

MINUTES



Kansas State Board of Education

Tuesday, December 12, 2023

CALL TO ORDER

Vice Chair Porter called the Tuesday meeting of the Kansas State Board of Education to order at 10:00 a.m. Tuesday, December 12, 2023, in the boardroom of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas.

(00:01:37)

ROLL CALL

The following Board Members were present:

Betty Arnold	Deena Horst
Michelle Dombrosky	Ann Mah
Melanie Haas (On Zoom)	Jim Porter
Dennis Hershberger	Danny Zeck
Cathy Hopkins	Jim McNiece

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

Vice Chair Porter read both the Board's Mission Statement and Kansans Can Vision Statement. He then asked for a moment of silence after which the Pledge of Allegiance was recited. Vice Chair Porter noted that the Executive Session will be moved to the February meeting because documentation is not available, and there is an alternative motion for the KESA Framework that has been placed in each Board member's folder for possible use when that issue is before the Board.

APPROVAL OF AGENDA

Vice Chair Porter asked to approve the meeting agenda for both Tuesday and Wednesday. Mrs. Dombrowsky asked for (e) and (f) to be taken off the consent agenda to be voted on separately. The Vice Chair asked for (l) and (k) to be taken off the consent agenda for technical reasons to be voted on separately.

(00:04:10)

Dr. Horst moved to approve the agenda as amended: Items (e), (f), (l), and (k) will be taken off the consent agenda. Mrs. Arnold seconded. Motion carried 10-0.

MOTION
(00:05:12)

APPROVAL OF THE November 13 and 14, 2023 MINUTES

Dennis Hershberger noted a spelling error in "Hutchinson" and corrected a detail in his November committee report. Mrs. Arnold moved to accept the minutes of November 13 and 14, 2023 as written. Dr. Horst seconded. Motion carried 10-0.

MOTION
(00:06:10)

COMMISSIONER'S REPORT

Commissioner Watson thanked the Board members for the immense effort they put into this work for Kansas schools. 500,000 Kansas students are individuals, he noted, not a statistic. He will be bringing ESSER issues to the Board over the next few months as the federal support program ends in September 2024.

(00:06:30)

Chronic absenteeism is a growing problem. There is a strong correlation between high absences and

achievement, graduation, and post-secondary effectiveness. The higher the poverty rate; the higher the absenteeism. here are two schools that have been effective in encouraging attendance: Salina and Haysville. Salina had an absentee rate of 32.8% and they dropped it to 24.1%. The largest decrease was in the highest poverty areas. The superintendent reports it is presently down to 20%. Haysville district was at 55% in 2021-22. They dropped that last year to 32.6% and as of Dec. 8 it was 20%. The answer in both districts was to focus on relationships with the students and families and create a new district attendance policy.

Dr. Watson explained the history of KESA 2.0. He pointed out that the process started in 2019 and has been developed over several years. Dr. Watson went over the *Kansans Can Strategic, Targeted State Board Goals*. He focused on De Soto USD 232 which has a 97.3% graduation rate; 71.8% post-secondary effectiveness; and 48.8% academic preparation for post-secondary. He noted this data is the "scoreboard", but it doesn't show the fundamentals. Schools must focus on each day, on the fundamentals and consistently work towards improvement.

CITIZEN'S OPEN FORUM

(00:39:28)

Vice Chair Porter opened the forum at 10:30 a.m. and welcomed the citizens present. Each person was asked to keep their remarks within three minutes as is the Board policy.

G.A. Buie, Executive Director, United School Administrators and representing the Kansas Superintendents Association, spoke in support of the KESA accreditation process. He noted no process is perfect, but overall, the superintendents are supportive because focuses on school improvement.

Debbie Detmer, private citizen, Topeka, is not supportive of baby standards being created by government. She is concerned that the updated early learning standards will be used in a negative way.

Bev Shettler, representing the Kansas Independent Colleges Association, and the Kansas Association of Private Colleges, spoke about dyslexia training for teachers. She was part of the Kansas Dyslexia Taskforce and has created four courses of dyslexia training, using the principles of the science of reading.

Jason Johnson, Superintendent, USD 264 Clearwater, spoke in favor of the KESA accreditation. He addressed the foundations, noting they are not new but are important and should always be present. He urged the Board to pass KESA 2.0.

Phyliss Setchel, private citizen, Topeka, brought DVDs focused on the agenda to take over America and asked they be offered to the Board. She spoke to the history of infiltration to slowly put policies in place. The DVDs were left for the Board if they would like to view them. She linked the agenda to the communist party.

