

KANSAS STATE BOARD OF EDUCATION

MEETING MINUTES

September 10, 2002

CALL TO ORDER

Chairman Rundell called the meeting to order at 10:00 a.m. on Tuesday, September 10, 2002, in the Board Room of the State Board of Education Building, 120 SE 10th Avenue in Topeka, Kansas. The Board stood for recitation of the Pledge of Allegiance.

ROLL CALL

Members present were:

Steve Abrams
John Bacon
Val DeFever
Sue Gamble
I.B. ?Sonny? Rundell

Carol Rupe
Harold Voth
Bill Wagnon
Janet Waugh
Bruce Wyatt

APPROVAL OF AGENDA

Chairman Rundell asked for approval of the agenda. Items pulled from the Consent Agenda were 14 d., a contract for out-of-state tuition for the Kansas State School for the Deaf, pulled by Carol Rupe, and item 14 m., 2003 Charter school grants, pulled by Mr. Wyatt. There being no further changes, Mrs. DeFever moved, with a second by Mr. Wyatt, that the agenda be approved as amended. The motion carried.

APPROVAL OF THE MINUTES

Chairman Rundell asked for approval of the minutes of the August meeting. Dr. Wagnon moved, with a second by Mr. Voth, that the minutes be approved as submitted. The motion carried.

COMMISSIONER'S REPORT

In his report, Commissioner Tompkins noted that the validation studies on content standards had gone very well over the summer and that additional standards on content areas that had been revised were on the day's agenda for the Board's review. He also reported that he and Dr. Pochowski were trying to visit every district in the state and visit with every superintendent and principal when possible about the requirements of the No Child Left Behind (NCLB) legislation and its effect on Kansas, and to acquaint them with the new accreditation system that the Board was developing. He reported that two issues need to be addressed immediately as the result of NCLB. These are were the development of an English acquisition test for the 2002-2003 school year, and an assessment for para-educators that do not meet the NCLB education requirements. Mr. Wyatt asked that Board members be given the schedule for meetings across the state where the Commissioner and Assistant Commissioner will be making their presentations. Dr. Tompkins also discussed with the Board the schedule for approving the revised QPA regulations.

UPDATE ON FISCAL SERVICES AND OPERATIONS TEAM

Ron Nitcher, Team Leader of the Fiscal Services and Operations Team, reviewed the duties and activities of the team which is responsible for federal grant reporting, agency budgeting, agency accounting and contract activities, building maintenance, and the department print shop.

CITIZENS' OPEN FORUM

Chairman Rundell opened the Citizens' Open Forum at 10:37 a.m. Those addressing the Board included Peggy Davis, Laura Kaiser, and Kim Frieling, Topeka, representing the Kansas PTA, and Charles Volland, Junction City, representing the Kansas Confidence in Public Education Task Force. Chairman Rundell declared the open forum closed at 10:50 a.m.

Page 2

MINUTES

September 10, 2002

The Board took a break from 10:50 a.m. until 11:00 a.m.

2001-2002 MATHEMATICS, READING AND WRITING ASSESSMENT RESULTS

Dr. Pochowski reviewed the results of the 2001-2002 state assessments in mathematics, reading and writing. She reported that grades 5, 8 and 11 were assessed in reading and writing and grades 4, 7 and 10 in mathematics. Dr. Pochowski reported that participation among all student populations was high, with 99% of all students with disabilities in grades 4 and 7 and 96% of student with disabilities in grade 10 participating in the mathematics assessment. English language learners (ELL) and migrant students had a 99% participation rate in the mathematics assessments at grades 4 and 7, with ELL participating at 97% and migrant students at 95% at grade 10. Dr. Pochowski reported that participation rates were at or above 98% for all student populations in grades 5 and 8 in reading and at or above 96% for all student populations in grade 11, with participation rates for students with disabilities above 98% for grades 5 and 8 and above 96% for grade 11. Participation rates included students who took general, modified, and alternate assessments, she noted. ELL and migrant students also participated above 99% in grades 5 and 8, and had a participation rate in grade 11 of 98% and 97%, respectively. Dr. Pochowski reported that even with the high participation of all student populations, the percentage of students performing at the top three performance levels has remained static and only minor changes were noted among disaggregated groups. She indicated that disaggregated scores continued to show a large performance gap between whites and Asians who continued to perform at the highest levels and African Americans and Hispanics who performed the least well; and that lower SES groups continued to score considerably lower than students who are not eligible for free or reduced-price lunches.

For the alternate assessment, an integrated assessment containing elements of reading, writing and mathematics, Dr. Pochowski reported that approximately 70% of students taking it performed in the top three performance levels for ages 10 and 13. The percentage of age 16 students in the top three performance levels decreased slightly. About 100 students per age level took the alternate assessment.

Dr. Pochowski reported that because writing performance is reported by clusters based on the method of test administration, such as use of computers, the length of time to complete the assessment, and the number of local raters, reporting writing disaggregated results by race/ethnicity, gender, and SES was not possible. She indicated that, in general, writing performance showed a small increase in all clusters since last given in 2000.

