The importance of Kansas Supreme Court retention elections

Will Gov. Sam Brownback have an opportunity to remake the state judiciary?

The sculpture of “Justice” stands in the foyer of the Kansas Judicial Center. The sculpture, designed by the late Bernard Frazier and finished by his son, Malcolm Frazier, depicts a woman holding a prairie falcon and symbolizes Kansas justice as lofty, dynamic and idealistic, with clear vision and swift action. The message on the wall was written by Becci Godsey of Dodge City. Photo by Keith Gard.

by Scott Rothschild, srothschild@kasb.org

While the battle over control of the Legislature has drawn a lot of public attention, the fight over whether to keep five justices on the Kansas Supreme Court could have far more impact on the future of Kansas, especially in the area of school funding and ultimately the success of Kansas children.

Kansas voters will be asked on Nov. 8 whether to retain Chief Justice Lawton Nuss and justices Marla Luckert, Carol Beier, Dan Biles and Caleb Stegall. Nuss and Luckert were appointed by Gov. Bill Graves, while Beier and Biles were appointed by Gov. Kathleen Sebelius and Stegall was appointed by Brownback.

If any justice is not retained, he or she will be replaced by one picked by Brownback. There are seven members of the court.

In Kansas, governors select state Supreme Court justices from a list of applicants screened and recommended by the Kansas Supreme Court Nominating Commission. Justices must stand for retention elections every six years.

Usually, retention elections go almost unnoticed. In the 60 years of retention elections, no justice in Kansas has been bounced by the voters.

But in recent years there have been some groups that have been highly critical of the Kansas Supreme Court over its decisions on abortion, the handling of death sentences in a high-profile Wichita case, and school funding. Brownback and his allies in the Legislature have

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KASB President: Let’s stick together on school finance

Picture yourself at a family picnic in the park. Your two year old is running with the big kids and goes down face first in the grass.

The toddler looks up to you with big eyes, not sure what just happened or what to do next. You:

B. Smile, amused. Wow! You are tough! Way to be!

This next move is critical. It will determine whether or not you stay put in your comfy chair in the shade, or spend the next fifteen minutes wiping away the unnecessary tears of a miserable toddler.

Tone at the top matters.

Over the coming months, school boards will be challenged. The sausage grinder that is democracy will test each of us as we jockey to protect the interests of our own district while still respecting the needs of others. None of us will get everything we want from a new funding formula, but we should all work in ways that make sure every district is treated fairly. And how we talk about this will matter.

Let’s make this the best picnic possible. Perhaps the comfy chair in the shade metaphor is a bit rosy but, hey, let’s not stick ourselves with a wailing toddler.

Nominating committee endorses C. Patrick Woods as candidate for association’s top office

by Carol Pitts, cpitts@kasb.org

The KASB Nominating Committee met Sat., Sept. 10, in Topeka to interview candidates for the office of president-elect designee for KASB. The committee interviewed one candidate, C. Patrick Woods, board of education member for Topeka USD 501, and endorsed his candidacy.

The nominating committee presents to the KASB Delegate Assembly one or more qualified candidates for the office each year. A voter’s guide, which serves as the KASB Nominating Committee Report, will be distributed at the KASB Fall Regional Meetings and will be available online. It will also be mailed prior to the annual conference along with other delegate assembly materials to all board presidents, superintendents and voting delegates.

The election for KASB President-Elect Designee will be held during the KASB Delegate Assembly in Wichita on Sun., Dec. 4.

Members of the 2016 KASB Nominating Committee are Region 1, Vanessa Sanburn, Lawrence USD 497; Region 2, Art Gutierrez, Emporia USD 253; Region 3, Wes Smith, Woodson USD 366; Region 4, Keith Bramhall, Vermillion USD 380; Region 5, Tina Rae Scott, Morris County USD 417; Region 6, Jackie Glasgow, Wellington USD 353; Region 7, Kevin Milner, Chair, Republic County USD 109; Region 8, Joyce Carter, Great Bend USD 428; Region 9, Janice Frahm, Colby USD 315; Region 10, Jean Clifford, Garden City USD 457; Region 11, Cindy Bowling, Blue Valley USD 229; Region 12, Brad Stratton, Shawnee Mission USD 512; Region 13, Rev. Rick Behrens, Kansas City USD 500; Region 14, Sheri Logan, Wichita USD 259 and Region 15, Shannon Wickliffe, Olathe USD 233.
It is a sad fact of nature that animals sometimes reject their young, some more aggressively than others. An early lesson we learned as kids was that sweet gentle bunny rabbits will actually eat their babies. Sorry folks, but that cute mother rabbit can be a cannibalistic nightmare! Others, such as cows and sheep, simply refuse feed or don’t produce milk, resulting in what are called bucket calves or lambs.