Blake Vargas, Superintendent, USD 436 Caney Valley, shared the success of his district. He attributes his staff and students with the success in the desire for continuous improvement. He strongly supports KESA 2.0 as an accreditation process which will help "focus on every student every day."

Dr. Jessica Dain, Superintendent, USD 203, Piper-Kansas City, advocated for KESA 2.0. She went over the key points of the accreditation program and why she supports it so strongly.

The forum was closed at 11:00.

BREAK (10 Min)

(01:02:15)

RECEIVE EVALUATION REVIEW COMMITTEE (ERC) RECOMMENDATIONS

(01:13:00)

Dr. Catherine Chmidling, Assistant Director, Accreditation and Design, KSDE, presented the evaluation recommendations which will be voted on in January for educator preparation program approvals at Fort Hays State University, Friends University, Pittsburg State University, and Wichita State University. She ended her presentation by thanking all the people who were part of this evaluation process.

RECEIVE HIGH EDUCATION ACCREDITING ASSOCIATIONS LIST

(01:15:00)

Shane Carter, Director, Teacher Licensure, KSDE, presented a list of accrediting associations in which valid credit and degrees are accepted and recognized as required by Licensure Regulation: 91-1-200 Definition of Terms. The State Board has not reviewed or approved the list in several years, however the Professional Standards Board reviewed the list during the September 2023 meeting and recommend that the State Board approve the current list without any changes. There are 8 accrediting associations: New England Commission of Higher Education, Middle States Commission of Higher Education, The Higher Learning Commission, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, Western Association of Schools and Colleges Senior Colleges and Schools Commission on Colleges, Western Association of Schools and Colleges Accrediting Commission for Community and Junior Colleges, and the Association for Biblical Higher Education.

AT RISK UPDATE

(01:25:20)

Dr. Ben Proctor, Deputy Commissioner, Learning Services Division, KSDE, presented information on the At-Risk Program from both federal requirements and state legislative funding perspectives. He explained what the Evidence-based Practices list is and how it is used. Dr. Proctor explained At-Risk expenditures go to programs, personnel providing services, support for instructional personnel to get training, and services contracted. The KSBOE is responsible to make sure the expenditures on the At-Risk list are approved. School Districts are responsible to report and keep data on these expenditures.

Evidence-based practices are the source and standard to decide if an expenditure is valid. Evidence-based practice means an education delivery system (programs, services, curriculum, etc.) that has been based on peer-reviewed research showing consistently better student outcomes over a five-year period. Dr. Proctor shared the various criteria such as homelessness, being retained, not working at grade level, failing subjects, high rate of absenteeism, that a student must meet to be considered At-Risk. The Legislative Post-Audit Report recommended removing the five-year research requirement, KSDE should ensure that guidance reflects the At-Risk related statutes, reviewing all the programs, and that the districts should review the law for allowable uses for spending from the At-Risk fund.

RECESS FOR LUNCH (Board Policy Committee meets)

(02:01:00)

KANSANS CAN RECOGNITION: USD 203 Piper-Kansas City GOLD IN INDIVIDUAL PLAN OF STUDY

(03:32:00)

Nathalie Clark, Assistant Director, Career Technical Education, KSDE, introduced Superintendent Dr. Jessica Dain, Assistant Superintendent Dr. John Nguyen, and Polly Vader, coordinator for Real World Learning and CTE, who represent the USD 203. The district was honored by Kansans Can with a Gold Award for their outstanding work in the Individual Plan of Study (IPS). The district leaders described their process and what they believe has contributed to its success and the success of Piper students. "Building the future, one child at a time" is the motto of District USD 203. Polly Vader shared a video about the Capstone event that is the student IPS finale.

ACT ON ESSER III CHANGE REQUESTS FOR USE OF FEDERAL COVID-19 RELIEF FUNDS

(04:10:25)

Doug Boline, Assistant Director, Special Ed and Title Services, presented the ESSER III change requests. Federal assistance to schools has been made available through the Elementary and Secondary School Emergency Relief (ESSER) fund. The federal law outlines allowable expenditures directly related to the COVID-19 pandemic, designed to support student learning and student needs associated with the pandemic.

The Commissioner’s Task Force on ESSER and EANS Distribution of Money has the responsibility to: provide guidance and oversight of school districts’ plans (public and private schools) for expenditure of those federal funds, maximize the use of federal K-12 relief funds to meet the acute needs of Kansas students in line with federal regulations and Kansas K-12 priorities. The Task Force and KSDE staff will review the applications and expenditure plans to evaluate whether the requests are tied to a pandemic-related need, are reasonable, and meet the allowable uses. The information is then be presented to the State Board of Education for approval.

