Meeting with legislators highlight of State Board meeting

The Kansas State Board of Education met Oct. 15 and 16 in a Statehouse committee room, as the board room in its new location is not yet ready for use. The setting made for a fitting environment for the last part of its meeting when it met with 17 legislators, all but one members of the House or Senate Education Committees. The State Board members and legislators used the time to allow the board to share its role in supervising public schools in the state, the goals it has developed to drive academic improvement and to hear concerns and questions from the legislators.

Although most of the discussion was relatively low key, two legislators, Sen. Jeff Melcher, R-Leawood, and Rep. Jerry Lunn, R-Overland Park, expressed a number of points often used to criticize public school performance. Sen. Melcher cited statistics promoted by the Kansas Policy Institute that budgets have gone up, test scores are flat, schools are already “generously” funded, and putting more money into them was not the key ingredient for improving achievement. Rep. Lunn cited statistics from a school choice publication that claims administrators and non-teaching positions have grown at a rate eight times greater than the rate of student growth over the last 20 years. He also stated there was a Kansas district that had “197 students, 20 teachers and 26 administrators.” Both also believe considerable money could be redirected to other district needs, if not by consolidating districts, at least by consolidating “back room operations,” such as IT and accounting functions. Rep. Lunn also expressed strong reservations about any state expansion of early childhood initiatives given possible negative effects it could have on programs being offered by non-profits and/or the private sector. He wants more resources from the private sector to support expansion as compared to new state spending.

After the funding and performance concerns were addressed, the discussion wrapped up with segments on the Kansas College and Career Ready definition; the impact of SB 155, which allowed students to access CTE classes at technical institutions and community colleges with tuition provided by the state, and the incentive program developed for districts that graduate students with both a diploma and an industry recognized credential; assessments; the new evaluation procedures being developed; and a broader discussion of consolidation. Only one speaker at the Open Forum addressed the Common Core Standards, a topic that has dominated the forums for several months.

The normal meeting time was dominated by information reports:

- Early impact of the new Emergency Safety Intervention regulations. Staff reported the department continues to meet with stakeholders and review the regulations. It was reported working with law enforcement has been a challenge in several districts. Staff from the Disability Rights Center thanked the board for passing some key protections in the regulations but said at least one district had made the parent report filing window too short.

- New assessment design and progress being made to determine the state assessment recommendation that will reach the board later this year. There were a number of questions about cost. Staff reported the state share of testing would go up one and one-half times for the most expensive route, to $2.6 million. The state receives currently around $3 million for the assessments. Staff from KU's CETE also took questions about test being prepared for later this year.

- The Kansas Education Leadership Institute.

- The Kansas Foundation for Agriculture in the Classroom.

- Nutrition standards for all food sold in school. Staff reported on the timeline in place for the new federal guidelines. They were published June 28, the comment period will end Oct. 28 and go into effect July 1, 2014. The guidelines will make even stricter as to what food/drinks can be sold during the day, but staff suggested the current guidelines may be responsible for a recent drop in obesity rates and new restrictions could be even more helpful.

- A legislatively-mandated report on changing the way CTE classes might be weighted as part of school funding. Deputy Commissioner Dale Dennis reviewed with the Board the results of a survey the department did regarding actual cost of offering CTE programs and how state aid might be adjusted to better reflect those costs. The report was a part of SB 155 and will go to the legislature before it convenes in January. KASB policy supports the use of weighting when it can be demonstrated the weights reflect documented costs. Two options were suggested. The most robust suggestion would cost the state over $12 million and would only reduce money going to fewer than 10 districts and remain flat in about two dozen districts. The second would

continued on page 3
FROM THE KASB EXECUTIVE DIRECTOR

We’re number 49! Roll Tide!

The Kansas Supreme Court met early this month to hear oral arguments in the Gannon School Finance case. For those of you who have never visited the court room, I always expect to see Captain Kirk emerge from an elevator (aka turbo lift) and take the center chair. It looks a little bit like the bridge of the Enterprise. (Apologies to you Next Gen fans.)

But I digress…

It was interesting to witness the Justices grill both sides with tough questions about their arguments, and they played no favorites as they posed hypotheticals to test the limits of ideas and arguments. The lowlight of this process was when a Justice asked if Kansas was ranked 49th, would that meet the requirements of the constitution?