There are many farm kids who have experienced the joys of having a baby lamb or calf to feed. (And in the realties of the sometimes cruel circle of life, seen them carted off to market- just keeping it real for you.) One of my earliest farm memories involved a sweet little bucket lamb.

My Uncle Art can confirm the momentous day when I went with him to feed the lamb whose mother had rejected her. I was probably about four years old, and the lamb was so cute that when she was finished eating I wanted her to stick around. She started to wander off and I unknowingly grabbed the wrong handle. When I grabbed her tail, it came off in my hand. Horrified at the prospect of permanently disfiguring the poor little creature, I immediately began trying to stick the tail back on the beast. I remember my uncle roaring with laughter, and thinking, “my kind uncle has an evil side! He thinks mangling baby animals is hilarious.”

When my sheepish tears of terror subsided, my uncle explained that all lambs lose their tails. He pointed out that none of the sheep had tails, and they fall off because they are “banded.” Admittedly, it was much later this made any sense to me. (Contact KASB Past President Rod Stewart if you need more information.) And as the joke is told at every family gathering for the past fifty years, I realized the funny part was me trying to stick that tail back on.

Childhood can be so traumatic, for lambs, kids, and children. Unfortunately for children in poverty, trauma takes a far more dramatic shape than pulling off a lambs tail. Research tells us that children in poverty are exposed to environmental toxins inadequate nutrition, maternal depression, parental substance abuse, trauma and abuse, violent crime, divorce, low-quality child care, and decreased cognitive stimulation at a much higher rate than their higher income peers.

An early study on language development was done in Kansas City, Kansas by Rice University researchers. The six-year longitudinal study, called the Turner Preschool Study, found that by age three, children in poverty were subjected to 30 million fewer words than their middle class and professional peers. Perhaps more concerning, children of professionals received 6 words of encouragement for every one word of discouragement, compared to one encouraging word to two discouraging words for children in poverty.

One of the most recent studies uses neuroimaging to show that children in poverty’s brains development lags behind other children at a rate of 8-10 percent. Similar to baby lambs tails, this developmental lag lasts through adulthood. The researchers summarized their findings with this statement, “The results were clear—the effects of low socioeconomic status are apparent even in kids who grew up otherwise healthy.”

The Kansas State Board of Education established kindergarten readiness as an outcome that should be measured to assure eventually students will be college and career ready. Another outcome the board wants local districts to measure is social/emotional growth. These are worthy outcomes, for sure, and they are attainable given appropriate resources. However, achievement of the outcomes is greatly complicated by the conditions of poverty.

In Kansas, different communities, districts, and schools, have different challenges and struggles. One district records 4 percent of its students receive free lunches (The free lunch threshold is roughly 1.5 times the poverty rate.) while another reports 72 percent of its students get free lunches. The range among school buildings is even more dramatic. Several schools show less than 1 percent free lunch rates and at the other end, many hover around the 94 percent rate.

Districts in which 72 percent of students suffer from “environmental toxins inadequate nutrition, maternal depression, parental substance abuse, trauma and abuse, violent crime, divorce, low-quality child care, and decreased cognitive stimulation at a much higher rate than their higher income peers” will certainly have more challenges meeting the Kansans Can outcomes than those districts in which 4 percent have those challenges.

Comparing the resources needed to educate children from these widely divergent circumstances as if they were the same is a fool’s errand. The challenges are not equal and neither are the resources needed to meet them. That is the difficulty of writing a school finance formula, and that is why KASB members have determined that adjustments in resources are needed to accommodate differences in children.

At the same time, KASB members have recognized that in some districts, the challenges require more local flexibility for additional funding. Both of these challenges are far less formidable if the basic level of funding for all is increased to an adequate level. KASB members do not accept Billy Holiday’s “God Bless the Child” fatalism when it comes to accommodating the needs of children. Year after year, we recognize that we all have to work together for the best interests of all children in our state.