To put Kansas assessment results in perspective, Dr. Pochowski reviewed how Kansas rated by reviewing the state's ratings from student performance on national tests, such as ACT, SAT and NAEP. She also noted that Kansas was tied for 4th nationwide on its graduation rate. Commissioner Tompkins handed out and reviewed a report illustrating the assessment results compared with the goals established by the Board. As seen in the assessment scores, performance was being maintained and ground was not being lost, he

reported. In discussion of how the results should influence Board policy, Dr. Tompkins noted that the results were consistent with the current financing and leverage at the state level. He also indicated that the Board could expect to see some rise in performance with implementation of NCLB. Dr. Tompkins stated that local leadership, with an instructional focus on all students, and development of a capacity for variation in teacher training and schools were two components essential to producing the needed performance increases. Dr. Tompkins also noted that the revised QPA regulations and changes required by NCLB were moving the accreditation program from an emphasis on process to one focused on performance and performance by individual students. A discussion ensued about the need for more funding to support the strategies and time necessary to produce the performance increases needed to meet the Adequate Yearly Progress (AYP) requirements of NCLB. Dr. Tompkins pointed out that the need to provide funding for the mandate that the Department provide technical assistance for non-Title I schools on improvement would also have to be addressed. It was also noted that the current performance

Page 3

MINUTES

September 10, 2002

being sustained could possibly drop because many of the programs and strategies supporting improvement were being cut due to lack of funding. It was requested that staff prepare talking points on NCLB and implications schools will face with its implementation. Additionally, staff was asked to compile information from schools about actions taken to address budget cuts.

The meeting recessed at noon and the Board met for an informal discussion over lunch with Dr. John Poggio and Dr. Doug Glasnapp, University of Kansas Center for Educational Testing and Evaluation. Drs. Poggio and Glasnapp were presented with certificates of appreciation in recognition of the outstanding performance and contributions they had made to the Kansas state assessment program.

The meeting reconvened at 1:30 p.m.

INTRODUCTION OF THE SPECIAL EDUCATION ADVISORY COUNCIL

Dr. Alexa Pochowski, Assistant Commissioner for Learning Services, introduced the new Team Leader for Student Support Services, ZoAnn Torrey. Ms. Torrey introduced the 2002-2003 Chairman of the Special Education Advisory Council, Karen Untereker. Ms. Untereker introduced members of the Council who were present. They were: Shirley Armentrout, Doug Bowman, Bob Goodwin, Ken Hund, Robert Maile, Ph.D., Barb McGrath, Ray Petty, Sue Stacey, Janice Suddath, Danny Thornton, Co-Chair, and Josie Torrez. Council members Bert Moore, Margery Oaklief, Patricia Schremmer, Tom Skrtic, and Jim Wheeler were unable to be present. Ms. Untereker expressed the Council's willingness to be of assistance to the Board at

any time concerning special education issues.

REVISED TEACHING STANDARDS

Dr. Martha Gage, Team Leader for Certification and Teacher Education, reviewed revised teaching standards for endorsement areas that had been modified since September 2001 when the State Board approved standards for the endorsements in the new licensure regulations. Those areas included special education, which had been revised to remove the categories; history, government, world history and social studies, combined into one endorsement called history and government; advanced endorsements, to develop an internship for all leadership, reading specialist, counselor, library media, school psychologist endorsements instead of a performance assessment; and the birth to third grade endorsement standards. Dr. Wagnon moved, with a second by Mrs. Gamble, that the revised teaching standards be approved as presented. The motion carried 9-1, with Mr. Bacon voting ?no?.

REVISED GRADUATION REQUIREMENTS

Assistant Commissioner Pochowski reviewed current state graduation requirements, noting that though 21 credits are required, most schools had a requirement of at least 24 credits. She also reported that a foreign language was not generally a non-elective requirement. In response to a Board request, a survey of districts had been conducted and Dr. Pochowski reviewed the responses. Asked how many classes students were enrolled in per day, 67% indicated that they had 7 period school days. Also asked was whether there would be additional costs, and, if yes, what they would be for each subject, if current math and science requirements are increased from two to three, and if a fine arts credit was added. Responses revealed that 47% would incur additional costs with an increase in math credits; 55% would with an increase in science credits; and 44% would incur additional costs if a fine arts credit was added. Of those responding that additional costs would be incurred, the largest percent in all three areas noted increased costs approximately equal to the addition of one fulltime staff person.

Dr. Pochowski asked for the Board?s preference concerning four suggested options that had been provided dealing with the addition of unit requirements and variable numbers of electives that would be required for graduation. Whether a foreign language requirement should also be included was mentioned
Page 4

MINUTES

September 10, 2002

in the discussion that followed. In discussion of the number of electives to require, concern was expressed that if the number fell below what most schools currently require, schools would reduce their requirements

with a resulting negative impact on vocational programs and other courses, such as computer skills training, that are necessary to prepare students for continued education or work. An additional concern was that a reallocation of state funding would accompany any reduction in requirements. A Board focus on a basic core of subjects that should be learned by all students was suggested by Dr. Wagnon, as well as moving away from a perception of graduation requirements as seat time requirements. The question of whether students would be mature enough to leave high school if proficiencies were mastered prior to a senior year was raised and the suggestion was made by Mr. Bacon that local districts could work with community colleges for developing postsecondary opportunities for those students ready to move ahead. Dr. Wagnon moved, with a second by Mr. Bacon, that the Board approve high school graduation requirements that retain a minimum of 21 credits and include 4 credits of English, 3 credits of mathematics, 3 credits of science, 3 credits of History/Government, 1 credit of physical education, 1 credit of fine arts, and 6 electives. The motion carried on a vote of 6-4, with Carol Rupe, Mrs. DeFever, Mrs. Gamble, and Mr. Wyatt voting ?no?. Mr. Wyatt stated for the record that he was in favor of adding the additional requirements for mathematics, science and fine arts, but would have increased the overall number of credits from 21 to 24, which the majority of schools in Kansas currently require. Carol Rupe and Mrs. Gamble asked that the record reflect that they shared Mr. Wyatt?s sentiments.