Mrs. Arnold moved that the Kansas State Board of Education accept the recommendations of the Commissioner’s Task Force on ESSER Distribution of Money and approve the public school district for ESSER III change requests as presented for use of federal Covid-19 relief funds. Mr. Hershberger seconded. Motion carried 9-0-1. Mrs. Dombrosky abstained.

MOTION
(04:15:15)

ACT ON ACCREDITATION FRAMEWORK KESA 2.0

(04:18:19)

Dr. Jay Scott, Director, Accreditation and Design, KSDE, presented the proposal for KESA 2.0. Dr. Scott introduced many members of the School Improvement Team and noted they have worked for a year and a half on this framework.

Kelly Sturgeon, Senior Researcher, Division of Learning Services, who has worked for KSDE for 23 years, shared he has been involved with many school improvement projects, but he is able to say that this KESA 2.0 project is the single most important and significant policy he has known.

Beth Fultz, Director, Career Standards and Assessments Services, another longtime KSDE member, shared that the Four Fundamentals create coherence, as opposed to chasing isolated goals. She believes this framework can make a difference, and when she was thinking of retiring, she realized that KESA is worth staying for, because it is effective.

Dr. Scott shared this quote:

If you want effective accountability, you need to develop conditions that maximize internal accountability-conditions that increase the likelihood that people will be accountable to themselves and the group. Second, you need to frame and reinforce internal accountability with external accountability.

Michael Fullan, Coherence

Internal accountability needs to come first, Dr. Scott noted. KESA aligns the two pieces of accountability and emphasizes the internal. State Board Outcomes, Rose Capacities, Four Fundamentals (Structured Literacy, Standards Alignment, Balanced Assessment System, Quality Instruction), lead to the understanding that School Improvement and Accreditation are linked.

Two changes to the K-12 accreditation model in Kansas (KESA) are being proposed:

1. The Four Fundamentals will serve as a basis for accreditation determinations, in addition to student outcomes and compliance (existing).

2. An annual accreditation system where systems will have access to their peers, experts in the Four Fundamentals, and KSDE on a yearly basis. In this model, systems would need only be reviewed by the ARC if there exist persistent gaps in either the system's implementation of the Four Fundamentals, student outcomes, or compliance. If an ARC review is deemed necessary, the review takes place that year as opposed to waiting until a system is in a pre-determined accreditation year. If a system is showing progress in each of the three areas for accreditation, an ARC review would not be necessary, and the system would remain accredited.

The shift from KESA 1.0 to 2.0 shares the Kansans Can Vision and Outcomes; it is system level, there are high expectations for compliance. KESA 1.0 had an emphasis on the evidence of process (needs assessment, goals, foundational structures, successful HS Graduate). KESA 2.0 has 4 fundamentals. KESA1.0 had an OVT every year, but KESA 2.0 has a connection to peers, expert facilitation, and KSDE input every year. Dr. Scott explained that the OVT model was not consistent across systems. OVT was kept in place this year, but next year every system would be part of a "like" system meeting in a regional setting and it will be facilitated by an outside expert, and an action plan will be developed moving forward. In KESA 1.0, the ARC review year was chosen by the system. In KESA 2.0, the ARC review is an additional support for systems with persistent gaps in school improvement.

Dr. Ben Proctor presented a context for the proposal. He noted that nothing is perfect, but he believes in the education community in Kansas, especially at KSDE. The fundamentals are universally understood. Structures are the practices that the adults in the educational systems are involved in. If KESA is approved, there will be immediate mobilization and monthly updates to the Board on the progress. He emphasized that there will be KSDE staff accountability as they mobilize to build the protocols, processes, and procedures to implement this model. There will be monthly State Board updates on "The Build." Clear and consistent communication to school systems about expectations and protocols will be a priority.

Mrs. Meg Richards, Stem Program Manager, Career Standards and Assessment, and Dr. Laurie Curtis, Early Literacy/Dyslexia Program Manager, Career Standards and Assessment, shared information about reading, supporting both students and teacher training.

Dr. Jay Scott returned to the podium and spoke about the build of the full model with structures and lead indicators, protocols for peer collaboration and action planning, and templates for action plans. They will be focused on developing facilitation teams for KESA School Improvement days, creating "like" system groupings for KESA School Improvement days.

Dr. Jake Steel, Director, Strategy and Operational Alignment, presented an answer to Mrs. Hopkins question about why this KESA accreditation framework is unique. He noted there is not one model for accreditation nationwide. About half the states do accreditation; of those only 17 states have the system run through the State Board of Education; of those 17 states only 11 are trying to find a way to link accreditation and accountability.