Four-year-old boys can’t put the tail back on a lamb, but given the appropriate resources, educators and school leaders can meet the challenges that their local needs present.
Sunday, Dec. 4, 2016

The Inspirational Session features Jerry Kill, Associate Athletic Director at Kansas State University, on the topic of Overcoming Adversity.

KASB Learning Clusters on Sunday morning will run concurrently with the KASB Delegate Assembly. These are designed for registrants who are not the voting delegate or attending the Delegate Assembly. There is no additional charge to attend these Sunday morning sessions. Topics will be presented by KASB Leadership Services and KASB Legal/Policy Services.

KASB Delegate Assembly will hear from the KASB President Amy Martin and Executive Director Dr. John Heim. There will be a discussion and vote on proposed legislative resolutions and changes to KASB policies that provide the basis for the association’s lobbying efforts during the 2017 Legislative Session.

Elections for KASB regional vice-presidents and KASB President will take place Sunday morning prior to the official start of the Delegate Assembly.
Leadership for Tomorrow learns of challenges, opportunities at KCK

KASB’s Leadership for Tomorrow spent its third two-day session learning about the great work being done by the Kansas City USD 500 school district.

The district — one of the largest in Kansas — has approximately 22,000 students. Roughly 90 percent of the students qualify for free or reduced lunch and 40 percent are learning English.

Where some may see those as difficult challenges, teachers and school leaders continue to take advantage of the opportunities that come with such diversity.

At Arrowhead Middle School, math and reading scores are rapidly improving as administrators and teachers implement numerous strategies to prepare children for high school and the district’s Diploma Plus program, which is designed to make sure each student graduates prepared for college and careers.

At the middle school level, that means career fairs, field trips and college preparation events so students start thinking about what they want to do after high school.

Students join “houses” with names like “House of Achievement” and “House of Creativity” and compete and hold rallies to gain the honor of being named the top house. Principal Laurie Boyd said Arrowhead is a school where “kids are served.”

“Everything we do is not based on what’s best for the adults, but what’s best for the students,” she said.

Student leaders representing each of the Houses answered questions and served as tour guides as LFT members visited various classes in the school. Close to 500 students and 45 staff members make-up the tight-knit community at Arrowhead.

From there the LFT class boarded a school bus for a visit to the Kansas City, Kansas Early Childhood Center. As the Head Start center for Wyandotte County, the center supports kindergarten readiness for three- and four-year-olds. The Center’s enrollment of nearly 600 is larger than many entire school districts in Kansas.

David Smith, chief of communications and governmental relations, said several years ago the administration held meetings with community members and one answer was clear: people said they wanted a great school system. That became the foundation for the district’s motto: “Inspiring excellence, Every grownup, Every child, Every day.”

To learn more about the initiatives of Kansas City USD 500, including the upcoming Nov. 7 $235 million bond issue election, see kckps.org.

LFT members spent the second day gaining skills in leading change at the local level.

Gary Sechrist, KASB leadership services, led the group through a two-hour session on improving communication.

“Almost every strategic plan we help our members develop includes something about improving communication,” Sechrist said. “However, with all competing priorities boards have, communication training is difficult to work in.”

Effective communication is both an art and a science, Sechrist said.

“Skillful communication is a key ingredient to successfully leading any change process,” Sechrist said, “As a leader you have to be aware of people’s varying styles, including cognitive bias and contrasting values - all of which impact what they hear and how they perceive your communication. And then you need to adjust your style to try to overcome the barriers.”

Sechrist helped class members raise their awareness of their own individual communication styles and how that can impact collaboration and teamwork.

The class ended the morning by sharing observations from the site visits made over the past three sessions and initiatives that have direct connection to the state board’s vision of success for every student. The class visited McPherson USD 418 and Smoky Valley USD 400 in May. In July the class traveled to Southwest Kansas to visit South Gray County Schools - comprised of Montezuma USD 371/Copeland USD 476 - and Dodge City USD 443.

Using a structured discussion protocol that gives each participant the chance to share observations and ask questions, the group divided into small groups to explore three questions provided by Dr. Brian Jordan, KASB assistant executive director for leadership services:

“Which topics from those that we have discussed and/or observed so far could have the greatest impact on your students’ success?”

“What are the second order [change] implications that will come along with the implementation of this change?”