In addressing whether additional content information should be specified for unit requirements, all agreed ? *the content of the course of study for all students, whether preparing to attend college, attend postsecondary vocational or technical schools, or enter the world of work, should provide students with the opportunity to learn in context and through application without the need for remediation.*? Also discussed was the need to define the fine arts requirement; what should be included in a history/government requirement; what mathematics proficiencies should be included in the three units required; and the addition of communication skills to the requirement for 4 units of English.

The timeline for implementation of the new graduation requirements was also discussed and clarified and Dr. Pochowski indicated that they would be in effect for the graduating class whose freshman year would be 2005-2006. Commissioner Tompkins indicated that the change would coincide with other QPA changes as well as those resulting because of NCLB. Other issues discussed were the definition and development of performance assessments; the need to change the definition of unit of credit in regulation to accommodate demonstrated knowledge of course or subject, regardless of the hours spent in the course or subject by a student; and the current requirement for a course in Kansas history and government by the end of grade 12.

The Board took a break from 3:20 to 3:30 p.m.

Because the Superintendents from the Kansas State School for the Deaf and the Kansas State School for the Blind were on hand to present their FY 2004 budget requests for approval, it was decided to deal with budget and legislative issues before continuing the discussion of QPA regulation changes.

ADOPTION OF FINAL FY 2004 BUDGETS FOR KSSD AND KSSB

Kansas State School for the Deaf

Superintendent of the Kansas School for the Deaf, Bob Maile, reviewed the FY 2004 budget request proposed for approval by the Board. He indicated that because of allotments recently implemented, the current service estimate was \$192,000 less than that reflected in the information given to the Board. That reduction would require a \$500,000 adjustment in an FY 2004 reduced resource budget. He indicated that the school had cut its budget as far as possible already for FY 2003 and that a budget plan recommending a 5 percent reduction as requested by the Division of Budget would require significant

Page 5

MINUTES

September 10, 2002

reductions in services. He indicated he would propose the elimination of summer school, a vehicle purchase, auditory training equipment, and \$53,250 in capital outlay. In addition, a four day reduction in the school year and a 2 percent pay cut for all staff would be proposed, as would increasing shrinkage by four positions. An enhancement proposal would decrease shrinkage, address salary disparity for teachers with a 5 percent increase, and increase special needs programming. Mr. Maile reported on a review of the dorm renovation program by the State Building Committee. He noted that the committee concluded that a significant savings could be realized if the project were to be done in one year, rather than spreading the project out over several years. Dr. Wagon asked about the effects of the reductions on the school's philosophy about the design for delivery of services. Mr. Maile reported that the increase in the outreach program and efforts was one way the school was already changing. Dr. Abrams moved, with a second by Mr. Voth, that the Board approve the proposed FY 2004 budget for the Kansas State School for the Deaf, with the adjustments made to incorporate recent reductions in the figures presented because of allotment implementation. The motion carried 8-0-1, with Mrs. Gamble abstaining and Mr. Wyatt temporarily absent.

Kansas State School for the Blind

Mr. Bill Daugherty, Superintendent of the Kansas State School for the Blind presented his proposed FY 2004 budget. He indicated that to implement a reduced resource budget one week of summer school would be eliminated; positions would remain unfilled; outreach and out-of-state tuition would be increased; teachers' contracts would be reduced by two days; and a small savings could be gained through attrition. An enhancement package would fill positions open in the Security and Facilities Departments and teacher salaries would be increased by 5 percent. A discussion followed about the life safety issues arising from the unfilled positions or reassignments in the Security and Facilities Department. Dr. Abrams moved, with a second by Mr. Wyatt, that the Kansas State School for the Blind FY 2004 budget request be approved as presented. The motion carried 9-0-1, with Mrs. Gamble abstaining.

LEGISLATIVE MATTERS

Deputy Commissioner Dale Dennis handed out several items for the Board's review. Included were a draft legislative brochure, a memo on Kansas statutes that the Department would like to have changed as part of the Board's legislative request, a memo on teacher vacancies across the state for the 2002-2003 school year, and information on the state general fund. He briefly reviewed the agenda for the meeting with the Legislative Educational Planning Committee on Wednesday. Because the meeting was running behind schedule it was decided that the statute changes and the Board brochure would be moved to Wednesday morning.

DISCUSSION OF SUGGESTED CHANGES TO QPA REGULATIONS

Dr. Pochowski reviewed that the purpose for making changes to the Quality Performance Accreditation regulations were to provide clarification and to incorporate changes recommended by the Board. She also explained the reasons for items referenced in new locations in the regulations and the expansion of other regulations. Steve Adams, Team Leader for School Improvement and Accreditation, reviewed specific regulations and changes, as well as several that had been omitted from the draft provided to the Board.

Issues of concern were the minimum enrollment of an accredited school; the definition of a comprehensive education program in human sexuality; the requirement that a Kansas history and government course must be taken sometime between the grades 7 and 12; and waiver of the fine arts requirement if ability is shown through performance. Changes requested by the Board during the discussion of the regulations were:

Page 6

MINUTES

September 10, 2002

- 1) the addition of wording that would include the failure to meet three or more quality assurances, instead of one, in addition to the failure to meet one or more performance measures to the definitions of "conditionally accredited", "conditionally accredited? accreditation warning?", "conditionally accredited? on improvement?" and "not accredited?";
- 2) changing any reference to social studies in the regulations to history and government;

- 3) incorporation of the just-approved graduation requirements;
- 4) definition of what may be included in the history/government graduation requirement; and
- 5) definition of what may be included in the fine arts graduation requirement.

Dr. Wagnon left the meeting at 4:45 p.m.

