effectiveness. Mr. Vega-Matos indicated that one of the challenges of sex education is that what happens in the schools needs to be supported in the community, but policy decisions should be founded on good research and not just public opinion. He added that, currently, no reliable research findings are available for abstinence-only sex education, though \$6 million has been awarded for evaluation. Mr. Vega-Matos noted that a human sexuality education alone was not going to be effective to prevent at-risk behavior and that what was needed was a "Healthy Youth Education", with high expectations for behavior and an emphasis on involvement in constructive after-school activities. He reported that a key aspect of an effective human sexuality education is that a medically accurate, research-based, good program is used. He also reported that how specific issues are addressed are left to local districts and briefly discussed and answered questions about the optional participation mechanisms which are used.

The final presenter was Dr. Linda Bussey, representing the Medical Institute for Sexual Health in Austin, TX. Dr. Bussey discussed the drawbacks of traditional sexuality education with the view that many did not address the realities of the risks involved in becoming sexually active before marriage. She noted that HIV/

AIDS was not the only health threat to consider. She reviewed the types and frequency of sexually transmitted diseases (STDs) prevalent today. She also reviewed the long-term health risks which could result from contracting one of the many of STDs. Dr. Bussey discussed the role of the media in promoting at-risk behavior and the need for states to combat its message. She noted that education about contraception should not be eliminated, but that students should be informed of that risks that still exist and abstinence should be stressed as the only safe and advantageous choice for teens. Dr. Bussey also discussed successful programs and factor that delay sexual activity for teens, such as parent-family connectedness, parental approval and school connectedness. Board discussion followed.

Mr. Hill handed out a proposal he had prepared for revisions to the Quality Performance Regulation on human sexuality education. The Board then recessed for lunch at 12:15 p.m. and returned at 1:30 p.m. Dr. Wagnon was unable to be present for the afternoon.

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PUBLIC HEARING AND ADOPTION OF DRIVER EDUCATION REGULATIONS:

K.A.R. 91-5-1, 91-5-1a, 91-5-4, 91-5-9, and 91-5-13, and Revocation of 91-5-2, 91-5-8, 91-5-10 and 91-5-11

Chairman Gilmore declared the public hearing on K.A.R. 91-5-1, 91-5-1a, 91-5-4, 91-5-9, and 91-5-13, and revocation of 91-5-2, 91-5-8, 91-5-10 and 91-5-11 open at 1:30 p.m. No one requested to make comments and the Chairman declared the public hearing closed at 1:31 p.m.

Mr. Hill moved, with a second by Mrs. Holloway, that the Board adopt the proposed driver education regulations, K.A.R. 91-5-1, 91-5-1a, 91-5-4, 91-5-9, and 91-5-13, and revoke K.A.R. 91-5-2, 91-5-8, 91-5-10 and 91-5-11.

On a roll call vote, the motion carried 8-1.

Mrs. Mildred McMillon, District 1 "yes" Mr. Scott Hill, District 6 "yes"

Mrs. Linda Holloway, District 2 "yes" Mrs. Wanda Morrison, District 7 "yes"

Mr. Kevin Gilmore, District 3 "yes" Mrs. Mary Douglass Brown, District 8 "yes"

Dr. Bill Wagon, District 4 absent Mrs. Mandy Specht, District 9 "yes"

Mr. I.B. Rundell, District 5 "no" Dr. Steve Abrams, District 10 "yes"

ISSUANCE OF A CERTIFICATE OF APPROVAL FOR VATTEROTT COLLEGE

Mr. Rod Bieker, Department General Counsel, asked that the Board consider the issuance of a Certificate of Approval for Vatterott College, Wichita, KS. He reported that the Climate Control Institute of Wichita ceased doing business without notice to its students. Vatterott College, which operates in several other states, is known by staff to have a good reputation and is also accredited by the Accrediting Commission of Career Schools and Colleges, has asked that it be issued a certificate to begin operations immediately and resume classes for the students who formerly attended the Climate Control Institute. Mr. Rundell moved that a Certificate of Approval be issued to Vatterott College, Wichita, KS. Mrs. McMillon provided a second and the motion carried unanimously.

REPORTS

Chairman

Chairman Gilmore reminded Board members of the November 9th deadline for nominations to fill a vacancy on the Professional Standards Board.

