Brownback, Roberts turn back challengers; moderates hold their own in State Board, House contests

There were no major upsets in either statewide or local primary races Tuesday, but there were a number of races that were closer than expected. Former KASB President Fred Patton, board member in Seaman USD 345, is defeating incumbent Josh Powell, R-Topeka, in unofficial results by 64 votes. Sally Cauble, R-Dodge City, was re-elected to a third term on the Kansas State Board of Education over Hoisington High School Principal Meg Wilson. Jim Porter, Fredonia USD 484 superintendent, won the seat of retiring Jana Shaver, R-Independence. Neither face an opponent in the general election.

The only State Board position not decided is incumbent Janet Waugh, D-Kansas City, facing Leavenworth school board member Nancy Klemp in the general election.

At the federal and statewide level, all incumbents won, including Gov. Sam Brownback and Sen. Pat Roberts, although Roberts failed to win 50 percent of the vote. Gov. Brownback won with 63 percent of the vote. Other incumbents winning primaries were Rep. Tim Huelskamp, Rep Lynn Jenkins, R-Topeka, and Rep Mike Pompeo, R-Wichita.

In addition to Rep. Powell, Reps. Alan Rothlisberg, R-Junction City, and Joe Edwards, R-Haysville, were defeated in Republican primaries. All three were aligned with the more conservative Republican wing. All the moderate Republicans who were targeted by Kansans for Liberty won their primaries. This indicates the Kansas House could shift in a more moderate direction as a result of the primary; however, conservative Republicans could pick up Democrat seats in the November general election.

Another former KASB President lost her attempt to unseat an incumbent. Barbara Bunting, R-Newton, lost 42-58 percent in District 72, which represents Newton.

There were only two state Senate races to fill unexpired terms for the next two years. Neither will face a general election opponent. Recently appointed Molly Baumgardner, R-Louisburg, won her race and will serve two years in the 37th District. The seat was held for many years by former board member Pat Apple. Richard Wilborn, R-McPherson, won a five-way race for the seat held by Jay Emler, and briefly, by Clark Schultz.

KASB legal staff offers guidance on Kansas Student Data Privacy Act

After extensive analysis, the KASB Legal and Policy Department has developed guidance for district compliance with the new Kansas Student Data Privacy Act (SDPA), passed this year in Senate Bill 367. The good news for districts is KASB believes the scope of the law requiring parents to “opt in” to the release of certain student records rather than “opting out” is relatively narrow. KASB has developed a six-step test to determine whether release of student records is covered by the new law.

The impact of the new law and other required or recommended school district policy changes were discussed in a recent KASB webinar entitled Solving Your Policy Puzzle. (Find the archived webinar online at www.kasb.org/SDPA)

In most cases, the release of student records will continue to be covered by the federal Family Educational Rights and Privacy Act (FERPA) rather than the SDPA. However, if the school is required to access the KIDS system or another statewide longitudinal student data system to fulfill the student data request, the SDPA will apply.
FERPA has covered student records for decades and restricts school districts from releasing most student educational records without consent from the parents or students age 18 and older. However, FERPA also allows “directory” information to be released without consent unless the parent or adult student requests it NOT be released.

The first part of the new SDPA further restricts release of student information, but KASB believes it only applies to data maintained in statewide longitudinal data systems. KASB has developed a flowchart to help school officials determine when the law applies. Find it at www.kasb.org/SDPA.

- A school district, special education cooperative or interlocal, the Kansas State Board of Education, the Kansas Board of Regents, or the student and the student’s parents or legal guardian.

- Another state agency or to a service provider of a state agency, educational agency or school who is engaged to perform a function of instruction, assessment or longitudinal reporting where a data sharing agreement (DSA) has been entered into between the parties. The DSA must include:
  - The purpose, scope, and duration of the data-sharing agreement;
  - That the recipient of the student data will use such information solely for the purposes specified in the agreement;
  - That the recipient shall comply with data access, use, and security restrictions that are specifically described in the agreement; and
  - That the student data shall be destroyed when no longer necessary for the purposes of the data-sharing agreement or upon the expiration of the data-sharing agreement, whichever occurs first.

- If the data is only aggregate data being shared with the governmental entity or audit and evaluation or research organization. Aggregate data is defined as “data collected or reported at the group, cohort or institutional level and which contains no personally identifiable information.”

- Student data being disclosed due to a health emergency, to comply with a lawful subpoena or court order, or to a public or private postsecondary educational institution for the purposes of application or admissions.

- Student data considered directory information as defined in the SDPA if the parent has consented in writing to directory information being disclosed.

The second part of the SDPA prohibits schools from collecting biometric data from a student or using any device or mechanism to assess a student’s psychological or emotional state without the adult student’s or parent’s written consent. Biometric data means one or more measurable biological or behavioral characteristic that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

For example, if a district uses fingerprint technology for student meals, the district must get parental consent to collect a student’s fingerprints after the effective date of the act. (Data collected before the law took effect on July 1 would not be covered.)