Mrs. Mah moved that the Kansas State Board of Education approve the development of the KESA 2.0 model, as presented, that is set to begin in the 2024-2025 school year. The KESA 2.0 model shall ensure that districts will be accredited based on the Four Fundamentals, the five Board outcomes, student outcomes, and compliance. The model shall also account for current accreditation regulations. The Board expects an updated, actionable model to be presented for approval by the Board once it is developed. An actionable model would be one that clearly lays out expectations for various levels of

MOTION
(05:34:25)

accreditation, timelines involved, and responsibilities of KSDE, districts, and the ARC so that all aspects are in place prior to implementation. If this actionable model is not developed in time for training and staffing prior to July 2024, then implementation will be delayed. Staff will update the Board monthly on progress toward completion of the actionable model that defines accreditation expectations and requirements for school systems in Kansas. Mr. McNiece seconded. Motion carried 10-0.

BREAK (10 min)

(05:43:59)

ACT ON LEGISLATIVE PRIORITIES

Dr. John Hess, Director, Fiscal Services and Operations, moderated a discussion with the Board on the 2024 Legislative Priorities document which was received in November. Board members Mrs. Mah and Mrs. Horst are the Legislative Liaisons for the Board and rely upon the full support (unanimous vote) and or consensus (majority) of the Board for the positions they take on legislative issues. Vice Chair Porter explained that there would be a vote taken on each item listed.

(06:00:25)

The motions are listed below, without the standard form of having one member make a motion to support and then having a second. These votes are for the purpose of guiding the Board Legislative Liaisons as they work with the Kansas State Legislature over the coming 2024 session.

Voting results of 12/12/2023 for the 2024 Legislative Positions of the Kansas State Board of Education:

It is our desire to work in concert with legislators to improve PreK-12 educational opportunities for each Kansas student. The Kansas State Board of Education has exclusive constitutional authority for general supervision of public schools which includes setting, but not limited to, course standards, determining high school graduation requirements and licensure of PreK-12 educators. The vision of the State Board is to lead the world in the success of each student.

As an elected body of 10 members, the State Board has established the following positions supporting existing and potential legislative issues of educational interest.

Academic Support Efforts: The Kansas State Board of Education supports the following:

- The goal of moving toward providing the first 12 post-secondary credit hours, tuition-free, during high school. Motion carried 6-4, Mr. Zeck, Mrs. Dombrosky, Mrs. Hopkins, and Mr. Hershberger voted no.
- The concept of public-private partnerships with business, and industry, etc. to allow for internships, mentoring, etc. Motion carried 7-3, Mr. Zeck, Mrs. Dombrosky, and Mrs. Hopkins voted no.
- The legislation which requires that the State Board of Education, the Department of Children and Families (DCF), and the Legislature work together to monitor the success of the Foster Child Report Card. Motion carried 10-0.
- Reduced waiting time after retirement to return to teaching and reduce or eliminate the financial penalty. Motion carried 10-0.

Health and Safety Issues: The Kansas State Board of Education supports the following:

- Support for expanded funding for the Safe and Secure Schools grant to meet needs.

**Multiple
MOTIONS**
(06:04:00)

Motion carried 8-2, Mr. Zeck and Mrs. Dombrosky voted no.

- The legislative recommendations of the School Bus Stop Arm Violation Committee. Motion carried 10-0.
- The efforts to reduce human trafficking in Kansas. Motion carried 10-0.
- The ongoing work and recommendations of the School Mental Health Advisory Council, including, but not limited to, bullying prevention; efforts for suicide prevention and awareness; and child abuse and neglect program. Motion carried 7-3, Mr. Zeck, Mrs. Dombrosky and Mr. Hershberger voted no.

Funding Issues: The Kansas State Board of Education is supportive of the following:

- The recommended funding levels approved by the Kansas Supreme Court and is appreciative of the Legislature's efforts to date to meet that agreement. (Previously approved by Board)
- Public education funds being provided to only public schools. Motion carried 10-0.
- Following state statute and moving toward funding 92% of the excess cost of special education. (Previously approved by Board)
- Continued coordination and investment in career and technical education programs that are aligned to workforce needs. Motion carried 9-1. Mrs. Dombrosky voted no.
- Opportunities to expand early childhood and kindergarten readiness. Motion carried 7-3. Mr. Zeck, Mrs. Dombrosky and Mrs. Hopkins voted no. *voted on 12/13/2023 after Early Childhood Education Presentations.
- Funding transportation of students in all unsafe situations, regardless of mileage. Motion carried 10-0.
- Continued funding for the Dyslexia Coordinator position. Motion carried 8-2. Mrs. Dombrosky and Mr. Zeck voted no.
- Funding teachers in LETRS reading training program when ESSER funding ends. Motion carried 10-0.
- Continued funding for teacher apprenticeship program. Motion carried 10-0.
- Increased state support on bond and interest. Motion carried 9-1. Mrs. Dombrosky voted no.
- Funding for early childhood education. Motion carried 7-3. Mr. Zeck, Mrs. Dombrosky and Mrs. Hopkins voted no. *voted on 12/13/2023 after Early Childhood Education Presentations.

