

KANSAS STATE BOARD OF EDUCATION**Meeting Minutes****March 13, 2012****CALL TO ORDER**

Chairman Dennis called the March meeting of the State Board of Education to order at 10:00 a.m., March 13, 2012 in the Board Room of the Kansas Education Building, 120 SE 10th Avenue, Topeka, Kansas.

3/13/12 a.m.
session audio
archive
(00:00:07)

ROLL CALL

Members present were:

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

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

Chairman Dennis read the Board Mission Statement and then called for a moment of silence. The moment of silence was followed by the recitation of the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Chairman Dennis reported on two issues regarding the agenda: 1) that a revised item 15 o. which included grantees was in Board members folders and 2) instead of the KLN update there will be a change in the Commissioner's report in order to discuss recent events concerning the waivers that were requested from the U.S. Department of Education by three Kansas districts. With those two changes, Mr. Wims-Campbell moved, with a second by Chairman Dennis that the agenda be approved. Dr. Chappell was concerned that the Board's agendas were not addressing important issues. He asked to pull consent agent items 15 o. and 15 q. Mrs. Wims-Campbell did not accept his request to pull the items from the consent agenda. With no further discussion, the motion passed 9-1, with Chappell voting in opposition.

(00:02:07)

MOTION**APPROVAL OF THE FEBRUARY MINUTES**

Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the February minutes as presented. The motion carried 10-0. Mrs. Wims-Campbell indicated there was a correction that needed to be made to the January minutes and indicated she would provide the information to the Board secretary.

MOTION
(00:04:39)

COMMISSIONER'S REPORT – DISCUSSION OF DISTRICT WAIVER REQUESTS TO USDOE

Dr. DeBacker reviewed waiver requests submitted by the McPherson School District USD 418; Kansas City Kansas Public Schools USD 500; and the Clifton-Clyde School District USD 224 and the U.S. Department of Education's (ED) response which was just received. The decision by ED was that none of the schools would be allowed to use alternate assessments below grade eight. All were approved to use Explore in grade 8 and ACT in high school. The impact at the state level is that the schools will now have to give the state assessments for grades 3-7 for which they have not prepared. The state assessment window will close at the end of April and there will be assessment scheduling difficulties for the Kansas City Kansas district. The superintendent of the district had recommended a two-week extension of the assessment window. To extend the window two weeks, until the middle of May, would mean it would be open for all districts. This would appear to be unfair to many districts which had already completed the state assessments.

(00:05:23)

USD 418 Superintendent Watson and Kansas City Kansas Assistant Superintendent Strickland reported on how the ED decisions would affect their plans to address college and career readiness in a different manner than by using measurements provided by the state assessments.

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CITIZENS' OPEN FORUM

(00:37:25) It was the decision of the Chair, with no objections from Board members, that the Open Forum be postponed until after the conclusion of the discussion of the three waiver requests.

COMMISSIONER'S REPORT – DISCUSSION OF DISTRICT WAIVER REQUESTS TO USDOE (Continued)

(00:38:01) Board members asked questions about next steps and options available. Members expressed frustration with what they viewed as the intrusion of the federal government into decisions that they believe belong at the state and local level. Dr. Chappell moved to allow the three districts to move ahead with their plans. The motion died for lack of a second.

MOTION

(00:45:39)

Many members voiced their support for allowing the school districts to pursue their proposed accountability plans despite the ED decision. Some went as far as to speak in support of discontinuing state assessments as unnecessary and irrelevant for all Kansas students, but the majority did not want to risk the loss of federal Title I funding for those schools should they be found to be in noncompliance with ED requirements.

MOTION

(01:16:35)

After extensive discussion of options, Chairman Dennis moved, with a second by Mr. Willard, that the State Board approve letters being sent by the Board Chair to U.S. Secretary of Education Duncan, the Kansas Congressional Delegation, Governor Sam Brownback and all members of the Kansas Legislature endorsing the appeals of ED's denial of the waiver requests by USD 224 Clifton-Clyde, USD 500 Kansas City Kansas Public School Districts and USD 418 McPherson and requesting a quick response because of the state's testing window for state assessments. Additional discussion followed, predominately about the content of the letter. The motion carried 9-1, with Chappell voting in opposition.

MOTION

(01:24:45)

Mrs. Waugh moved, with a second by Mrs. Wims-Campbell that the State Board approve extending the testing window by two weeks if the appeals are not granted. Brief discussion followed and the motion carried 10-0.

BREAK

(01:33:19)

The Board took a break from 11:33 until 11:41 a.m.