Mr. Wyatt, with a second by Mrs. Gamble, moved that the Board direct staff to incorporate requested changes in the proposed revisions to the QPA regulations and bring them to the Board for its consideration the next day, by 10:00 a.m. Dr. Abrams indicated that if the intention was for the Board to act on the changes on Wednesday, it didn't appear to provide adequate time to review the changes just requested. A vote on the motion carried 6-2-1, with Dr. Abrams and Mr. Bacon voting "no", Chairman Rundell abstaining, and Dr. Wagnon absent

CONSENT AGENDA

In response to a question from Carol Rupe, regarding item 14 d., a contract for out-of-state tuition for the Kansas State School for the Deaf, it was noted that the tuition being requested was adequate. She also suggested that, like the two State Schools, perhaps Kansas districts enrolling out-of-state students could also charge tuition. Dr. Tompkins indicated that KSSB and KSSD charged tuition because they each get a set amount of state funding each year, regardless of the number of students enrolled. He also noted that policies dealing with out-of-state students were up to local boards to develop. Mr. Wyatt indicated that his question regarding item 14 m., 2003 Charter School grants, had been answered, but he asked that it be pulled from the Consent Agenda and voted on separately. Mrs. Waugh moved, with a second by Carol Rupe, that the consent agenda, without item 14 m., 2003 Charter School grants, be approved. The motion carried.

In the consent agenda, the State Board:

? Received the monthly personnel report.

? Confirmed the appointments of Michelle Pyle to a Programmer II position, effective August 29, 2002 at an annual salary of \$36,816 and Lisa Anderson to a Senior Administrative Assistant position, effective

August 18, 2002 at an annual salary of \$25,521.60.

? Approved school construction plans for Church of the Holy Spirit, Goddard; Kansas City, USD 500; Wellington, USD 353 (4 projects); Wichita, USD 259; Eudora, USD 491; St. James Catholic Church and School, Augusta; Lyons, USD 405; Osage City, USD 420; Hesston, USD 460; Dodge City, USD 443; Leavenworth, USD 453; Holy Name Faith Community, Kansas City; El Dorado, USD 490; Pratt, USD 382; and Rose Hill Public Schools, USD 394.

? Approved accredited status for USD 104 White Rock - White Rock Elementary, White Rock Middle, and White Rock High; and USD 305 Salina - Stewart Elementary.

? Approved the application from Horizon Academy, Roeland Park, KS, for waiver approval of K.A.R. 91-31-16(a) so that their QPA cycle would be extended one year and their school improvement plan and first onsite team visit would be delayed until Spring, 2003.

Page 7

MINUTES

September 10, 2002

? Approved the application from Douglass Public Schools, USD 396, for waiver approval of K. A. R. 91-31-24(e)(1) so that all USD 396 attendance centers will have their final accreditation team visit in the Fall of 2003.

? Approved the inservice education plan from Arkansas City, USD 470.

? Approved requests for waivers for individuals to serve outside their area of endorsement in districts as follows: *Computer Studies*: Robert Threlkel, USD 489; *District Administrator*: Randy Rockhold, USD 235; *Early Childhood Special Education*: Sharon Bane and Amy Vore, USD 490; *English*: Marilyn

Morford, USD 255; *English as a Second Language*: Michelle Phouthavong, USD 465; *Interrelated Special Education*: Christian Farmer and Pamela Gfeller, USD 490; *Library Media Specialist*: Rebecca Kletchka, USD 260, Angela Price, USD 363, Brian Bell, USD 437, and Ruth McCauley, USD 465; *Mathematics*: Anjanette Hamel, USD 489; and *Physical Education*: Gregg Webb. USD 491.

? Accepted the recommendations of the Evaluation Review Committee for: "Approved" status for Ft Hays State University through December 31, 2007 for the following programs Elementary Education (I/A, K-6); Secondary English (I, 6-12); Secondary Mathematics (I, 6-12); US History/Government (I, 6-12); Business (I, 6-12); Biology (I, 6-12); Chemistry (I, 6-12); Earth Space Science (I, 6-12); Journalism (I, 6-12); Psychology (I, 6-12); Physics (I, 6-12); Geography (I, 6-12); Sociology (I, 6-12); Speech and Theatre (I, 6-12); Technology Education (I, 6-12); Technology-Communication (I, 6-12); Technology-Power, Energy, Transportation (I, 6-12); Technology-Production (I, 6-12); School Psychologist (A, PreK-12); Art (I, PreK-12); Foreign Language (I, PreK-12); Health (I, PreK-12); Building Leadership (A, PreK-12); District Leadership (A, PreK-12); Library Media Specialist (A, PreK-12); Music (I, PreK-12); Physical Education (I, PreK-12); Reading Specialist (A, PreK-12); School Counselor (A, PreK-12); Adaptive-BD or ED, LD, MR (I, K-6); Adaptive-BD or ED, LD, MR (A, PreK-12); ESOL (A, PreK-12); Gifted (A, PreK-12); and Sociology (I, 6-12).

? Accepted the recommendations of the Certification Review Committee in cases 1980-1981, 1983-1989, 1992-1996, and 1998, 2000-2002.

? Accepted the Commissioner's recommendation to approve Visiting Scholar certificates valid for the 2002-2003 school year for: Dixie McReynolds to be employed as a science teacher at Accelerated Schools, Overland Park, and Miguel Martinez-Gonzalez to teach Spanish at Emporia High School. USD 253.

? Received the Annual Report of the Special Education Advisory Council.

? Approved an FY 2002 commercial driver training school license for Drive-Right School of Lawrence, Kansas

? Authorized USD 232, DeSoto, USD 264, Clearwater, USD 330, Wabaunsee East, USD 441, Nemaha County, and USD 506, Altamont, to hold elections on the question of issuing bonds in excess of the districts' general bond debt limitation.