Education Policy Governance: The Kansas State Board of Education supports:

- The constitutional authority given to the State Board of Education, the Kansas Legislature, and the Governor. Motion carried 10-0.
- The governance responsibilities assigned to the Kansas State High School Activities Association. Motion carried 10-0.
- The authority of local boards of education. Motion carried 10-0.

ACT ON RECOMMENDATIONS OF PROFESSIONAL PRACTICES COMMISSION

Scott Gordon, General Counsel, KSDE and Dr. Jen Holt, Chair of the Professional Practices Commission (PPC) presented the recommendations of the PPC in respect to individual cases.

(06:24:30)

23-PPC-36

Licensee currently holds a Kansas professional teaching license. Between April 4, 2022, and July 13, 2022, Licensee engaged in a series of inappropriate communications with a 15-year-old student. Much of the communication was sexual in nature. On July 22, 2023, Licensee was sentenced after having been previously found guilty of Stalking, in violation of K.S.A. 21-5427(a)(1). The victim of his stalking was his former student. As a condition of Licensee's probation and as was agreed upon in his plea agreement, Licensee was ordered to surrender his teaching license. On October 18, 2023, Licensee voluntarily surrendered his license by way of a signed, notarized document. The Professional Practices Commission recommends to the State Board, by a vote of 6-0, that Licensee's license be revoked immediately.

Mrs. Arnold moved that the Kansas State Board of Education revoke the license of 23-PPC-36. Mr. McNiece seconded. Motion carried 10-0.

MOTION
(06:27:59)

23-PPC-35

On June 22, 2020, Applicant pled guilty to and was convicted of misdemeanor theft after having previously been charged with felony burglary, felony criminal damage to property, and harassment by telephone. At the time of her criminal conduct, Applicant held an Initial Teaching License issued by the Kansas State Board of Education and had been licensed since 2014. Applicant testified that her criminal misconduct was the result of a highly emotional separation from her fiancé` during which she took a laptop computer from his residence and destroyed it. Applicant testified that she has since sought treatment as well as a leave of absence from her job(s) teaching to which she has since returned. The Professional Practices Commission recommends by a vote of 6-0, that Applicant's requested license be granted with public censure.

23-PPC-46

On October 21, 2015, Applicant pled guilty to and was convicted of three counts of misdemeanor theft. The acts for which she was convicted occurred between September 3, 2013, and December 16, 2014. While employed by the City of Attica, Kansas, as the city clerk, Applicant had access to the city's credit card which she used for personal gain and without the consent of her employer. As a condition of her probation, Applicant was ordered to pay over \$8,000.00 in restitution to the city of Attica. The Professional Practices Commission recommends to the State Board, by a vote of 6-0, that Applicant's requested license be granted.

23-PPC-48

On March 30, 2018, Applicant was convicted of Contributing to a Child's Misconduct, a misdemeanor, and of Hosting Minors Consuming Alcohol, a misdemeanor. Applicant was 21 years old at the time of the offense and subsequent conviction. The offense for which the Applicant was convicted occurred approximately six years ago. Applicant was not licensed in any professional manner at the time of his misconduct, nor was he a member of any legally recognized profession at that time. The Professional Practices Commission recommends by a vote of 6-0, that Applicant's requested license be granted on the condition that KSDE receive verification that his employer is aware of Applicant's criminal history and supports Applicant's desire to receive a license. KSDE has since received the requested verification.

Mrs. Arnold moved that the Kansas State Board of Education adopt the findings of fact and conclusions of law in the Professional Practices Commission and follow all recommendations in the issuance of the licenses in cases 23-PPC-35; 23-PPC-46; and 23-PPC-48. Mrs. Horst seconded. 10-0 motion carried.

MOTION
(06:28:25)

(06:29:00)

ACT ON HANOVER RESEARCH

Dr. Ben Proctor, Deputy Commissioner, KSDE, explained Southeast Kansas Educational Service Center (SEKESC) will contract with Hanover to assist and advise KSDE staff in the development of our School Improvement Model. Hanover will assist and advise KSDE staff with the development of protocols for the KESA 2.0 annual review process. Hanover will provide KSDE staff with advisement and research briefs on our school improvement model, as we work to operationalize the Four Fundamentals in school systems across Kansas. This is a two-year proposal to begin in January 2024. Dr. Proctor shared how involved Hanover has been over the past few years with KSDE projects. They have been helping with the development of the School Improvement Model.