CITIZENS' OPEN FORUM

(01:41:25)

Chairman declared Forum open at 11:41 a.m. Addressing the Board first was Dave Trabert of the Kansas Policy Institute, Wichita, sharing highlights on student achievement compared to cost per pupil from a recent study the Institute has recently conducted. Next heard from was Geri Pascale, Troy, Assistant Superintendent of the Leavenworth School district, who spoke in favor the AdvancED accreditation model. Lastly, Tom Krebs of the Kansas Association of School Boards, Topeka, shared information about the association's career and technical education initiative. The Chairman closed the Open Forum at 11:51 a.m.

HEALTH OF MIDDLE SCHOOLS

(01:53:20)

After brief discussion, the decision was made to move forward with the report on middle schools and delay recessing for lunch. Jerry Meyer from Auburn-Washburn district introduced members of the Kansas Administrators of Middle Schools Association board, including Mike King, Dodge City, who presented the report. He addressed the developmental characteristics of middle level students; the transitional needs of middle school students; the mission and focus of middle schools; and the challenges the students and staff face at the middle school level. The need for students and their parents to begin thinking about a career path is very important at this age and Mr. King stated he thought every middle school in the state should use the Kansas Career Pipeline and the ACT Explore. He reported that there are five major components that make middle schools exemplary. The first is a strong advisory program with every adult in the school being an advocate of the child and a certified staff member should

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have contact with a student at least twenty minutes a day talking about their needs, grades, and good decision making. Team teaching is the second component and one of the most powerful forces in middle schools. Team teaching brings consistency to rules and practices in the school, with the student knowing what is expected in every class. Another component is providing interdisciplinary teaching in every subject area. Instruction is also most effective if it is active and project based. Exploratory practices are also very important to allow students exposure to areas they might want to pursue. Questions were asked about MTSS at the middle school level and with a focus in the state on reading and math, how middle schools have time to engage students in other subjects and career pathways.

DISCUSSION OF SECLUSION AND RESTRAINT IN LIGHT OF CURRENT LEGISLATIVE ACTIVITY

Mr. Willard asked for a brief period to discuss the seclusion and restraint issue, noting that it wasn't on the Board's agenda until after the meeting of the legislative committee working on putting the Board's 2007 guidelines into statute. He noted that he considered the legislature would be overstepping its authority and was not using the Board's current guidelines approved in 2011. He added that he believed the Board should put its guidelines into regulation. Ms. Storm indicated that there should be an addition to the current guidelines regarding schools not having any incidents to report during a year to report that they didn't have any. She also added that when asked of one of the major legislative proponents of the law if it would be sufficient for the Board to put the guidelines into regulation the question was answered in the affirmative. Mr. Willard moved, with a second by Ms. Storm, that the Board put its Emergency Safety Intervention guidelines (formerly seclusion and restraint into regulation. (02:26:10)

MOTION
(02:29:15)

There was a discussion about not taking any action without input from the Special Education Advisory Council in April and not taking any action on the guidelines without further study. Mr. Willard and Ms. Storm agreed to an amended motion as follows: that Senate Education Committee be informed that the State Board of Education is taking under consideration their concerns regarding seclusion and restraint and will, with the advice of the Special Education Advisory Council, consider the sufficiency of the current guidelines and decide whether or not to put them into regulation at the Kansas State Board of Education's April meeting. The motion passed 10-0.

**AMENDED
MOTION**
(02:29:15)

The Board recessed for lunch at 12:35 and returned at 1:34 p.m.

Break
(02:44:03)

UPDATE ON NEXT GENERATION SCIENCE STANDARDS

The Board received an update on the progress of developing the Next Generation Science Standards (NGSS). Marcel Harmon, a scientist and engineer with a high-performance building firm in Overland Park and a member of the review committee, shared with Board members that the first public draft of the standards was expected in April, and he urged Board members and anyone who wanted to provide feedback on the public draft to first review the Framework for K-12 Science Education, which is the document that provides direction and guidance to the standards writing committee. Dr. Harmon shared his experience with the comment and review process. He reported that of the many reasons members of the industrial sector are excited about the development of the new standards is the increasing complexity of industrial jobs and the need for more understanding of technology. He also said those in the science and engineering fields have been troubled by the performance of U.S. students in science and technology subjects as compared to their counterparts in other countries, and by the lack of interest American students appear to have in science fields. He is encouraged by the effort to strengthen standards in science for U.S. students and by the process being used to develop the standards. In the Board questions and comments that followed, Mrs. Martin expressed her disappointment that the public had not yet been allowed to engage in the process. (02:44:13)

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MTSS SCHOOL PRESENTATION

(03:00:28)

Kerry Haag, Assistant Director of Student Support Services, provided an brief review of the history of the Multi-Tiered Systems of Support model in Kansas. She introduced Kim Davis Title I teacher, and Margot Rudeen from Mission Valley Elementary, Mission Valley District, and Jim Baker, Judy Rockly and Susan Sipe with the MTSS Core Team. Mr. Baker and Ms. Rockly explained a foundational component of MTSS – the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) which is used as a universal screener and progress monitoring assessment that measures accuracy and fluency, with indicators that can predict reading success. It is used to place students in intervention groups and monitor their progress in reaching the grade level goal.

