1917–1918
From here...

First President
W. P. Lambertson
Fairview, Kansas

First Executive Secretary
Prof. C.B. Althaus
University of Kansas

Liberal, Kansas Public Schools circa 1910

Leoti, Kansas Grade School, 4th Grade 1958

CTE Center, Basehor-Linwood High School
October 2017

2017–2018
...to here.

Current President
Dayna Miller
Basehor-Linwood USD 458

Current Executive Director
Dr. John Heim

Sunnyside Elementary, Dodge City, Kansas
circa 1945

Student Project Demonstration, Maize USD 266
December 2016

Community Elementary School Kindergarten,
Coffeyville USD 445, (located in Windsor Place
Assisted Living Center) May 2017

#kasb100years
New studio improves KASB’s ability to get message out to members

In expanding its use of social media to get out the message of promoting public schools, KASB has improved its studio facilities.

Formerly, the KASB studio was in a basement room, sharing space with abandoned furniture and desks. Before every webinar, someone had to remember to unplug the ice-making machine, which would click on with a loud roar. And then, of course, someone had to remember to plug the ice-maker back in.

So, when the KASB building was recently re-carpeted, it was thought that would be a good time to move and improve the studio.

A room on the first floor was reserved for the new studio with updated equipment and furnishings. Most of the technical work has been done by Rob Gilligan, KASB governmental relations specialist; Amanda Rollenhagen, KASB accountant; and Randy Weseman, KASB assistant executive director of Operations and Leadership Services.

KASB is conducting more interviews — called KASB Newsmakers — such as with Kansas Education Commissioner Randy Watson, State Budget Director Shawn Sullivan, Kansas Legislative Research Department Principal Economist Chris Courtwright and others. And KASB is conducting more webinars too.

All of these videos can be viewed on YouTube live or later as the broadcasts are recorded and archived. KASB’s YouTube channel is https://www.youtube.com/user/KASBVideo/live

Frank Henderson Jr., a member of the KASB board and Seaman USD 345 board, speaking in KASB’s new studio

Resources available for School Board Recognition in January

KASB joins state school board associations from around the U.S. in celebrating School Board Recognition Month in January 2018. KASB has created a website that includes a logo and other resources to get you started, including a customizable certificate of appreciation, a sample media release and tips to get others involved.

Find all the resources at www.kasb.org/thankBOE.
And be sure to follow #thankBOE during January!
Celebrating Public Schools

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Sometimes people complain about the way the judiciary shapes public schools, but without landmark rulings by the courts, our schools wouldn’t be what they are today — the foundation of American society.

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President’s Perspective
Dayna Miller, Basehor-Linwood USD 458

Throughout our history, the mission remains the same: Kansas children

Fall is such an exciting time of year. There are so many activities in so many areas of my life, important traditions that I look forward to each year. Our district’s BandCats have a competition almost every weekend – a special tradition in my household – and our sports teams and academic teams are competing. Our schools are filled with busy teachers and students, and there are so many new initiatives underway!

Wearing my parent hat, we have attended college football games, parents’ days, concerts and undertaken multiple “I forgot, will you bring...” trips in the past. We have family dinners to plan so that grandparents are involved in the experience.

Each year, I look forward to the KASB Fall Summit/Regional Meetings as well as the Annual Conference in December. This year, KASB went back to the “old format” of holding Regional Meetings in each of the regions. I had the opportunity to travel with the team to a part of the state where I have only traveled through a few times in my lifetime.

I learned so much from the presentations and visits. I know that our mission as board members is to educate all students. In my recent travels I was reminded that we are all struggling with the same issues.

This fall has also given us a chance to reflect on KASB’s history and remember that we also share that common mission with those past board members. If you have been reading the information KASB has been sharing about our history, you can see that from the beginning of the Association, board members were committed to making sure our public schools gave every child in Kansas the opportunities they need to succeed.

This has been such a fun year to serve as KASB President. During KASB’s 100 Years of Service, 72 board of education members have served as president. In the early years of KASB’s development, many of the presidents served multiple terms.

The annual conference will include many touchstones of celebration for the Association’s 100th, including a reception and dinner Saturday night. There are 34 living past presidents of the Association, and an invitation was extended to each of them to attend the conference. At this point, KASB has received confirmation from 25 past presidents who plan to attend.