The Board discussed whether to fund this request for one year or two years. It was originally a request for two years. SEKESC would administer the program for 5% of the total grant. Dr. John Hess explained what the process would be if this work went through the contract bidding process and was not given directly to Hanover Research. It takes approximately six months to go through the state protocols and bidding.

Mrs. Arnold moved that the Kansas State Board of Education authorize the Commissioner of Education to initiate the contract for Southeast Kansas Educational Service Center (SEKESC) in an amount not to exceed \$315,000 for the period January 2, 2024 – December 31, 2024, and the continuation of a second year of the contract would be reviewed in July of 2024. Seconded by Mr. Hershberger. Motion carried 9-1. Mr. Zeck voted no.

MOTION
(06:59:00)

ACT ON THE NEW TEACHER PROGRAM

Dr. Ben Proctor, Deputy Commissioner, KSDE, explained Smoky Hill Education Service Center will contract with The New Teacher Project (TNTP) to initiate statewide support for High Quality Instructional Materials (HQIM), as we look to strengthen quality instruction in Kansas. This project will include the development and delivery of a data collection tool for instructional materials in English-Language Arts, Mathematics, and Science. This work will culminate in recommendations and guidance about the role of HQIM selection in the implementation of our Four Fundamentals. An instructional materials survey is developed and administered along with a FAQ document on the data collection process. Data is analyzed, a report is created, and next steps are determined.

Mrs. Arnold moved that the Kansas State Board of Education authorize the Commissioner of Education to initiate a contract with Smoky Hill Education Service Center in an amount not to exceed \$57,138 for the period January 2, 2024 – December 31, 2024, for one year to be reassessed in July 2024. Mr. McNiece seconded. Motion carried 8-2. Mrs. Dombrosky and Mr. Zeck voted no.

MOTION
(07:05:54)

RECESS

Vice Chair Porter recessed the Board at 5:15 p.m. to reconvene Wednesday, December 13 at 9 a.m.

(07:06:32)

Jim Porter, Vice Chair

Deborah Bremer, Board Secretary

MINUTES



Kansas State Board of Education

Wednesday, December 13, 2023

CALL TO ORDER

Vice Chair Porter called the Wednesday meeting of the Kansas State Board of Education to order at 9:00 a.m. Wednesday, December 13, 2023, in the boardroom of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas.

(00:05:03)

ROLL CALL

The following Board Members were present:

Betty Arnold	Deena Horst
Michelle Dombrosky	Ann Mah
Melanie Haas (on Zoom)	Jim Porter
Dennis Hershberger	Danny Zeck
Cathy Hopkins	Jim McNiece

RECEIVE UPDATED KANSAS EARLY LEARNING STANDARDS (KELS)

Amanda Petersen, Director, Early Childhood, KSDE, presented the updated Early Learning Standards (birth to pre-kindergarten) which have been in the process of revision. She explained what the standards are, what they refer to, and why they are important. There were questions from the Board last month, and further discussions with different parties that led to some updates in the Standards.

(00:05:15)

Nathalie McClaine, Education Program Consultant, Early Childhood, KSDE, walked the Board step by step through the changes based on feedback. There was an in-depth conversation with the Board on issues such as electronic devices and their effect on child development, how play is involved in early learning, and the purpose of standards.

The standards will be presented for a vote in January.

VOTE ON TABLED ITEMS FROM LEGISLATIVE PRIORITIES

The two tabled items from the Legislative Priorities were voted on:

- Opportunities to expand early childhood and kindergarten readiness. Motion carried 7-3. Mr. Zeck, Mrs. Dombrosky and Mrs. Hopkins voted no.
- Funding for early childhood education. Motion carried 7-3. Mr. Zeck, Mrs. Dombrosky and Mrs. Hopkins voted no.

MOTIONS
(00:55:02)

(Note: again, the standard procedure for voting was slightly different, just as during the Tuesday voting on Legislative Priorities. The vote was intended to guide the Board's Legislative Liaisons; therefore, the voting simply reflects where each Board member stands on the issues, and whether there is a unanimous agreement or a majority/consensus.)

The Board had a general discussion about needing more time to discuss these issues. Vice Chair Porter requested that a Board workshop on Legislative Priorities be set up to allow the Board to engage in a fuller way.