Contracts Approved:

The State Board authorized the *Superintendent of the Kansas State School for the Deaf* to enter into a contract with the Raytown School District for out-of-state tuition for one student for the 2002-2003 school year, with the amount not to exceed \$9,591.

Page 8

MINUTES

September 10, 2002

CHARTER SCHOOL GRANTS

Mrs. Waugh moved, with a second by Mr. Bacon that the Board approved Charter School grants for USD 402, Augusta Learning Center, in the amount of \$58,000 and USD 271, Stockton Knowledge Cafe Entrepreneurial Charter, in the amount of \$46,440. Mr. Wyatt noted for the record that he had been against granting charters for the two schools when first proposed in March 2002 and, to now vote for implementation grants would be inconsistent with his position regarding the charters. The motion carried on a vote of 6-3, with Chairman Rundell, Mr. Wyatt and Mrs. Gamble voting ?no?, and Dr. Wagnon absent.

PROPOSED GUIDELINES FOR ALLOCATING AND MONITORING BOARD TRAVEL

Dr. Abrams, Board Policy Committee Chairman, presented proposed guidelines the committee had developed at the request of Chairman Rundell for allocating and monitoring Board member travel. He explained that after the Board determined an annual amount for travel and salary less travel expenses for twelve Board meetings, the balance would be divided by the number of Board members plus an extra allotment for the District 5 member, the Board Chair, the Vice Chair, the Legislative Liaison, and the Assistant Legislative Liaison. Remaining balances would be reviewed in February of each year and adjustments made to carry through the end of the fiscal year. Mrs. DeFever noted that most of the activity of the Legislative Liaison and the Assistant Legislative Liaison would take place during the months of January through April. She suggested that some modification might need to be made to account for those busy months, as they fall in the second half of the fiscal year. Dr. Abrams mentioned that had been considered. He also reported that the proposal would be brought back to the Board for a vote at the October meeting.

Mr. Wyatt asked if the Policy Committee had addressed the issue of reimbursement for member time spent in conference call meetings that require a lot of preparation. Dr. Abrams indicated that the issue had been brought up, but that because the meeting in question occurred during the previous fiscal year, there was a question of being able to pay salary. It was suggested that payment of the per diem rate for the conference call meeting in question could be made out of FY 2002 encumbered funds. Mr. Wyatt moved, with a second by Carol Rupe, that per diem for Board members on the subcommittee for redistricting be approved for the April 5th, 2002 conference call. The motion carried 7-1-1, with Mr. Rundell voting ?no?, Dr. Abrams abstaining, and Dr. Wagnon absent.

There being no further business, Chairman Rundell recessed the meeting at 5:20 p.m.

I.B. Rundell, Chairman

Penny Plamann, Secretary

KANSAS STATE BOARD OF EDUCATION

MEETING MINUTES

September 11, 2002

CALL TO ORDER

Chairman Rundell called the meeting to order at 9:00 a.m. on Wednesday, September 11, 2002, in the Board Room of the State Board of Education Building, 120 SE 10th Avenue in Topeka, Kansas. Chairman

Rundell asked that those present share in a moment of silence in memory of the events of a year ago on September 11, 2001 and for those who lost their lives or loved ones, or were injured.

ROLL CALL

Members present were:

Steve Abrams
Val DeFever
Sue Gamble
I.B. ?Sonny? Rundell
Carol Rupe

Harold Voth
Bill Wagnon
Janet Waugh
Bruce Wyatt

Mr. John Bacon arrived at 9:05 a.m.

APPROVAL OF AGENDA

Chairman Rundell asked that two items be added to the agenda. He recommended that discussion of 2003 legislative issues be added after Board Reports as item 4 a.; that action on revisions to QPA regulations be added as item 4 b; and that discussion of the blueprint for redesign be shortened to accommodate the Board?s meeting with the Legislative Educational Planning Committee at 11:00 a.m. Mrs. Gamble moved, with a second by Dr. Wagnon, that the agenda be approved with the modifications requested. The motion carried.

BOARD REPORTS

Board Attorney

Mr. Biles reported on developments in pending cases, including an appeal filed by the Attorney General for the federal school finance case to be heard by the entire the 10th Circuit Court of Appeals. Dr. Wagnon moved, with a second by Mr. Wyatt, that Mr. Biles? fees for services and expenses for Augusts be paid as presented. The motion carried.

Chairman

Chairman Rundell reported that an invitation had been received from NASBE for a Board member to participate in an Early Childhood Network Forum in Washington, D.C. November 6th. The Board member would attend with the Kansas Coordinator of the Early Childhood Planning grant that Kansas received from NASBE in 2001, with NASBE paying meeting-related travel and expenses. Mrs. Gamble volunteered to attend.

Legislative Coordinator

Mrs. DeFever reminded Board members of the meeting on Friday, September 27th at 10:30, hosted by the Vision 21st Century School Finance Task Force, to discuss issues related to the future of school finance and to visit with gubernatorial candidates.

Other Board Member Reports

Dr. Wagon reported on attending the Governor's ceremony to proclaim September as Support Public Schools Month, and a Kansas Teacher of the Year Foundation meeting. He also reported on a foster parent with a problem with student fees and noted he had recommended that the individual contact area legislators.

Page 2

MINUTES

September 11, 2002

Mrs. DeFever reported that she was making presentations at school meetings kicking off the school year and was reviewing Board goals and the requirements of NCLB at those meetings.

Mr. Bacon reviewed activities planned in conjunction with the October Board meeting in Olathe.