I hope you join us in Wichita Dec. 1-3 to help us remember, celebrate and “imagine our future”!
Brown v. Board: ‘A Time to Lose’

You may have heard we are celebrating our 100 years of service here at KASB. For a former history teacher, reviewing old programs and minutes is a fascinating exercise. History truly does repeat itself, over and over.

As we look back on the history of KASB in the context of the history of Kansas education, there is one glaring omission. On the issue of Brown v. Board of Education of Topeka, KASB seems to have remained silent. I wondered about this and did some research.

When one has a history question, walking to Mark Tallman’s office is a good first step. Mark recommended “A Time to Lose” written by the Kansas assistant attorney general who argued the state’s case unsuccessfully, Paul E. Wilson.

The author begins with an insightful history of race relations in Kansas, and I was struck by the paradoxes he exposed. Kansans take pride in being a “free state,” but Wilson reveals that the same “free state” Constitution denied African-Americans the right to vote. We regard ourselves as welcoming to Exodusters, the term used to describe African-Americans who came to Kansas after the Civil War, but Wilson provides examples of Green River Ordinances and Jim Crow Laws that were reactions to these former slaves moving to Kansas. Just like the rest of America, Kansas’ history of race relations is complicated and often embarrassing.

Fast forward to Kansas in the 1950’s. Several years ago when selling a house, I noticed the deed included a covenant that it was in an area that restricted sales to “whites only.” (For an examination of these practices, check out “The Color of Law,” by Richard Rothstein.) That covenant sums up Kansas race relations in the 1950’s – separate but equal was actively and passively the way things were.

Oliver Brown and other plaintiffs in Brown v. Board rejected this premise and practice in the now-famous lawsuit. Kansas’ case was significant because it was not about “separate but equal” school facilities. Brown v. Board was about the premise itself. In the words of Justice Thurgood Marshall, taken from his argument before the Supreme Court: “The only way that this court can decide this case in opposition to our position ... is to find that for some reason Negroes are inferior to all other human beings.”

Commentator Paul Harvey might say ‘and now, for the rest of the story.’ I had assumed KASB remained silent on the issue because of a responsibility to side with a member district. It turns out there is a little-known hero in this story – the duly elected board of education of Topeka Public Schools; the very same “Board” in Brown v. Board. Yes, when the suit was filed in 1952, Topeka had a policy of separate but equal. White, Latino and Native Americans attended schools separate from African-Americans. However, shortly after the suit was filed, three new board members were elected. The superintendent resigned, and the new board and new superintendent decided not to offer a defense of their separate but equal policy to the Supreme Court. In fact, the board eventually changed the policy and passed a plan to fully desegregate the district before the Supreme Court directed the action.

For the lawyers on both sides, this caused great consternation. The action raised the potential of having the matter before the court being declared moot. Fortunately, those Supreme Court Justices heard the case and decided against separate but equal even though it had already been decided by the Topeka Board.

It was good to learn more about the case, and I recommend the book. It revealed courage on the part of the plaintiffs, the Topeka Board of Education and superintendent. That case was decided over 60 years ago, and race continues to be a sensitive issue.

This conclusion includes no answer to the question of “where was KASB in 1954?” The lack of an answer is a valuable lesson for an association reflecting on its history. The lesson is revealed in a statement made recently by Frank Henderson, Jr., a Kansas board member now serving on the NSBA Board.

Reflecting on an NSBA conflict, he said “We were on the wrong side of the issue in 1954; we need to make sure that mistake is not repeated.” Good advice, Frank.
Average Kansas student fee schedule

KASB recently released the 2017 Annual Fees Survey Report. Based on the data described in this report, we can paint a picture of what an average district charges for various school activities and services.

Below are the average (mean) fee amounts for items that more than 25 percent of districts indicate they provide for a fee. Items in blue are those that decreased from last year.

### Participation Fee
- High School: $34.10
- Middle School: $27.51

### Admission Fee
- High School Event: $3.25
- Middle School Event: $2.33
- High School Annual: $32.43
- Middle School Annual: $27.72

### Band Instruments
- HS Large Horns: $40.79
- HS Small Horns: $40.83
- HS Woodwinds: $40.38
- MS Large Horns: $39.63
- MS Small Horns: $39.92
- MS Woodwinds: $39.32

### Driver’s Education
- In District: $146.45
- Out of District: $220.74
- Summer: $152.73

### Electronic Device Rental
- Full year: $41.23

### Facilities
- Auditorium Hourly: $45.19
- Cafeteria Hourly: $29.21
- Commons Hourly: $29.90
- Gym Hourly: $33.11
- Gym Per Event: $134.74

### Publications
- HS Yearbook: $43.00
- MS Yearbook: $23.73

### Shops and Labs
- Art: $20.67
- Home Economics: $19.41
- Metal: $22.76
- Technology: $32.41
- Wood: $24.83

### Textbooks
- Kindergarten: $46.15
- Elementary: $47.99
- Middle School: $53.55
- High School: $56.93

For more information, please visit https://kasb.org/research/kasb-data/ to view the full report.
KASB surveys to collect election information

KASB is seeking information from school boards on bond issue elections and board member elections via two surveys.