Yes, the state’s attorney replied, being 49th would be “good enough.” Followers of this column and of the Tallman Education Report know Kansas in fact ranks seventh in a composite measure of student achievement. It is interesting that when state policy makers argue about school funding, independent charter schools, vouchers and other “reforms,” their claim is that seventh isn’t good enough. But in the highest level of jurisprudence in the state, the argument is that 49th is “good enough.” (Just for a point of reference, Mississippi is 50th.) That’s a little bit like Nick Saban arguing to his athletic director that if they can just beat Kansas every year, it would be good enough. Roll Tide.

A few days before the court hearings, a board member from southeast Kansas shared a poem by Charles Osgood with me. It is called “Pretty Good,” but it could be called “Good Enough.” It offers an excellent lesson.

Pretty Good
By Charles Osgood

There once was a pretty good student.
Who sat in a pretty good class
And was taught by a pretty good teacher.
Who always let pretty good pass.

He wasn’t terrific at reading;
He wasn’t a whiz-bang at math;
But for him education was leading
Straight down a pretty good path.

He didn’t find school too exciting,
But he wanted to do pretty well.
And he did have some trouble with writing,
And nobody had taught him to spell.

When doing arithmetic problems,
Pretty good was regarded as fine;
Five and five needn’t always add up to be ten.
A pretty good answer was nine.

The pretty good student was happy
With the standards that were in effect.
And nobody thought it was sappy
If his answers were not quite correct.

The pretty good class that he sat in
Was part of a pretty good school.
And the student was not an exception;
On the contrary, he was the rule.

The pretty good school that he went to
Was right there in a pretty good town.
And nobody there ever noticed
He could not tell a verb from a noun.

The pretty good student, in fact, was
A part of a pretty good mob,
And the first time he knew what he lacked was
When he looked for a pretty good job.

It was then, when he sought a position,
He discovered that life can be tough,
And he soon had a sneaky suspicion
Pretty good might not be good enough.

The pretty good town in our story
Was part of a pretty good state
Which had pretty good aspirations
And prayed for a pretty good fate.

There was once a pretty good nation.
Pretty proud of the greatness it had.
But which learned much too late.
If you want to be great,
Pretty good is, in fact, pretty bad.

Rate case reaches settlement

The Kansas Association of School Boards and Wichita USD 259 participated in the most recent electric rate increase case filed by Westar Energy. Joining forces to protect the interests of all school districts in Kansas, KASB and Wichita USD 259 filed to intervene in the case just concluded by a settlement before the Kansas Corporation Commission. The stipulated settlement among all parties agreed the total amount of the requested rate increase would be $30.6 million, but allocated only $200,000 of that increase to Kansas school districts. For districts other than USD 259, the average increase should be approximately $680 per year. The electric rate structure for Westar has been historically unequal with schools and businesses paying more than the cost of providing the service, while residential customer rates have been subsidized by these paying groups. This settlement addresses some of that disparity.

KASB and USD 259 understand their funds ultimately come from individuals who now will see an increase in the residential rates, but since increases in school funding have been minimal the last few years, savings in any area is beneficial to the operation of school districts.

Principal receives national honor

Rod Garman, principal of North Fairview Elementary in Seaman USD 345, is one of 61 elementary and middle school principals chosen as National Distinguished Principals this year by the National Association of Elementary School Principals (NAESP).

NAESP honors outstanding elementary and middle-level administrators for setting high standards for instruction, student achievement, character, and climate for the students, families, and staffs in their learning communities.

Garman is in his third year at North Fairview. He previously taught at Elmont Elementary School in Seaman and in Colorado.

A list can be found at www.naesp.org/2013-class-national-distinguished-principals.
Office for Civil Rights issues first guidance regarding retaliation

On April 24, 2013, the Office for Civil Rights (“OCR”) issued its first guidance letter regarding retaliation against teachers, students, and others who oppose discrimination. OCR issued the guidance on retaliation now due to the substantial number of retaliation claims that have been filed in recent years.

OCR is responsible for enforcing federal civil rights laws, such as Title VI of the Civil Rights Act, Title IX, Section 504, the Age Discrimination Act, the Boy Scouts of America Equal Access Act, and the Americans with Disabilities Act. The laws enforced by OCR not only prohibit various forms of discrimination but also include anti-retaliation provisions, which make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege afforded by these laws.

If, for example, an individual brings concerns about possible civil rights problems to a school’s attention, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against any individual because he or she made a complaint, testified, or participated in any manner in an OCR investigation or proceeding. Thus, once a student, parent, teacher, coach, or other individual complains formally or informally to a school about a potential civil rights violation or participates in an OCR investigation or proceeding, the recipient [the school district] is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual’s complaint or participation. (U.S. Dept. of Education, Dear Colleague Letter, dated April 24, 2013, at page 1-2.)