Who are the key people that can help lead this change?”

KASB’s Leadership for Tomorrow is open to board of education members, superintendents and district leaders. Participants meet in five two-day sessions throughout the year. The fourth session for this year’s class will be held Dec. 2 and 3, 2016 in conjunction with the KASB Annual Conference in Wichita.

by Carol Pitts and Scott Rothschild; cpitts@kasb.org, srothschild@kasb.org

KASB and KanSPRA are seeking entries for the annual publications contest

The contest, open to KASB member school districts, provides recognition in numerous categories for publications and other communication projects produced between Aug. 1, 2015 and July 31, 2016.

Entries must be postmarked by Fri. Oct. 14. Find entry forms on kasb.org under the Publications tab on the front page.

Mail entries to KASB/KanSPRA Publications Contest, 1420 SW Arrowhead Rd., Topeka, KS 66604-4024.

For more information, contact Shaneice McNabney, smcnabney@kasb.org, or Andrea Hartzell, ahartzell@kasb.org, or call KASB at 1-800-432-2471.
Region 2
Shannon Kimball
USD 497

Shannon Kimball is in her second term on the board of education for Lawrence USD 497 and was appointed to the KASB Board of Directors in July 2016 to fill the unexpired term of Dayna Miller, KASB president-elect.

“I was honored to be asked to fill the Region 1 vice-president position,” Kimball said. “I believe strongly in the work that KASB does to support school boards across our state, and to advocate for excellence in public schools for all Kansans.”

Kimball said broadening her perspective of the challenges districts face across the state will help her expand her work as a public school advocate. She also plans to apply what she learns to her work within her own school district.

“I look forward to opportunities to share KASB’s legislative and policy expertise within my own district and with districts in my region, and to advocate for public schools with the legislature,” Kimball said.

As a statewide association, Kimball believes KASB is uniquely positioned to be the voice of districts across the state, both in its legislative advocacy and in the sharing of data with districts and school communities.

“Now more than ever public schools need strong advocates who are empowered with the facts about the successes of and challenges facing Kansas schools. KASB plays a vital role in assisting school districts and other stakeholders to advocate for public education with a powerful, unified voice,” Kimball said.

As a native Kansan, Kimball and her husband returned to Kansas following several years out of state to pursue careers. Kimball is an attorney whose work focused on public schools for several years. She is currently raising their two sons and one daughter and focusing her time on volunteer work.

“Foremost among our reasons for coming back home was the desire for our children to have the opportunity to attend excellent public schools,” Kimball said.

She volunteered in 2010 to serve as a community member on the Lawrence USD 497 task force formed to study the district’s elementary school facilities. After working for over seven months as part of that group to make a recommendation to the board, Kimball decided to run for a board position.

“I wanted to give back to the community through sharing my professional background in school law and policy, as well as to continue working on the many issues raised by the work of the elementary school facility task force,” Kimball said.

Seeking a second term in 2015 gave her a way to stay involved as the district implements a $92.5 million 2013 bond issue. The project will transform all 14 of the district’s elementary facilities into flexible 21st century learning spaces, Kimball said. A new college and career center to serve the district’s two high schools will expand business, community, and higher education partnerships to give students relevant, career-oriented experiences.

Kimball said another major focus of her board service continues to be the district’s equity work, with the goal of closing achievement gaps.

“We have made great strides in the past six years, increasing our overall graduation rate to above 90 percent,” she said, “while at the same time markedly decreasing the graduation rate gap for our racial and socioeconomic subgroups.”

Kimball is a member of the League of Women Voters of Lawrence/Douglas County, and the Kansas, Georgia, and American bar associations. Her local service includes her children’s school PTO, work with the Lawrence Memorial Hospital Endowment Association and the Bert Nash Community Mental Health Center, and serving on the board of her neighborhood association.

She is currently vice-president of her local board of education.

“I truly love the work I get to do as a local board of education member,” Kimball said. “Because I am a parent of young children in the district, I get to see the positive impact of my work reflected in the school experiences of my own children. But the rewards are much more far-reaching than that. The best part of our board meetings is the time that we use to recognize the amazing accomplishments of our students and staff. Those recognitions are an important reminder of why I volunteer to serve on the board.”