Mrs. Rundine and Ms. Davis shared information about the collaborative data team meetings held every Friday where specific student progress is discussed and changes made in the interventions if necessary, and lesson plans prepared. A short video of part of one of the planning meetings. They also shared the student progress made since implementation of MTSS. Members of the Core Team reported on the move to implementing the model district wide, instead of school by school. Statewide information was also shared. Questions concerned professional development and the age span at which DIBELS is used and how secondary students are measured

PROFESSIONAL DEVELOPMENT UPDATE

(03:39:10)

Sandee Crowther, Executive Director of Learning Forward Kansas (LFK), presented the 2011 Learning Forward standards for Board consideration. Learning Forward was originally the National Staff Development Council (NSDC) which changed its name in 2010. The Kansas Board had endorsed the 2001 NSDC standards in 2008. These were revised and debuted in 2011 as the Learning Forward Standard for Professional Learning and were before the Board in advance of a request that the State Board adopt them in April. Ms. Crowther explained the benefits of having professional learning standards and briefly explained the seven standards which are: Learning Communities; Leadership; Resources; Data; Learning Designs; Implementation; and Outcomes.

Craig Correll, Assistant Superintendent at Coffeyville and President of LFK, reiterated the seven standards and reported how the standards were implemented in the Coffeyville school district. Coffeyville is one of three districts in the state to adopt the standards. Sherry Thomas, a teacher Professional Development Council Chair in the McClouth School District and President-elect of LFK reviewed the research upon which the new standards were based.

Susan Helbert, Assistant Director of Teacher Education and Licensure reported on work of the Professional Development Audit Task Force and its workgroups on developing a framework for organizing the details that will be needed when professional learning regulations are developed. In her report she shared the common elements for all educator levels: aligns to the professional standards; provided district support teams for all educators; addresses personal/professional needs, district /school needs and state needs; requires professional learning to be completed each year, with a specified a percent that must be job embedded.

Brief discussion followed, primarily about the cost of the 40 hours of professional learning required and how to determine a cost benefit for the training.

BREAK

(04:19:27)

After receiving a report from Ms. Storm and Mr. Willard on a successful meeting with the Chair of the Senate Education regarding the Board’s action on ESI, Chairman Dennis called for a break from 3:10 until 3:20 p.m.

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LEGISLATIVE MATTERS

Chairman Dennis reported that in the House Appropriations Committee the previous day the common core standards were discussed at length. Representative Kelley from Southeast Kansas introduced an amendment to withhold funding for any implementation of the standards. Because the Kansas Board of Education has gone on record as having adopted the common core standards, Chairman Dennis felt it important to communicate with the Chairman of the Appropriations Committee and the Rep. Kelley. Unable to reach them, he wrote a letter to Rep. Kelley with copies sent to the House leadership and chairs and senior minority members on the Appropriations and Education Committees. In the letter, copies of which he gave to Board members, he explained the common core standards and shared that the State Board of Education had adopted them. Deputy Commissioner Dennis provided Board members with a copy of Rep. Kelley's amendment, noting that the intent was to have a Legislative Post Audit Study do a cost analysis for implementation of the standards.

(04:30:00)

In the Deputy Commissioner's legislative report he reviewed bills of importance to the Board and the education community. After discussing them, Mrs. Waugh moved, with a second by Chairman Dennis, that the Kansas State Board of Education support SB 448 and its companion bill in the House, HB 2693, regarding school district support of students attending the Kansas State School for the Deaf and the Kansas State School for the Blind. The motion passed on a unanimous vote.

MOTION
(04:57:32)

In discussion of HB 2645, requiring personal financial literacy as a graduation requirement, several Board members objected to the bill. Chairman Dennis moved that the State Board go on record as opposing financial literacy as a graduation requirement because it is an unfunded mandate and interferes with local control. Mrs. Waugh seconded the motion. In the discussion that followed no one was against classes in financial literacy and all but one were opposed to making it a graduation requirement. One member spoke in strongly favor of the bill. The motion carried 9-1, with Chappell voting in opposition.