Board Policy Committee

Chairman of the Board Policy Committee, Dr. Abrams, reported that the Policy Committee would be reviewing the policies for the Kansas State School for the Blind and Kansas State School for the Deaf and would be bringing proposed revisions to the Board sometime in the fall.

Requests for Future Agenda Items

Mrs. Waugh requested that an opportunity be made available for the Board to consider endorsement of the National PTA Standards for Parent Involvement as requested during the Citizens? Open Forum on Tuesday, September 10th. Mr. Wyatt asked for a presentation on the practice of enrolling students from out of state in Kansas districts near the state border. He also requested that the Board be allowed time to discuss taking a public position on the education of illegal immigrants in the State.

EDUCATION ISSUES FOR THE 2003 LEGISLATIVE SESSION

Deputy Commissioner Dale Dennis presented issues for the Board to consider for presentation to the 2003 Kansas Legislature. Included were amendments to the Teacher Due Process Law, to remove the payment limitation for hearing officers to encourage more attorneys to serve as hearing officers and to change the number of names on each list of potential hearing officers submitted for a hearing from nine names to five, since there are only 15 people on the current list. Additionally, updates to the due process law for KSSB and KSSD teachers so that teachers at the two state schools are treated the same as certified teachers in school districts, and a change in the law governing procedures for adopting rules and regulations under constitutional authority were proposed. Dr. Abrams moved, with a second by Dr. Wagnon, that the Board approve the proposals for introduction during the 2003 legislative session. The motion carried 10-0.

2003 LEGISLATIVE BROCHURE

Deputy Commissioner Dennis asked for Board members? input and direction regarding the proposed legislative brochure. In the discussion that followed several issues were raised, resulting in requests that staff design the legislative brochure so that it would represent the one year budget approved by the Board and would group together line items, including those included in bsapp, that address each of the Board goals and the improvement requirements of NCLB. Mr. Dennis indicated he would bring several options for the Board?s consideration at the October meeting. Also discussed were deep cuts being made by school districts across the state and patron fees being added or raised to address budget shortfalls. Mr. Dennis offered to provide additional information to the Board in an upcoming Commissioner?s Friday Letter.

RESOLUTION ON PUBLIC EDUCATION OF ALL KANSAS CHILDREN

Returning to an issue raised earlier regarding a Board public statement on the education of illegal immigrant children, Mr. Wyatt moved, with a second by Carol Rupe, that the following resolution be adopted by the Board:

Resolved, that this Board supports the public education of all children residing in the State of Kansas.

Because time had not been scheduled for the issue, there was some discussion about whether adopting a resolution without full discussion of the issue was appropriate. Dr. Abrams indicated he felt the Board should wait because the issue deserved more discussion. The motion to adopt carried on a vote of 9-0-1, with Dr. Abrams abstaining.

Page 3

MINUTES

September 11, 2002

BLUEPRINT FOR REDESIGNING EDUCATIONAL DELIVERY SYSTEMS DISCUSSION

In order to allow time to set up for the joint meeting of the Board and the Legislative Educational Planning Committee, the discussion was postponed until the October meeting.

ACTION ON REVISED QPA REGULATIONS

Dr. Pochowski and General Counsel Rod Bieker reviewed the items that had been moved or clarified at the request of the Board on Tuesday. Discussion followed about whether a weighting system could be developed to apply to some Quality Assurances which might be more important than others. Dr. Tompkins indicated that the development of a weighting system would require further work by staff to prepare options for Board discussion. Mrs. Gamble suggested that the system currently being proposed needed to be tested before it would be known if further changes were needed. Also discussed were the subcategories listed under the Quality Assurances and Dr. Tompkins noted that the proposed regulation provided more definition than the current regulation.

Mr. Wyatt moved that the Board adopt a resolution approving the draft regulations for submittal to the Kansas Department of Administration and the Attorney General for review and that, when approval is received, a December public hearing date be set. Mrs. Gamble seconded the motion, which passed on a vote of 10-0. The wording of the resolution adopted is as follows:

?Resolved: That this Board approves the draft of the revised State Board Quality Performance

Accreditation Regulations as presented to this Board with the changes as agreed upon during this meeting and directs the State Department of Education staff to submit this revised draft to the Kansas Department of Administration and Kansas Attorney General for review; and

Further Resolved: That upon approval of this draft by the Department of Administration and Attorney General, with such changes as are agreed upon by the Department of Education staff and the Department of Administration and Attorney General, the Department of Education staff shall have published a notice of public hearing with respect to said revised regulations at the December 2002 meeting of this Board, if possible.?

APPROVAL OF BOARD TRAVEL

Mrs. Waugh asked to have the Regional Teacher of Year events on September 22nd in Topeka and Overland Park added to her request. Mr. Bacon asked to have the Overland Park event added to his request. Dr. Abrams moved, with a second by Mrs. Gamble, that the requests for travel be approved as amended. The motion carried.

The meeting recessed at 10:45 a.m. to set up for a joint meeting with the Legislative Education Planning Committee.

JOINT MEETING WITH THE LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

Chairman Rundell opened the joint meeting of the Board and the Legislative Educational Planning Committee (LEPC) at 11:04 a.m. He introduced Representative Jo Ann Pottorff, LEPC Chair, and all present were asked to introduce themselves. Legislative Research staff prepared the attached preliminary minutes of the meeting.

ADJOURNMENT

Chairman Rundell adjourned the meeting at 3:00 p.m.