Flu season is here; take precautions
Leah Filter, lfilter@kasb.org

Seasonal flu activity can begin as early as October and continue to May. Now is a good time for Kansas school districts to make sure they’re doing as much as they can to prevent or reduce the spread of the flu.

“Getting a yearly influenza vaccine is the best way to protect yourself and those around you from the flu,” says Kansas State Epidemiologist Charles Hunt, MPH. “School-aged children have a high rate of influenza, therefore it is important to take steps to protect yourself and your students from spreading the flu.”

In addition to encouraging students, parents and staff to get their flu shots, one of the best ways to stop the spread of flu and other illnesses in schools and elsewhere is to wash your hands. Districts and schools should:

• Encourage hand hygiene among students and staff through education, scheduled time for handwashing, and making sure soap, water, paper towels and other supplies are plentiful and available.

• Teach students and staff to wash hands often with soap and water for 20 seconds, dry hands with a paper towel, and use the paper towel to turn off the faucet.

School districts can find more from the CDC at www.cdc.gov/flu/school/guidance.htm.
What would Kansas schools do with more money?

**Montoy funding was reduced following the Great Recession of 2008.** Since then, total school funding in Kansas has barely kept up with inflation and operating budgets - which exclude retirement contributions and costs of new buildings - have fallen behind inflation. In addition, there are more students to educate, and more students with special needs. So, for eight years, school districts have not had ANY “extra” money to improve programs.

Third, the Kansas State Board of Education’s “Kansans Can” vision has set new goals for K-12 education. Comments from school leaders across the state make clear local school boards will have the following priorities for additional funding.

**Early Childhood.** Because many students start school far behind their peers and some never catch up, giving more attention to the youngest students helps “level the playing field.” After the Montoy decision, the percentage of districts providing all-day kindergarten increased from about 50 percent to 95 percent.

However, the State Board has set a goal of getting more students ready for kindergarten. Districts now provide preschool programs to about 5,000 students statewide, compared to a kindergarten class of 37,000. More funding would allow districts to offer free preschool for thousands more low income students.

**Individual plans of study for career preparation.** Last year, districts employed 1,110 school counselors, less than one for every 400 students. To help students and families decide what classes and programs match their interests and leave high school better prepared for college or the workforce, the State Board has made individual career planning a Kansans Can priority.

More funding would allow high schools and middle schools to add more career and academic counselors and continue to help students with social and emotional issues (another Kansans Can outcome).

Montoy funding increase, but have had to cut back on these services as funding fell back.

**Technical Education.** Experts predict 71 percent of Kansas jobs in the year 2020 will require education beyond high school, and many will require a technical certificate rather than an academic degree. Offering these programs in high schools lets students get a lower cost head start on a well-paying career, but such courses tend to be expensive because of specialized equipment and lower pupil-teacher ratios.

More funding would allow school districts to expand student options for career paths, especially in more rural parts of the state; strengthening the state and regional work forces.

**Teacher salaries and learning time.** Since 2008, Kansas teacher salaries have slipped from 37th to 41st in the nation. With limited dollars for raises, many school boards and teachers have negotiated for fewer school days, but also added more minutes in each day. On average, students have lost a full week of days from the school calendar.

Thirty-three states have a lower student to counselor ratio than Kansas and private schools have much lower ratios than public schools, according to national data.

**Graduation rates.** Although Kansas performs better than most states, low income, disabled, and English Language Learners continue to lag behind in high school graduation, which is a requirement for postsecondary education (and most jobs). To meet the Kansans Can goal of higher graduation rates and more Kansas students prepared for higher skill (and higher paying) jobs, districts must provide extra support for these students.

More funding would allow districts to address the intensive needs of students with physical and emotional disabilities, help students learn English faster, provide additional tutoring and enrichment before and after school and during the summer, and assist low income and first generation college students in preparing for more rigorous college programs and testing.

School districts did all of these things after the Montoy funding increase, but have had to cut back on these services as funding fell back.

More funding would make Kansas teacher salaries more competitive with other states and, in exchange, allow districts to add back days for student learning - which would support all of the Kansans Can outcomes.

Costs to parents and property-taxpayers. Because state operating aid has been so limited, districts have been raising fees and adopting new charges to make up the difference, and have increased local option budgets, which are primarily funded by local property taxes.

The result is a higher burden on low-income students and low-wealth communities. More funding would allow districts to rely more on general revenues rather than on those who can least afford it.