MOTION
(05:15:32)

ACT ON RECOMMENDATION OF THE PROFESSIONAL PRACTICES COMMISSION

Mrs. Cauble moved, with a second by Mrs. Martin, moved that the Kansas State Board of Education adopt the findings of fact and conclusions of the Professional Practices Commission and approve the recommendation of the Commission for case 11-FC-10, concerning Bryan K. Scott. The carried unanimously.

MOTION
(05:41:39)

The Board took a break at 4:30 and the meeting resumed at 4:42 p.m.

BREAK
(05:42:03)

UPDATE ON EMERGENCY SAFETY INTERVENTION (ESI) GUIDELINES

Dr. Ann Matthews, chair of the Special Education Advisory Council (SEAC), and Colleen Riley, Director of the Special Education Services team at KSDE, presented an update on data related to instances of seclusion used with students with disabilities during the 2010-11 school year. They also answered questions and discussed issues related to ESI with the Board. Dr. Matthews reported on a report being circulated by the National Disability Rights Network that profiles instances when children were harmed during instances of seclusion or restraint at schools around the country. She reminded Board members that the (ESI) Guidelines adopted by the Board in June 2011 addressed all of the situations highlighted in that report. The Kansas guidelines stipulate that seclusion and restraint be used only in an emergency or safety situation or within the context of the Individual Education Plan (IEP) process, which means the specific instances that might warrant seclusion or restraint, and how that will occur, have been agreed to by parents and others involved in the IEP process.

(05:53:09)

Dr. Riley summarized the data for 2010-2011. Though the 2011 guidelines were an improvement from 2007, there was still room to make additional improvements to the guidelines,

she stated. In reference to legislation being considered at the state level that would put the guidelines into law, Riley shared her opinion that the best way to arrive at improvements was through a process that sought recommendations from the Board and also relied on input and recommendations from SEAC.

CONSENT AGENDA

MOTION
(07:10:09)

Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that the Board approve the Consent Agenda. The motion passed 9-1, with Chappell voting in opposition. In the consent agenda the Board:

- Received the monthly personnel report.
- Approve the amended agreement for the Marshall-Nemaha County Educational Services Cooperative.
- Approved recommendations for licensure waivers for *Adaptive Special Education*: Michelle Meyer, USD 231; Debra Walker, USD 259; Jeremy Hunt, USD 261; Lacey Pool, USD 273; Douglas Bibens and Jessica Rawson, USD 418; Megan Click and Allison Knarzer, USD 475; Megan Griffiths, (deny) USD 490; Arthur Barker, Juan Munz and Bradley Divelbiss, USD 495; Misti Kuhn, DO 605; Ronald Shelton, Kirstin Blocker, Shannon Fuller and DO 616; Sara Rose, DO 618; Beth Beeler, Peggy De Seure, Zachary Wilson, Debra Werle, Emile Bricker, Jordinn Long and David Campbell, Meghan Clark, DO 711; *Early Childhood Special Education*: Elizabeth Butler, USD 475; Megan Griffiths, USD 490; *Early Childhood/Pre-School*: Ashley Young, DO 616; Bernadette Bray, DO 711; *Functional Special Education*: Katherine Demott, USD 259; Sarah Wilson, DO 607; *Gifted*: Amanda Highland, USD 465; Robert Burcher, USD 495; William Johnson, DO 618; *Math*: Sidney Lyles, *Science - Middle Level*: James Hammett Jr. and Julie Lemon, USD 259.
- Set a public hearing on the proposed amendment to teacher licensure regulation, K.A.R. 91-1-209 at 1:30 p.m., or as soon as possible thereafter, on Tuesday, June 12, 2012, in the Board Room of the State Education Building, 120 S.E. Tenth Avenue, Topeka, KS.
- Approved program recommendations of the Evaluation Review Committee for Benedictine College, "Approved with Stipulation" status for the Teacher Leader (A, PreK-12) (New Program) through December 31, 2013; and Fort Hays State University, "Approved with Stipulation" status for ESOL (A, Prek-12)) (New Program) through December 31, 2013.
- Approve the "Continuing Accreditation" recommendation of the Evaluation Review Committee for Central Christian College through December 31, 2016.
- Accepted the recommendations of the Licensure Review Committee in cases: 2722, Michael Hein; 2729, Cody Whitney; 2735, De Vaune Johnson (deny); 2747, David Donovan (deny); 2748, Kerrinne Fann ; 2750, Natalie Astan (deny); 2751, Holly Campbell; 2754, Jodi Hylton and USD 289 Wellsville; 2762, Claudette Green; 2765, Carrie McConville; 2766, Jean Holmes; 2767, Amanda Tingle; 2768, Bobby Waldschmidt and USD 331; and 2769, Kelley Ebel.
- Issued a CY 2012 commercial driver training school license effective from March 13, 2012 to December 31, 2012 to U Drive Kansas Driving School, Emporia.
- Issued orders authorizing USD 263 Mulvane, USD 381 Spearville, USD 508 Baxter Springs, and USD 448 Inman to hold elections on the question of issuing bonds in excess of the districts' general bond debt limitation.
- Approved funding for the Kansas 21st Century Community Learning Centers Grants for 2012. USD 261 Haysville \$136,664; USD 501 Topeka (Mission Possible) \$200,000, (Robinson Extended Learning Center) \$102,467, and Topeka (Visual Arts Learning Center) \$97,353; Kansas City Kansas Community College \$131,258; Save the Children \$119,665 (Coffeyville USD 445) and Save the Children \$116,892 (Pittsburg USD 250).