If OCR finds a school district has retaliated against an individual in violation of one of the federal civil rights laws it enforces, OCR will first seek the district’s voluntary compliance through a resolution agreement. Some of the actions that might be required in a resolution agreement include training for employees, adoption of policies prohibiting retaliation, and engaging in public outreach to assure the public that the district is committed to complying with the anti-retaliation provisions. If the district refuses to enter into a voluntary resolution agreement or does not comply with the provisions of a resolution agreement, OCR will take additional enforcement action which could include taking action to suspend all federal financial assistance or referring the matter to the Department of Justice for legal action.

School districts should take the anti-retaliation provisions of the federal civil rights laws seriously and take steps to ensure that staff members understand they cannot retaliate against those who make complaints or those who cooperate in the course of an investigation. Frequently, the district will be cleared of the underlying civil rights violation but will end up with a finding that the district retaliated against the person who filed the complaint because a staff member or administrator was angered by the filing of the initial complaint. The guidance from OCR clearly indicates that the anti-retaliation provisions will be vigorously enforced.

If you have any questions regarding discrimination or retaliation issues, please contact one of KASB’s attorneys at 800-432-2471.

State Board
continued from page 2

cost an additional $9 million. Aid would fall in 16 districts and remain flat in 25. The difference in the two options was if career pathways were clustered in determining costs or if taken individually.

The Tuesday part of the open meeting concluded with a vote on an item removed from the consent agenda. On a 3-6 vote, a motion to grant a teacher a Visiting Scholar’s license failed. The Professional Practices Commission had also recommended the license not be granted. The teacher in question was teaching at the Blue Valley USD 229 CAPS program. Several board members felt it didn’t make sense for her to have the expertise necessary to be successful and yet be deprived the Visiting Scholar designation by falling just short of one of three requirements, possessing a Masters’ degree. Others felt strongly the protocol currently in place needed to be followed. Sally Cauble, R-Dodge City, who was a “no” vote, felt the issue demonstrated the need to revisit licensure issues, particularly when they are in a CTE field and expertise can be demonstrated by methods other than a teacher preparation program. KASB policy supports alternate routes to teaching positions not tied to a teacher prep program.

In an Executive Session, it was decided the board will request the Attorney General’s office to represent it and its members against a suit filed by Citizens for Objective Public Education (COPE), which has sued Kansas along with 25 other states and the National Research Council, for implementing new standards that mandate mainstream science be taught in classrooms. COPE is based in Peck, Kansas.

There were two robust discussions on Wednesday. The first was a report from the policy committee. Like a local board, the State Board has a set of policies by which it operates. Also like local boards, the discussions can get bogged down in gaining consensus and wordsmithing, and the problem is larger at the state Board given its 10-member composition. Members of the policy committee will submit a set of revisions that members easily agreed on at the next meeting. The committee also agreed to meet more frequently so it can bring a number of revisions back to the board in a more timely fashion than has currently been possible given its practice of only meeting over the lunch hour. One of the policies that proved difficult to finalize was the one on public forum.

The Communication Committee report created even more fractured discussion. After sharing the initiative’s theme, “Proud, Positive, Progressive,” and its implementation, there was pushback about the choice of words in the theme, the possible costs, and the content of the “postcards” to be generated monthly. After polling each of the members, the communication committee will continue its work, but it became clear, without significant changes, it will not move ahead with the support of all members.
UPCOMING TRAINING OPPORTUNITIES

► Negotiations Seminar
November 6, 2013 ■ KASB Office, Topeka

Do you know the difference between “mandatory” and “permissive” negotiation topics? You will after attending this seminar! KASB staff attorneys and professional negotiators will lead an information-packed afternoon reviewing impasse procedures, strategies for boards, how to negotiate salaries, recommended contract language and hot topics in hard times.

► Evaluation: Year 1 and Beyond
November 14, 2013 ■ KASB Office, Topeka

This marks the first year all districts are expected to use a growth model for evaluation of professional staff. Whether your district uses McREL, KEEP or any other system, the information gained from the evaluation should be used to impact student achievement. This workshop gives board/superintendent teams guidance on how to use evaluation data as part of their district’s accountability and monitoring system to improve professional learning efforts. You will discuss how to monitor, evaluate and communicate the impact of a growth centered evaluation system. KSDE staff will be on hand to discuss how to integrate multiple measures into their teacher and principal evaluations.