I.B. Rundell, Chairman

Penny Plamann, Secretary

Kansas Legislative Research Department September 24, 2002

PRELIMINARY

MINUTES

Legislative Educational Planning Committee

September 11, 2002

State Department of Education

Members Present

Representative Jo Ann Pottorff, Chair
Senator Dwayne Umbarger, Vice Chair
Senator Lynn Jenkins
Senator Lana Oleen
Senator John Vratil

Representative Lisa Benlon
Representative Kathe Decker
Representative Bill Reardon
Representative Ralph Tanner
Representative Jonathan Wells

Members Absent

Senator Christine Downey

Senator Bob Lyon

Representative Barbara Ballard

Legislative Staff

Ben Barrett, Kansas Legislative Research Department

Carolyn Rampey, Kansas Legislative Research Department

Paul West, Kansas Legislative Research Department

Theresa Kiernan, Revisor of Statutes Office

Jill Wolters, Revisor of Statutes Office

Members of the State Board of Education Present

Mr. I.B. ?Sonny? Rundell, Chair

Mrs. Janet Waugh, Vice Chair

Dr. Steve E. Abrams

Mrs. Val DeFever

Mrs. Sue Gamble

Ms. Carol Rupe

Mr. Harold L. Voth

Dr. William Wagnon

Mr. Bruce H. Wyatt

State Department of Education Staff

Dr. Andy Tompkins, Commissioner of Education

Dale Dennis, Deputy Commissioner

Dr. Alexa Pochowski, Assistant Commissioner

Conferees

Michelle Exstrom, Policy Associate for the Education Department, National Conference of State Legislatures

David Shreve, Senior Committee Director?Committee on Education, Labor, and Workforce Development, National Conference of State Legislatures

The Committee met jointly with the State Board of Education for the purpose of discussing teacher professional development and the No Child Left Behind Act. Conferees were staff members from the National Conference of State Legislatures. The practice of meeting at least

annually with the State Board began in 2001, following the statutory change made by the 2001 Legislature to expand the jurisdiction of the Legislative Educational Planning Committee to include elementary-secondary education.

Teacher Professional Development

Michelle Exstrom addressed teacher professional development and explained that Kansas is one of 12 states that will receive technical assistance in developing professional development policy from the National Conference of State Legislatures (NCSL) and the National Staff Development Council (NSDC). Funding for the project is from the Ford Foundation and assistance includes working with a panel of Kansas educators, staff members, and others in the area of professional development.

Ms. Exstrom said teacher professional development is increasingly important because new teachers who need professional development are being added to the workforce as the result of teacher retirements, student enrollment increases, and the recruitment of teachers in hard-to-fill areas. Further, research indicates that teacher quality has an important positive effect on student learning. One study cited by Ms. Exstrom indicates that teacher qualifications is second only to home and family in importance as an influence on student achievement. Another shows that low-performing students show more dramatic improvement with an effective teacher than with an ineffective teacher. Data based on scores on the National Assessment of Educational Progress (NAEP) show that higher student performance correlates with teachers who have a major or minor in the subjects they are teaching and with teachers who received professional development in laboratory skills. Money spent on increasing teacher education has been shown to be more effective in increasing student achievement than increasing teacher experience, increasing teacher salaries, or lowering the pupil-teacher ratio.

Ms. Exstrom also discussed the importance of teacher mentoring programs and their effect on reducing teacher attrition. She said there is great variety among the states as to the extent and quality of teacher induction programs and that, while most teachers participate in professional development activities, most say they do not believe they are prepared to assess student performance and teach to new state standards. One state program described by Ms. Exstrom is the Beginning

Teacher Support and Assessment Program (BTSA) in California, which provides intensive support from experienced teachers and an individual induction plan for new teachers. The cost of the program is \$3,375 for each beginning teacher per year, plus a \$2,000 in-kind district match. Ms. Exstrom acknowledged that revenue shortfalls in California may have placed the program in jeopardy, but noted that under the program, retention rates for new teachers have exceeded 90 percent for two years. Another successful program is the Alabama Reading Initiative, which provides intensive summer training for teachers and monthly advanced training for reading specialists who spend part of their time coaching other teachers.

According to Ms. Exstrom, the professional development initiative supported by NCSL and NSDC is based on the following standards:

High quality professional development must be:

- ? Results driven;
- ? standards based;
- ? job embedded;
- ? content rich; and
- ? school focused.

Ms. Exstrom explained that the No Child Left Behind Act includes accountability standards for teachers and paraprofessionals and also provides grants to improve teacher quality. Under the Act, beginning with the 2002-03 school year, new teachers or teachers in a Title I program or school must be highly qualified. By the 2005-06 school year, all teachers must be highly qualified. The Act defines highly qualified to mean that a teacher is fully licensed, has a baccalaureate degree, and has passed a state test demonstrating subject knowledge in teaching skills in reading, writing, and mathematics. Districts must use at least 5 percent of their Title I funds to help teachers become highly qualified. The Act replaces two prior programs (Eisenhower Professional Development Program Grants and the Class Size Reduction Program) with one formula grant program for activities intended to increase teaching quality, including professional development. The authorization for FY 2002 is \$2.85 billion nationwide, of which, at the state level, 95 percent goes to local education agencies (school districts), 2.5 percent is for local partnerships, and 2.5 percent is for state activities. Ms. Exstrom suggested that policymakers in Kansas should determine the extent to which the federal money will be used for professional development activities. She said the NCSL/NSDC project is intended to assist policymakers in developing strategies in their state intended to enhance professional development activities.