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- Approve a mini-grant to Kansas Big Brothers Big Sisters to help defray costs associated with conducting background checks on mentors, in the amount of \$20,000.

Authorized the Commissioner of Education to negotiate and enter into a contract with:

- the Kansas Department of Agriculture (KDA) for the purpose of completing on-site health inspections of unlicensed Summer Food Service Program (SFSP) meal preparation and service sites at the rate of \$150 per inspection, not to exceed \$14,15;
- Christian Moore of WhyTry? Inc. to provide the keynote address at the Safe & Prepared Schools Conference as well as a curriculum training strand for registered attendees, in the amount not to exceed \$10,000 (all inclusive);
- the Kansas Association of Independent and Religious Schools for the reimbursement of funds for professional development of non-public school teachers and leaders, in an amount not to exceed \$27,216.00.
- the Institute for Research and Public Service to provide professional development for ELL teachers in USD 501, in an amount not to exceed \$50,000;

and to:

- amend the existing contract with the Institute for Excellence and Ethics, as part of the Partnership in Character Education Program grant, in an amount not to exceed \$41,189.24.

BOARD REPORTS

Chairman Dennis and Dr. Chappell reported attending the Kansas Music Educators Association convention. The Board Attorney was represented by Stephen Smith. He noted that in addition to Mr. Ferguson's written report, which all members had the received, he wanted the Board to be aware that there was a hearing in the Terrance Vick and a decision was expected in approximately a month. The Legislative Coordinator and Assistant Legislative Coordinator stated they had nothing new to report that hadn't already be reported by other organizations. However, Ms. Storm reported on film on education she had seen and Mr. Willard reported on the first meeting of the Governor's CTE task force and the five workgroups that were formed. Mrs. Martin reported on attending the Flint Hills Tea Party (not the political group) 1st Annual, statewide, Youth Educational Scholarship Constitution Bee. She also reported on attending the 100th birthday of the Girl Scouts which was held in Abilene. Mrs. Waugh reported on attending a Deeper Learning Focus Group meeting sponsored by the Council of State Legislators. She indicated she would be attending another meeting of the group in April. Mrs. Wims-Campbell attended the Milken Awards, Horizon Awards and was also on a panel for TRIO, a federal outreach program to assist high school students and encourage them to stay in school and become college-bound. She also attended the Citizens for Quality Education Annual Breakfast and Dodge City night where she was able to visit with educators from across the state. Mrs. Cauble reported on the Liberal Pancake Race; Mrs. Shaver handed out a written report that contained an overview of the most recent Professional Standards Board meeting. She also reported on attending the Midwest Mathematics Meeting of the Minds. Dr. Chappell reported on participating in a Smarter Balance Webinar. He also asked about the State Schools for the Deaf and for the Blind and whether they would be able to pay Board attorney's fees. (07:10:23)

FUTURE AGENDA ITEMS

Dr. Chappell asked for a discussion about the disproportionate number of blacks being suspended or expelled from school. (07:34:53)

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BOARD MEMBER TRAVEL REQUESTS

(07:35:26) Mrs. Wims-Campbell moved, with a second by Chairman Dennis, that Board travel requests be approved. The motion passed on a 9-1 vote, with Cauble voting in opposition.

ADJOURNMENT

There being no further business Chairman Dennis adjourned the meeting at 6:26 p.m.

David Dennis, Chairman

Penny Plamann, Secretary