The first is the Question Submitted Elections survey, pertaining to special elections which pose a question to the voters in a specific jurisdiction based on
1) a statutory initiative petition,
2) a request by the school board, or
3) a protest petition.

The second is the Board Member Election survey, which collects information on the board members each district retained, which were newly elected, and so forth.

For more information on these surveys, please contact KASB Research Specialist Ted Carter at tcarter@kasb.org.

The information from these surveys is used to help KASB advocate on behalf of school boards and to update member information. Thank you for your assistance.

Join KASB & USA\Kansas for the power-packed ADVOCACY in ACTION conference Jan. 11 & 12, 2018.

☑ Sharpen your advocacy skills.
☑ Hear from key lawmakers as the state’s legislature prepares to respond to the Supreme Court’s Gannon school finance decision during the 2018 Legislative Session.
☑ Other topics will include school finance, state budget outlook, federal issues and proposed legislation.

Watch for details and registration information - coming soon from KASB and USA Kansas!
KASB Board meeting features audit report, conference overview

Board also recognizes outgoing Region 9 Vice President Tracy Rogers

By Carol Pitts, cpitts@kasb.org

Saturday, Nov. 4, 2017 was a busy day at the KASB office in Topeka. Starting at 9 a.m. a joint meeting of the KASB Board of Directors and the KASB Legislative Committee heard an update from Mark Tallman, KASB associate executive director for advocacy and communications, on advocacy topics.

Following discussion, the legislative committee adjourned to continue its work on legislative policies and positions it will recommended on Dec. 3 to the annual KASB Delegate Assembly.

The board of directors continued with the business portion of its meeting, first receiving the yearly KASB audit report presented by Morgan Padgett, Mayer Hoffman McCann PC, Topeka, KS. In accordance with KASB policies, an audit committee comprised of KASB board members Curt Herrman, Region 4 vice president from Manhattan-Ogden USD 383, Lori Blake, Region 5 vice president from Southeast of Saline USD 306 and Lara Bors, vice president from Garden City USD 457 met previously to review the report with the auditor prior to the meeting.

Among other items of business, the KASB Board of Directors approved a research proposal submitted by Kansas State University to study superintendent and school board management and governance practices. An online anonymous survey will be distributed by KASB to board of education members on behalf of K-State’s Department of Political Science.

Next on the agenda was a demonstration by KASB’s Leadership Services. Drs. Doug Moeckel, KASB deputy director, and Brian Jordan, KASB assistant executive director for leadership services, led the board through modified versions of some of the components of the department’s whole-board training program.

Dr. Jordan presented a review of the 2017 KASB Fall Regional Meetings held in September and October.

KASB Board President Dayna Miller presents Region 9 Vice President Tracy Rogers a certificate of appreciation for his three-year term on the board.

Attendance was up slightly from last year. Tracy Rogers, Region 9 vice president from Colby USD 315, received recognition from KASB President Dayna Miller for having the largest number of his region’s member organizations represented at this year’s fall regional meetings.
Andrea Hartzell, KASB communications specialist and Carol Pitts, KASB assistant executive director for marketing and public relations, reviewed plans for the 2017 Annual Conference Dec 1-3, 2017 in Wichita. A number of special events are planned to celebrate KASB’s 100th Year of Service.

Pam Robinson, Region 11 vice president from Blue Valley USD 229, provided an overview of the special reception and dinner planned for Saturday night. Robinson, a KASB past president (2008-09) has worked with current president Dayna Miller and past presidents Judy Lair, Woodson County USD 366 (2005-06) and Barbara Bunting, Newton USD 373 (2007-08) to plan the event.

The purpose of the reception and dinner, Robinson said, is a celebration of the positive influence KASB members have had on public education and impact on the future of the children of Kansas throughout its 100-year history.

“And we aren’t going anywhere,” Robinson said. “We’re ready for the next century.”