Kansans “can” expect these results if more money is provided to public schools, whether by the Supreme Court or otherwise.
Fall Summits under way
by Carol Pitts, cpitts@kasb.org

KASB President Amy Martin, Olathe USD 233 Board of Education, invites Kansas board members to attend one of the six fall summits happening the last week of September and the first week of October.

“This is a critically important time for education in Kansas,” Martin said. “We’re in the process of developing a new funding formula. The state board of education has given us a new vision for Kansas kids, and the decisions we make today are going to have a lasting impact on our state.”

Martin also said the results of the August primaries mean new opportunities and new faces in Topeka. They need to hear from local board members who can share the priorities of communities all across Kansas, she said.

The state board’s Kansans CAN vision focuses on the success of each student. Martin believes local school boards are the key to making that a reality in Kansas.

“If we are serious about reaching individual kids, it’s really important that what we do is filtered through the lens of local school boards and local communities,” she said.

To hear President Martin’s short message, go to www.youtube.com/KASBVideo.

The summits, scheduled for the last week in September and the first week in October, give school leaders up-to-date information on education issues and initiatives and provide time to discuss them.

KASB Regional Nominating Committees appointed
by Melissa Holder, mholder@kasb.org

KASB Regional Nominating Committees members have been appointed in five KASB Regions. Regional Vice President elections are held in December, just prior to the Delegate Assembly, at the KASB Annual Convention in Wichita.

Any interested school board member should contact a member of their Regional Nominating Committee to submit their name as a candidate for that Regional Vice President’s position. These nominations are due by November 11.

Regional Vice Presidents serve a 3-year term as a member of the KASB Board of Directors. Members are eligible to serve two consecutive terms on the board. The board meets five times a year at the KASB office in Topeka.


- Shelley Stevens – Basehor-Linwood USD 458, shelley@eliteelectric.com, 913.238.2652
- Nels Anderson – Spring Hill USD 230, andersonn@usd230.org, 913.592.2217
- Doug Updike – Spring Hill, USD 230, dupdike@usd230.org, 913.592.4257


- David Colburn – Manhattan-Odgen USD 383, nelsoncolburn@yahoo.com, 785.539.5639
- Pat Hudgins – Manhattan-Odgen USD 383, phudgins@k-state.edu, 785.587.9242

Region 5 counties: Chase, Harvey, Marion, McPherson, Morris, Reno, Rice and Saline:

- Chris Wiens – McPherson USD 418, chris.wiens@mcperson.com, 620.242.0436
- Christina Kidd – Canton-Galva USD 419, kiddchristina@gmail.com, 620.654.3017
- Marty White – Morris County USD 417, mjwhite@tctelco.net, 620.767.6696

Region 6 counties: Butler, Cowley, Sedgwick and Sumner.

- Melinda Fritz – Andover USD 385, fritzem@usd385.org, 316.253.8494
- Norman Wilks – El Dorado USD 490, nwilks@cox.net, 316.323.2999
- Paige Crum – Haysville USD 261, pcmrum@usd261.com, 316.259.5067

Region 10 counties: Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton, Seward, Stanton and Stevens.

- Natalie Boone – Bucklin USD 269, nboone@usd459.org, 620.750.0218
- Sheila Walker – Stanton County USD 452, swalker@skylandgrain.com, 620.492.6226
- Dave Otis – Ulysses USD 214, davec@pld.com, 620.424.2819
More female superintendents in Kansas than ever

RESEARCH & ANALYSIS

KASB recently released the 2016-17 Superintendent Survey Report.

One of the key findings in the report is the fact that over the last twenty years, the percent of districts with female superintendents has more than tripled, going from 5 percent in 1995-96 to 16 percent in 2015-16. In addition, data shows that historically female superintendent salaries have been higher on average than male superintendent salaries.

Other key findings include:

- Average superintendent salaries have increased from approximately $67,000 in 1995-16 to $103,000 in 2015-16, with an average annual increase of 2.2 percent.

- Average board paid fringe benefits for superintendents have increased from $3,200 to $10,600, with an average annual increase of 6.4 percent.

- The increase in the average salary plus benefits for the smallest districts was from $60,000 to $97,000, with an average annual increase of 2.3 percent.

- The increase in the average salary plus benefits for the largest districts was from $110,000 to $188,000, with an average annual increase of 2.8 percent.