SPECIAL EDUCATION FUNDING HISTORY AND OVERVIEW

Dr. John Hess, Director, Fiscal Services and Operations, gave an overview of the history of Special Ed Funding, how other states manage this type of funding, and what the present situation is in Kansas.

(01:05:25)

History of SPED funding in Kansas

Special Education for Exceptional Children Act (SEECA) was the first Kansas law that required provision of special education services to students with Individual Education Plans (IEP). It was carried in 1974, a year before the Individuals with Disabilities Education Act (IDEA) was carried by the U.S. Congress in 1975. In these landmark cases state aid to school districts was authorized to pay for these services. In Kansas, since this law was enacted in 1974, the method of supporting the schools in providing for special education has been to reimburse them for the excess costs from that provision. Primarily the excess costs were for special education teacher salaries. Most of the special ed costs are personnel, teachers, and paraprofessionals. State aid often covered 100% of these excess costs through the mid-1980s.

In the 1990s the informal policy practice was to fund special education at 92% of excess costs. This was not in statute until the 2005 special session of the Legislature which was held in response to the Montoy vs. State lawsuit. From 1990 – 1999 the average percent of state aid for excess costs was between 77% and 95%. The general target, used by the Legislature and KSDE, was 92%. In the 1990s the practice of state aid being given to USDs for special education students with particularly costly services began in 1994 and was called Catastrophic State Aid.

In the 2000s, during the 2005 special session, there was an agreement to put 92% of excess costs into statute. Dr. Hess showed the actual cost of excess aid which has decreased since 2008. The history from 2008 to 2023 has decreases from 89.5% to 76.5% in 2023. Estimates lower this in the next few years to 62% in 2025-2026. The excess cost percentage has been propped up with ESSER funds and the American Rescue Plan act since Covid-19. As the federal aid goes away, the percentage will, in all likelihood, continue to decrease. Dr. Hess explained that the state aid has not been able to keep up with increased SPED funding. SPED funding levels have risen from \$766 million in 2008 to over \$1 billion in 2023.

How Kansas pays for SPED excess costs presently

Currently, in statute, KSA 72-3422, there is a formula for SPED state aid. The general formula is to take the total cost of providing SPED services, subtract the cost of regular education for SPED students and subtract federal aid for SPED. Dr. Hess emphasized this formula is designed to determine how much to appropriate (in advance) for SPED state aid. It is not designed to determine how much aid individual districts should receive. Excess costs means how much extra money needs to be spent on special education students when compared with non-special education students. This is mediated with other supports like Federal IDEA grants and Medicaid grants.

There are four different ways state aid is distributed:

1. Catastrophic state aid for students whose services are twice the per teacher entitlement from the prior year. The state reimburses 75% of costs above twice the per teacher entitlement.
2. Medicaid replacement state aid: based on the number of SPED students approved for Medicaid services. This is capped at \$9 million per year.
3. Transportation state aid is reimbursed at 80% of actual travel expenditures for teachers and students.
4. Special education teacher state aid balance of appropriation is distributed as aid per FTE teachers, certified teachers 1.0 and paraprofessional is 0.4.

The current SPED estimate for 2024 is \$528.2 million in state aid, 69.3% of excess costs. The dollar amount for the last 5-6 years has gone up because of the Gannon court case. Last year the Legislature increased it for two more years. As it goes up, it is not going up as fast as the actual costs of special education.

Kansas leads the world in the success of each student.

Dr. Watson asked Dr. Hess to explain why the amount of excess costs are rising when the percent of the excess costs are declining. Dr. Hess answered that there is an increase in the number of SPED students, which require additional staff and increases the costs to provide services, mostly teachers. He shared some statistics showing how the enrollment of students who are being provided special education has risen by 20% since 2001. Since 1998 the number of special ed teachers has risen 25% and paraprofessionals have risen by 93%.

Effects of not funding at 92%

Dr. Hess stated special education services must be provided, so when the excess costs are not funded at 92% it means there is less money available for the other students. The schools must take money out of their general funds and LOB supplemental accounts. If the state aid were 92%, the districts could implement updates for general education, new curriculum, textbooks, and technology to facilitate learning. Schools could provide additional academic and extracurricular opportunities, such as AP courses, vocational opportunities, and academic clubs. They could also provide salary increases for teachers, offer more professional development, and increase salaries for support staff.

There was a time for questions and Bert Moore, Director, Special Education and Title Services, shared stories from his experience as a principal, in terms of the practical challenges of meeting the needs of SPED students. He particularly noted the rise of students identified as having autism, and students who have emotional disturbance. These children often require an elevated level of supervision.