Board Attorney

Mr. Biles provided the Board with an update on the Kansas Supreme Court’s decision to affirm the State Board’s decision to deny a request from the Dodge City school district to withdraw from its special education cooperative. He reviewed potential long-term implications of the opinion which clearly stated the role of the State Board of Education under the Kansas Constitution and its relationship to local boards. He indicated the opinion validated that local boards have no authority under the Constitution. He noted that the Court rejected the argument that local districts have no legally standing to bring a case before the Supreme Court. Mr. Biles also reviewed the status of pending cases and his activity on behalf of the Board for the month of October. Mr. Rundell moved, with a second by Mrs. Specht, that Mr. Biles' fees for services and expenses for October be paid as presented. The motion carried.

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Legislative Coordinator

Mr. Hill gave a brief update on legislative activity and recent hearings on customized training. Mrs. Morrison stated she wanted to affirm that the Board is supportive of community college customized training programs and that it will look for ways for technical credits to be applied to academic training. Mr. Hill indicated that the legislature needs to establish funding outside the traditional credit hour approach for customized training programs.

Commissioner's Report

Dr. Tompkins provided the Board members with information on bond election results. He also reviewed his written report which included an update on a proposal for a restricted certification category, to which the Professional Standards Board had agreed. He indicated he would be bringing the issue to the Board for their discussion in December. He also indicated that a decision must be made on what was yet needed to address true visiting scholars. Dr. Tompkins reported that the Technology Infrastructure Committee had met. He also provided the Board with additional information about the Reading Excellence grant program and answered questions.

Report on the NASBE Annual Meeting

Mr. Rundell reported that he had attended the NASBE annual meeting on behalf of the Board. He also attended the NASBE Healthy Schools meeting which was held prior to the annual meeting. Mr. Rundell reported that he had voted the Board's wishes on the amendment to the bylaws and on proposed and revised resolutions.

Other Board Reports

Mrs. Holloway reported that she had attended the Reading Summit and that the group will meet again in December to decide how to disseminate information. She indicated the group appeared to have ongoing goals.

Mrs. Brown reported on a visit to the Horace Mann Elementary School in Wichita. She indicated the school was a core curriculum school and that the children appeared to be learning with good classroom participation.

Mrs. McMillon reported on her attendance at the ECS meeting in Tuscon. She brought extra copies of information on the alignment of teacher training and standards and how to measure teacher achievement. She also noted a discussion at the meeting on the issue of teacher tenure and performance-based licensing.

ALTERNATIVE ACCREDITATION FOR NON-PUBLIC SCHOOLS

Mrs. Brown asked to address the Board on the issue of alternate accreditation for non-public schools. She noted that private schools are not funded by the government; have their own unique mission and standards; many are also accredited by one of six other reputable accrediting entities; and they must be accredited twice to gain state accreditation through the QPA process which is burdensome to them. She noted that as a result nearly all Christian, Independent and 7th Day Adventist schools have withdrawn from QPA and similar action is being considered by the Catholic and Lutheran schools in Kansas. She also indicated that to approve alternate accreditation for these schools would be a cost savings for the Department. Mrs. Brown made a motion that the Commissioner and staff develop regulations, or modify existing regulations, to provide for the ability of non-public schools to be

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granted state accreditation through alternative accrediting organizations to be specifically named and approved through Board policy. Further, that such regulations be developed and submitted to the Board for action in the December meeting. Dr. Abrams seconded the motion. Board discussion which followed included whether it was appropriate to consider the motion because it was not on the agenda. Chairman Gilmore indicated he did consider the motion out of order. Other discussion included potential cost savings to the state as well as potential unforeseen implications from such action at this time. Mr. Hill noted accreditation of some sort was needed for private schools in order for teacher transfers, student transfer from private to public schools, and participation in the KSHSAA. A vote on the motion failed 5-4.

REVISIONS TO THE HUMAN SEXUALITY REGULATION

Mr. Hill moved that his proposed changes, handed out earlier in the meeting, to State Board of Education regulation 91-31-3 (g), Human Sexuality, be approved by the Board as presented. Dr. Abrams seconded the motion. Mr. Rundell objected to the proposal being brought up at the last minute. Mr. Hill indicated he had requested these changes early in his term because he didn't think the current regulations were aligned with best practices. He reviewed his proposal and Board discussion followed. The motion failed on a vote of 5-4.

APPROVAL OF BOARD TRAVEL

Members reviewed the composite travel request. Mrs. Morrison moved, with a second by Mr. Hill, that the travel requests be approved as presented. The motion carried.

ADJOURNMENT

There being no further business, Chairman Gilmore adjourned the meeting at 2:38 p.m.

Kevin Gilmore, Chairman

Penny Plamann, Secretary