Following lunch, Frank Henderson, Jr., Seaman USD 345, who serves on the NSBA Board of Directors representing the Western Region, urged members to attend the 2017 Advocacy Institute Feb. 4-6, 2018 in Washington, D.C., and asked that they also consider attending the NSBA Equity Symposium on Sunday, Feb. 3.

The final activity for the board of directors was to say goodbye to Region 9 Vice President Tracy Rogers. He will be leaving his local board of education after 16 years of service, and has served on the KASB Board of Directors for three years. President Miller thanked Rogers for his dedication to his local district and for his service to KASB.
Landmark legal cases have shaped public education in United States

By Scott Rothschild, srothschild@kasb.org

The recent ruling by the Kansas Supreme Court that the school finance system falls short of the Kansas Constitution has ignited another round of criticism by some legislators that the court is overreaching its authority.

Yet the role of the judiciary in shaping public school education in Kansas and across the nation has a long history. Courts have often stepped into disputes on behalf of students and parents where legislatures either didn’t want to or feared to tread.

Donna Whiteman, KASB’s assistant executive director legal services, will review landmark education decisions that have changed the way schools operate during KASB’s Winter School Law Conference on Friday, Dec. 1 as part of the pre-conference sessions of KASB’s 100th annual conference in Wichita.

Ending racial segregation in schools, providing education for children with special needs and the rights of undocumented students to go to school have all been decided by courts, shaping the society we have today.

School law “is never dull,” Whiteman says. “There is always something going on. The schools are a reflection of what is going on in society,” she said.

Ending racial segregation in schools, providing education for children with special needs and the rights of undocumented students to go to school have all been decided by courts, shaping the society we have today.

And the legal decisions surrounding public education touch every facet of school operations, such as personnel issues, student rights and school liability.

The KASB legal department handles 12,000 legal calls a year. KASB attorneys are in constant consultation with school board members and administrators, travel across the state to serve as representatives of school districts in numerous legal and administrative proceedings and negotiations and provide staff and board training.

Schools face complex legal issues

The division also conducts legal seminars, publishes legal handbooks, reviews legislation and provides numerous other services.

“Legal questions that were unheard of a few years ago, now require lots of attention, such as problems with social media, homeless children, and evolving discipline issues,” Whiteman said.

Every school day, nearly a half million Kansas children go to school where there are dedicated school employees who work hard to meet their education needs. The legal issues that arise from such activity are numerous, varied and sometimes difficult to resolve.

But addressing these issues is necessary to maintain what many believe is one of the great assets of the United States — a public school system available to every child in the nation. “Education is still the great equalizer in our society when it comes to a child’s opportunity for success,” Whiteman said.

In addition to Whiteman’s presentation, the Winter School Law Conference will continue with presentations about changes to the Kansas Open Meetings Act; implementation of the Every Student Succeeds Act; foster student requirements; school law; special education; and employment law in the information age.
“Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. ... We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

—Earl Warren, Chief Justice of the U.S. Supreme Court in Brown v. Board of Education. 1954

“It is difficult to understand precisely what the State hopes to achieve by promoting the creation and perpetuation of a subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare, and crime. It is thus clear that whatever savings might be achieved by denying these children an education, they are wholly insubstantial in light of the costs involved to these children, the State, and the Nation.

If the State is to deny a discrete group of innocent children the free public education that it offers to other children residing within its borders, that denial must be justified by a showing that it furthers some substantial state interest. No such showing was made here.

—William Brennan, justice of the U.S. Supreme Court in Plyler v. Doe. 1982

“When all is said and done, a student offered an educational program providing ‘merely more than de minimis’ progress from year to year can hardly be said to have been offered an education at all. For children with disabilities, receiving instruction that aims so low would be tantamount to “sitting idly . . . awaiting the time when they were old enough to ‘drop out.’ ” Rowley, 458 U. S., at 179 (some internal quotation marks omitted). The IDEA demands more. It requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”

—John Roberts, Chief Justice of the U.S. Supreme Court in Endrew F. v. Douglas County School District. 2017
Of the two keynote speakers at KASB’s 100th annual conference, one is familiar to Kansas educators while one probably isn’t. But both of them speak a similar language when it comes to education — change is needed.

Kansas Education Commissioner Randy Watson and acclaimed speaker Matt Beaudreau, from the Center for Generational Kinetics, will address the KASB conference in Wichita on Saturday, Dec. 2. More details about the conference, which runs from Dec. 1-Dec. 3 are available at kasb.org/kasbcon.