Dr. Hess continued with his presentation sharing how school districts must find ways to provide these federally and state mandated special education services. The schools transfer additional monies from district general funds or supplemental funds like Local Option Budgets (LOBs). The result is there is less money to pay for regular or non-SPED education. For instance, in FY 2023 an additional \$375.1 million was transferred to SPED funding, when broken down this was \$137.4 million from general funds and \$237.7 million from LOBs.

The Board has been working on a four-year plan to raise the state aid to the prescribed 92%. Dr. Hess shared an amended plan for 2025-2028, based on new numbers, which set the additional cost per year at \$82 million per year to allow the funding to catch up to 92% by 2028.

How different states fund SPED

Dr. Hess gave a very brief overview of how other states fund special education:

1. Single student weighting (flat weight) provides the same amount of state funding for each student.
2. Multiple student weighting provides different funding for various categories.
3. Resource based funding provides funding based on resources, such as salaries and materials.
4. Census based assumes a percent of students in each district will require special ed.
5. High cost which only covers students who need "catastrophic" aid.
6. Reimbursement (what Kansas does) districts report special education.
7. Hybrid mechanisms used by many states.

Overall, states have vastly diverse ways of handling special ed funding.

BREAK (10 min)

(01:54:08)

CONSENT AGENDA

(02:07:00)

Vice Chair Porter asked for a motion on the consent agenda items a, b, c, d, g, h, i and j.

- a. Receive monthly personnel report.
- b. Receive personnel appointments to unclassified positions.

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- c. Act to approve local professional development plans.
- d. Act on recommendations for licensure waivers.
- g. Act on request from USD 273 Beloit for capital improvement (bond and interest) state aid.
- h. Act on request from 273 Beloit to hold a bond election.
- i. Act on request from USD 409 Atchison for capital improvement (bond and interest) state aid.
- J. Act on request from USD 409 Atchison to hold a bond election.

Mr. McNiece moved the Kansas State Board of Education approve the items on the Consent Agenda. Mrs. Arnold seconded the motion. Motion carried 9-0. Mrs. Dombrosky was not present.

MOTION
(02:07:13)

REMOVED FROM THE CONSENT AGENDA TO BE VOTED ON INDIVIDUALLY:

- k. Act on request from USD 458 Basehor-Linwood for capital improvement (bond and interest) state aid.
- l. Act on request from USD 458 Basehor-Linwood to hold a bond election.

Vice Chair Porter moved that the Kansas State Board of Education approve items k and l, for USD 458 Basehor-Linwood for capital improvement (bond and interest) state aid and to hold a bond election. Dr. Horst seconded. Motion carried 10-0.

MOTION
(02:09:16)

- e. Act on contract with College Board for AP seminar: English 10 assessments

Mrs. Mah moved that the Kansas State Board of Education approve the contract with the College Board for AP seminar: English 10 assessments. Mr. McNiece seconded. Motion carried 8-2. Mrs. Dombrosky and Mr. Zeck voted no.

MOTION
(02:09:45)

- f. Act on request to contract with an individual for BPA State Advisor Services (KS Business Professionals of America)

Dr. Horst moved that the Kansas State Board of Education approve the contract with an individual for BPA State Advisor Services. Mrs. Mah seconded. Motion carried 8-1-1. Mrs. Dombrosky voted no. Mr. Zeck abstained.

MOTION
(02:10:15)

CHAIR REPORT

There were no remarks from the Chair this month.

(02:10:33)

BOARD TRAVEL

Mr. McNiece moved to approve Board travel requests as presented. Mrs. Dombrosky seconded. Motion carried 10-0.

MOTION
(02:14:00)

COMMITTEE REPORTS

There were no committee reports.

BOARD ATTORNEY REPORT

Attorney Mark Ferguson shared the recent Attorney General (AG) report on the disposition of property. He noted the AG opinion is not law, but it is guidance. This opinion arose from SB113 which became law in April of 2023. The Newton school district requested an AG opinion soon after the law took effect.

FUTURE AGENDA ITEMS

Vice Chair Porter shared he would like to have a Board Workshop on the Legislative Priorities and answer

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the request from the Board of Regents on reading.

Mrs. Hopkins would like an overview of the teacher licensure process, especially with in the context of the interstate compact.

Mr. Zeck would like a presentation on fentanyl.

Mr. Hershberger would like a discussion on Social Emotional Learning. He would like to hear from KSDE curriculum staff.

Mrs. Arnold agreed that a discussion about Social Emotional Learning is needed; outlining what exactly it is and what it does.

Vice Chair Porter adjourned the December Board meeting at 11:20 am.

The Board will meet next on January 9 and 10, 2024.

ADJOURN
(02:25:46)

Jim Porter, Vice Chair

Deborah Bremer, Board Secretary