The third part of the new law prohibits testing or issuing surveys to students regarding a student’s or student’s parents’ or guardians’ beliefs or practices on issues such as sex, family life, morality, or religion unless written parental permission is granted. The parent must be notified in writing that the test, questionnaire, survey, or examination is to be administered and give written permission for the student to participate. KASB believes that if a survey or questionnaire deals with such materials along with other material not affected by the act, the district can use the survey without written parental permission if the covered material is removed.

In the event of a security breach or unauthorized disclosure of student data or personally identifiable information of any student, the law requires a school district to immediately notify each affected student (if an adult) or the parent or legal guardian of the student (if a minor) of the breach and investigate the causes and consequences of the breach or unauthorized disclosure.

Finally, each district must adopt a policy in accordance with the act. KASB has developed model Policy IDAE to comply with this provision. It is available at www.kasb.org/SDPA.
Leadership for Tomorrow heads to southwest Kansas

Every year since the Leadership for Tomorrow program was established at KASB in 2004, a session has been held in western Kansas. This year was no exception. Fifteen of the 17 participants were in Ulysses and Hugoton last week to learn about schools in the two communities. As is generally the case, learning about the communities was also a valuable part of the visit. Several of the participants, other than passing through western Kansas on their way to Colorado, had never had the opportunity to learn about the richness of life in western Kansas, particularly in the booming southwest part of the state.

From massive fields of succulent corn enabled by the creeping mechanical giants known as a center pivot irrigation system to the feedlots that allowed thousands of cattle at a time to be fattened up on their last stop before a slaughterhouse located in Liberal, Dodge or Garden City, our travelers were able to observe first-hand the different industries that feed a hungry nation. They also had opportunities to learn about the diverse populations of the area. What had originally been predominantly white communities 20-30 years ago are now heavily Hispanic, while the schools themselves are a minority/majority district, as in Ulysses, or a very balanced mix, as in Hugoton. The blending of ethnicities is not the only change. On top of the original Protestants and Catholics, there is a growing number of Mennonites arriving from Mexico that speak neither Spanish nor English, but what is known as Low German. These changes have made for some tremendous challenges in what these two districts need to do to successfully offer their students a quality education.

The economic conditions of the two districts have also changed. While both still have high levels of wealth per student, 2-3 times the state average, student bodies of the districts have grown increasingly poor. In the 2013-14 school year, Ulysses reported a free/reduced lunch rate of 62 percent. Hugoton’s was 59 percent. The state average is close to 50 percent.

In Ulysses, Superintendent Dave Younger, a 2013 LFT alum, led a tour of district facilities. It included viewing remodeling projects designed primarily to enhance student and staff security and visiting a new facility the district recently purchased that will make district maintenance and purchasing operations more efficient by bringing them together. He cited last year’s LFT visit to Salina as inspiration for the purchase.

In Hugoton, participants were given an extensive opportunity to learn about the district’s charter school, one of 11 operating in the state, from Superintendent Mark Crawford, another LFT alum. What sets the school apart from many other alternative schools across the state is HLA’s focus on a very unique student population: undocumented students from Mexico that have accompanied their parents from Mennonite communities in northern Mexico. Although many of the students know some English, their parents generally only speak a German dialect. Perhaps even more difficult than overcoming the language barrier is these families bring a tradition where schooling usually ends before 16 for both boys and girls, and that simply doing the necessary work of running a farm or a household are generally the only educational expectations.

On top of the visits, KASB staff facilitated several spirited discussions. One was on the importance of identifying the district’s key outcomes and keeping the focus of district efforts on those outcomes. A second was on the role of evaluation in keeping instruction at a high level.

As with most other KASB events, food functions played a key role in building the networking that is an essential part of the LFT experience. The highlight was a bar-b-q in Ulysses in the backyard of board member Dave Otis Thursday night. Dave and his wife were ably aided by the Youngers and Roger Hilton, Ulysses assistant superintendent and LFT participant, and his wife. It may have been the chilliest July bar-b-q in southwest Kansas history as many of the folks were sporting sweatshirts and jackets! Not surprisingly, Mexican food was on the menu for a number of participants Wednesday night in Great Bend and Thursday for lunch in Ulysses.

Even though a number of them had a pretty good drive ahead of them, many participants mingled around after the conclusion of the program talking about the session, what they would take home with them and what to look forward to at the Sept. 10 and 11 session in Wichita.

Although the LFT participants saw southwest Kansas at the top of its game, the reliance of the Ogallala Aquifer to fuel the booming farming/livestock industry is always part of the picture. Read about long-term concerns for the aquifer here.

To learn about KASB’s Leadership for Tomorrow program, visit www.kasb.org/lft