Beaudreau is an educator, entrepreneur and corporate trainer who challenges education officials to get uncomfortable and learn from their students.

The age of the “sage on the stage” feeding information to students while they sit quietly taking notes is over, Beaudreau said.

The current school environment can’t keep young people engaged when much of the information in the world is at their fingertips, Beaudreau said.

Beaudreau supports an education environment where teachers and students are equals and students take on projects and lead the way.

He denounces grade levels, saying once a child is labeled as not up to grade level, he or she is made to feel inferior and they lose their confidence.

Beaudreau, who is a certified keynote speaker at The Center for Generational Kinetics, said he is really looking forward to speaking to Kansas school leaders, calling it one of the highlights of his year. The Center for Generational Kinetics is a research, speaking and consulting firm.

Since taking the job as Kansas Education Commissioner, Watson has been on a mission to redesign schools and implement what Kansans have said they wanted — a public school system that excels in giving students the skills they need to succeed.

Watson has spearheaded the State Board of Education’s goal of leading the world in the success of each student and has kicked off the Mercury 7 and Gemini redesign demonstration.
Changes in education

project where districts are launching major changes to their schools.

“The board’s vision for Kansas education has set the state on a new, bold path, and we are grateful to our schools and educators who are working even harder to accommodate the changes needed to achieve this vision,” Watson said.

Watson is a longtime Kansas educator, having served as a teacher, administrator and superintendent and has received many education awards.

Watson said he will speak at the conference about the state’s tentative timeline over the next few years in redesigning Kansas schools.

Kansas schools are working under a new model that will focus on improving pre-school education, family and civic engagement, social-emotional growth of students and increasing graduation rates with the final goal for students to achieve post-secondary success.
Religious holidays in public schools

With the holiday season approaching, schools should be wary of religious observances that may run afoul of constitutional restrictions.

The following questions and answers, originally published by the National Association of School Boards, address many of the issues associated with religious holidays and observances in public schools. KASB’s legal staff can help with more difficult questions.

Q. What do the courts say?
A. The Supreme Court has ruled that public schools may not sponsor religious practices (Engel v. Vitale, 1962; Abington v. Schempp, 1963) but may teach about religion.

While having made no definitive ruling on religious holidays in the schools, the Supreme Court let stand a lower federal court decision stating that the recognition of holidays may be constitutional if the purpose is to provide secular instruction about religious traditions rather than to promote the particular religion involved (Florey v. Sioux Falls School District, 8th Cir., 1980).

Q. Do religious holidays belong in the curriculum?
A. The study of religious holidays may be included in elementary and secondary curricula as opportunities for teaching about religions. Such study serves the academic goals of educating students about history and culture, as well as the traditions of particular religions within a pluralistic society.

Q. When should teaching about religious holidays take place?
A. On the elementary level, natural opportunities arise for discussion of religious holidays while studying different cultures and communities.

In the secondary curriculum, students of world history or literature have opportunities to consider the holy days of religious traditions. Teachers find it helpful when they are provided with an inclusive calendar noting major religious and secular holidays with brief descriptions of their significance.

Q. How should religious holidays be treated in the classroom?
A. Teachers must be alert to the distinction between teaching about religious holidays, which is permissible, and celebrating religious holidays, which is not. Recognition of and information about holidays may focus on how and when they are celebrated, their origins, histories and generally agreed upon meanings. If the approach is objective and sensitive, neither promoting nor inhibiting religion, this study can foster understanding and mutual respect for differences in belief.

Q. Teachers will want to avoid asking students to explain their beliefs and customs. An offer to do so should be treated with courtesy and accepted or rejected depending upon the educational relevancy.

A. Teachers may not use the study of religious holidays as an opportunity to proselytize or to inject personal religious beliefs into discussions. Teachers can avoid this by teaching through attribution, i.e., by reporting that “some Buddhists believe….”

Q. May religious symbols be used in public school classes?
A. The use of religious symbols, provided they are used only as examples of cultural and religious heritage, is permissible as a teaching aid or resource. Religious symbols may be displayed only on a temporary basis as part of the academic program. Students may choose to create artwork with religious symbols, but teachers should not encourage or discourage such creations.