- Per pupil spending on superintendent salaries went from $138 per pupil in 1995-96 to $220 in 2015-16 overall, with smaller districts seeing larger per pupil amounts and smaller average annual increases than larger districts.

- The percent of districts indicating their superintendent had a Bachelor’s degree increased from 89.2 percent in 2007-08 to 96.7 percent in 2015-16.

- The percent of districts indicating their superintendent had a Master’s degree increased from 87.5 percent in 1999-00 to 95.9 percent in 2015-16.

- The percent of districts indicating their superintendent had a Doctorate or Specialist degree decreased from 29.9 percent and 30.3 percent to 19.2 percent and 17.1 percent.

- Across degrees, the percent of superintendents coming from Kansas postsecondary institutions has increased from an average around 70 percent in 1999-00 to around 85 percent in 2015-16.

You can find the report, data, and an interactive tool to explore local data at kasbresearch.org. If you have questions or require assistance, you can contact research@kasb.org.
KASB legal staff explains new Kansas Open Records Act law

by Lori Church, lchurch@kasp.org

Board members are trained early in their terms of office to pay special attention to open records and open meetings. Due to this awareness, when Substitute for SB 22 went into effect on July 1, 2016, board members sat up and took notice. While we always appreciate it when our members stay attuned to changes in the law, KASB legal staff does not believe Sub. for SB 22 has an impact on school board members and their records.

Changes to the Kansas Open Records Act (KORA) through Sub. for SB 22 are as follows:

- The definition of “public record” was amended to clarify the specified recorded information falls under the definition regardless of the location of the information.
- The definition of “public record” was also expanded to include any recorded information that is made, maintained, kept by, or in the possession of any officer or employee of a public agency pursuant to the officer’s or employee’s official duties, and is related to the functions, activities, programs, or operations of any public agency.
- The definition of “private person” used in defining records that are not public does not include an officer or employee of a public agency who is acting pursuant to the officer’s or employee’s official duties.

- The word “officer” was also removed from the definition of “public agency” and will no longer exempt from this definition officers or employees of the State or localities who have their offices open to the public fewer than 35 hours a week.

While it may appear that some of the changes could impact school board members, there is an exception in the law that did not change. K.S.A. 45-217(g)(3) states, “Notwithstanding the provisions of subsection (g)(1), “public record” shall not include: … (B) records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state…. “ This exception means that records made, maintained or kept by an individual school board member are not subject to the KORA.

While this provision seems to ensure that school board member’s personal email accounts and phones will not be examined for open records purposes, it does not mean that information created by a board member and sent to the superintendent or another school employee could not be deemed an open record. Once it is made, maintained or kept by the school district, the information contained in the record could very well be considered an open record.

Board members need to continue to be mindful of what they communicate to others regardless of the method or how it is kept. A good rule of thumb before sending an email or a text is to ask yourself if you would be comfortable with the message being published on the front page of the local newspaper. If not, it is best not to send the message.

KASB committee proposes re-write of legislative policies

The KASB Legislative Committee is proposing major changes in the wording of the association’s policy positions, but few changes in the actual meaning of those positions - at least at this point.

The committee has released a tentative report that makes significant editorial revisions in the policy sections on Managing, Improving, and Governing Schools. The committee will meet again Nov. 5 to address the final section: Financing Schools. The complete report will be released as soon as possible after Nov. 5 for approval or revision by the KASB Delegate Assembly on Dec. 4 in Wichita.

Although the committee recommending a number of changes, most are designed to remove outdated positions and create a shorter, more streamlined report, says KASB Associate Executive Director Mark Tallman.

“Under KASB rules and procedures, any positions adopted by the Delegate Assembly remain unless the assembly votes to change them,” Tallman said. “Therefore, our policies contain positions that are literally decades old, and many of these issues have long since been resolved.”

Although most of the proposed changes are basically editorial, there are several substantial amendments proposed. The committee is suggesting KASB take no position on the 10 mile out-of-district busing law, which was changed to 2.5 miles several years ago; replace its call for a longer school year with support for a more flexible school calendar; take no position on corporate punishment in schools; and drop support of changing the governance of the Kansas State High School Activities Association and requiring mandatory school board training.