No Child Left Behind Act

David Shreve traced the history of the reauthorization of the Elementary and Secondary Education Act (popularly called the "No Child Left Behind Act") and identified the following major provisions:

Consolidation. The number of individual programs under the former Elementary and Secondary Education Act was reduced from 55 to 45. For example, several technology programs have been consolidated into a single block grant, the Eisenhower Professional Development Program has been combined with the Class Size Reduction Program, and the Bilingual Education Act and the Emergency Immigrant Education Program have been combined. Although changes have been made to the 21st Century Community Learning Centers Program (after school grants), proposals to combine the program with the Safe and Drug Free Schools Program were rejected.

Annual Testing and Accountability. By school year 2005-06, states must implement annual reading and math assessments in grades three through eight. Students in grades ten through twelve must be tested once. By the 2007-08 school year, students must take a science assessment at least once in grades three through five, six through nine, and ten through twelve. States also must assess the English proficiency of English-as-a-Second Language students each year, beginning in the 2002-03 school year. States may design their own assessments, which must be aligned with state academic standards and must allow student achievement to be comparable from year to year. The Act itself does not allow for waivers for existing state assessment systems that fail to meet the letter of law or that feature a combination of state and local testing. However, Mr. Shreve said that rules and regulations being drafted to implement the Act may allow for some flexibility for those states with testing systems that comply with the "spirit" of the law.

Testing Costs. Federal funding for testing activities is \$490 million a year. An important feature of the Act is a "trigger" which allows states to suspend annual assessments for one year in years when the appropriations levels do not reach the following amounts:

FY 2002?\$370 million. (The actual appropriation is \$380 million.)

FY 2003?\$380 million.

FY 2003?\$390 million.

FY 2005-2007?\$400 million.

Each state will receive \$3 million in federal funding for tests, with the remainder of the appropriation allocated on the basis of school age population.

Adequate Yearly Progress (AYP). The policy of classifying schools based on adequate yearly progress, which was part of the Improving America's Schools Act of 1994, is expanded to apply to all students, not just to Title I students. "Adequate yearly progress" is defined to mean that all students must perform at the "proficient" level within 12 years, with progress being made in equal increments during the period. Improvement must be measured separately for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. Proficiency goals are set by the states, pursuant to a state plan. Adequate yearly progress is deemed to be made when there is a 10 percent reduction in the percentage of students who are not proficient. States must select one additional indicator of success for elementary schools and must include graduation rates as a success indicator for secondary schools.

Sanctions. The following applies to Title I schools and builds on the current Improved America's Schools Act (IASA). In other words, a Title I school that already is identified as failing under the IASA would retain its current classification and face consequences under the No Child Left Behind Act in the next school year. Since about 90 percent of all schools nationwide receive Title I funds, these sanctions apply to most schools. In addition, states must develop parallel systems of sanctions for *all* public schools. The Title I sanctions are:

- ? Failure to meet federally defined AYP goals for two consecutive years will be identified as needing improvement and will entitle school for technical assistance. Local district must offer public school choice to all students in school and must provide transportation to chosen school by using up to 5 percent Title I, Part A funds.
- ? Failure to meet AYP goals for three consecutive years requires adding supplemental tutoring services for disadvantaged students in a failing school. States would determine criteria for eligible providers. Local district must use up to 5 percent of Title I Part A funds for supplemental educational services.
- ? Failure to meet AYP goals for four consecutive years requires local district to take corrective action by replacing staff, implementing a new curriculum, or both. (This action is in addition to other sanctions listed above.)
- ? A state that fails to meet deadlines imposed under the Act could lose 25 percent of its federal funding allocated for administering the Act.

Teacher Quality. Local districts must ensure that all teachers hired with Title I funds must meet the teaching requirements of the state in which they are teaching. Each state education agency must submit a plan to the U.S. Secretary of Education to ensure that all teachers in the state are "highly qualified" by the end of the 2005-06 school year. The plan must include measurable objectives for each district and school for increasing the percentage of "highly qualified" teachers and for increasing the availability of quality professional development. No later than three years after enactment of the Act, all teacher aides hired under Title I compensatory education funds must have completed at least two years of postsecondary education, obtained an associates degree, or have met a "rigorous standard" of quality established at the local level.

According to Mr. Shreve, it is likely that between 60 percent and 80 percent of schools will be deemed to be failing to meet annual yearly progress. When asked what legislators should be doing in the early stages of implementing the Act, Mr. Shreve responded by saying that they should continue to be available to work with NCSL, the state's Congressional delegation, the State Department of Education, and with others in order to influence the interpretation and implementation of the Act.

Mr. Shreve discussed the Individual's With Disabilities Act (IDEA), expressing concern about the implications of the teacher quality standards contained in the No Child Left Behind Act and about the failure of the federal government to honor its commitment to fund, for disabled children, 40 percent of the average per-pupil expenditure for regular children. Mr. Shreve called the 25-year-old commitment "the most important priority for the nation's legislatures" and said the \$10 billion unfunded federal mandate is the "single most intractable education issue we face as we attempt to improve the performance of our state systems." He elaborated on the commitment by explaining that the current level of federal funding amounts to about 17 percent of the cost of educating regular children. If the additional costs of educating disabled children are taken into account, federal funding represents only 10 to 12 percent of total costs.

The meeting concluded with a presentation by Dr. Alexa Pochowski on implementation of the No Child Left Behind Act in Kansas. Dr. Pochowski compared federal and Kansas law, noting differences and similarities. She also presented Kansas data showing differences in achievement between regular and disadvantaged students and differences on the basis of ethnicity. In the comparisons, regular students scored better on math and reading tests than disadvantaged and white students did better than African American and Hispanic students. Dr. Pochowski told the Committee that implementation of the federal law can build on much of what Kansas already has in place.

The meeting was adjourned.

Prepared by Carolyn Rampey