The committee is also trying to create more general positions based on key principles, rather than highly detailed positions. “The committee report is very lengthy because it shows all of the language the committee is suggesting for elimination or reduction,” Tallman said. “We encourage our members to read carefully and let us know there are positions they think should be retained.”

The committee report will be represented at the KASB/USA Region Summits. Questions and suggestions for changes in the report can be directed to the KASB advocacy staff or members of the committee listed on page two of the report.
The Kansas Supreme Court
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led the criticism of the court and have sought changes in the selection process that would do away with the nominating commission, thus giving the governor more power in filling vacancies on the court, and they have also targeted the court with budget cuts and proposed ways to make it easier to impeach justices.

Twice during the Brownback administration, the Kansas Supreme Court has told the Legislature and Brownback that the school finance system violated the Kansas Constitution, ordering them to fix it. In 2014, the court declared the state created unconstitutional, wealth-based disparities by withholding capital outlay and pro-rating supplemental general state aid payments. In 2016, the court said the state’s block grant system, supported by Brownback, failed to provide constitutional equity funding.

In both instances, the state increased funding, but the biggest portion of the school finance lawsuit — in which the court will determine if state funding of schools is adequate — remains pending. That decision could require the Legislature to come up with hundreds of millions of dollars in new spending on schools.

While some organizations, such as the anti-abortion group, Kansans for Life, are campaigning against the retention of four of the justices (Nuss, Beier, Luckert and Biles), Kansans for Fair Courts argues that the Kansas Supreme Court does a good job and all the justices should be retained to maintain the independence of the judicial branch of government. Judges appointed to head courts should be based on qualifications and not political connections, Kansans for Fair Courts argues.

In the campaign, the justices will face limits that other candidates for office don’t. The Kansas Code of Judicial Conduct has a long list of do’s and don’ts for judges in retention elections.

“Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in furtherance of this interest, judges and judicial candidates must, to the greatest extent possible, be free and appear to be free from political influence and political pressure,” the Judicial Conduct code states.

Groups outside the control of the justices, however, face no limits on how much money they can raise and spend and are not required to say where they get their funding, according to Carol Williams, head of the Kansas Governmental Ethics Commission.

In the judicial retention elections, “there are no limits on outside groups, there is no ability to monitor it or track it,” Williams said.

So-called “dark money” groups have already gotten involved in the race. A Washington, D.C. group that receives its funding through a group linked to billionaire Wichita businessman Charles Koch has filed an ethics complaint against Beier over a 2014 fundraiser that Beier’s husband held on behalf of Democrat Paul Davis, who ran for governor. Beier said she was not involved with the fundraiser and didn’t attend it.

On the pro-retention side are four former Kansas governors — Republicans Mike Hayden and Bill Graves and Democrats John Carlin and Kathleen Sebelius.

If a justice on the Kansas Supreme Court is not retained, he or she could serve until their term expired in January. Then the current selection process would occur to replace that justice. The Kansas Supreme Court Nominating Commission would screen potential justices and then submit the names of three persons to the governor and he would pick one.

The justices should be retained, according to evaluations developed by the Kansas Judicial Evaluation Committee and completed by attorneys who have practiced before the judges, law professors and other legal experts who review the court’s decisions.

Among attorneys who completed the survey, 78 percent strongly recommended Nuss be retained; 81 percent Luckert; 74 percent Beier; 77 percent Biles; and 39 percent Stegall. If you add those who answered “somewhat recommend,” Stegall’s support for retention goes up to 55 percent.

Among judges who completed the survey, 81 percent strongly recommended Nuss be retained; 88 percent Luckert; 77 percent Beier; 75 percent Biles; and 54 percent Stegall.

The evaluations and surveys can be found at www.kansasjudgereview.org/.

Stegall, Brownback’s former chief counsel, is the governor’s lone appointee on the court. In 2013, Brownback selected Stegall for a position on the Kansas Court of Appeals right after the governor helped push through a law that removed the nominating commission from the selection process for the appeals court. Less than a year later, Brownback selected Stegall to fill a vacancy on the Kansas Supreme Court.

In addition, six members of the Kansas Court of Appeals will be on the ballot standing for retention. They are Judge G. Joseph Pierron, Jr., Judge Steven A. Leben, Judge G. Gordon Atcheson, Judge Karen Arnold-Burger, Judge David Bruns, and Judge Kathryn A. Gardner.
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