Q. May religious music be used in public schools?
A. Sacred music may be sung or played as part of the academic study of music. School concerts that present a variety of selections may include religious music. Concerts should avoid programs dominated by religious music, especially when these coincide with a particular religious holiday. The use of art, drama or literature with religious themes also is permissible if it serves a sound educational goal in the curriculum but not if used as a vehicle for promoting religious belief.

Q. What about Christmas?
A. Decisions about what to do in December should begin with the understanding public schools may not sponsor religious devotions or celebrations; study about religious worship or practice.
Q. Does this mean that all seasonal activities must be banned from the schools?
A. Probably not, and in any event, such an effort would be unrealistic. The resolution would seem to lie in devising holiday programs that serve an educational purpose for all students—programs that make no students feel excluded or identified with a religion not their own. Holiday concerts in December may appropriately include music related to Christmas and Hanukkah, but religious music should not dominate. Any dramatic productions should emphasize the cultural aspects of the holidays. Nativity pageants or plays portraying the Hanukkah miracle are not appropriate in the public school setting. In short, while recognizing the holiday season, none of the school activities in December should have the purpose, or effect, of promoting or inhibiting religion.

Q. What about religious objections to some holidays?
A. Students from certain religious traditions may ask to be excused from classroom discussions or activities related to particular holidays. Some holidays considered by many people to be secular (for example, Halloween and Valentine’s Day) are viewed by others as having religious overtones. Excusal requests may be especially common in the elementary grades, where holidays are often marked by parties and similar non-academic activities. Such requests are routinely granted. In addition, some parents and students may make requests for excuses from discussions of certain holidays even when treated from an academic perspective. If focused on a limited, specific discussion, such requests may be granted in order to strike a balance between the student’s religious freedom and the school’s interest in providing a well-rounded education. Administrators and teachers should understand that a policy or practice of excusing students from a specific activity or discussion cannot be used as a rationale for school sponsorship of religious celebrations or worship for the remaining students.

Q. May students be absent for religious holidays?
A. Sensitive school policy on absences will take account of the religious needs and requirements of students. Students should be allowed a reasonable number of excused absences, without penalties, to observe religious holidays within their traditions. Students may be asked to complete makeup assignments or examinations in conjunction with such absences.

Q. What steps should school districts take?
A. In a pluralistic society, public schools are places for persons of all faiths or none. Schools may neither promote nor denigrate any religion. In order to respect religious liberty and advance education, we recommend that each school district take the following steps:

- Develop policies about the treatment of religious holidays in the curricula and inform parents of those policies.
- Offer pre-service and in-service workshops to assist teachers and administrators in understanding the appropriate place of religious holidays in the schools.
- Become familiar with the nature and needs of religious groups in the school community.
- Provide resources for teaching about religions and religious holidays in ways that are constitutionally permissible and educationally sound.

These articles are provided by the KASB Legal Services team and are not intended to be legal advice. If you have any questions, please contact KASB at 800.432.2471. KASB Legal Staff: Donna Whiteman, assistant executive director of legal services/attorney; Sarah Loquist, attorney; Luke Sobba, attorney; Lynette Stueve, attorney; and Angie Stallbaumer, attorney/policy specialist.
KASB legislative priorities ready for review by Delegate Assembly

By Leah Fliter lfliter@kasb.org

KASB’s Legislative Committee on Nov. 4 approved draft policy language to set the organization’s 2018 legislative priorities in Topeka and Washington, D.C. The recommendations will be finalized by the KASB Delegate Assembly on Dec. 3 in Wichita during the association’s annual conference.

The committee, which is comprised of representatives from each of KASB’s 10 geographic regions and the state’s five largest school districts, recommended the organization adopt a 2018 state resolution focusing on the Kansas Supreme Court’s decision in the Gannon school finance case. The Legislative Committee report is on the KASB website – www.kasb.org -- and then clicking on Advocacy and then Key Resources.

**Reinvest, Redesign, Results**

The resolution, entitled “Reinvest, Redesign, Results: Continuing Improvement in Kansas Student Success,” says the Gannon V ruling “is an opportunity to take the next steps to reinvest in Kansas K-12 education, redesign schools to help more students succeed, and improve measurable results for high school completion, postsecondary participation and workforce skills as defined by the Kansas State Board of Education’s Kansans Can vision.

“The Legislature should now address the Court’s adequacy issues by working with the State Board of Education and local school boards to develop a long-term plan based on the goals Kansas needs to achieve and a credible estimate of the resources required to reach those goals,” the resolution states. “Such a plan would involve a partnership between the three institutions with constitutional responsibility for K-12 education in Kansas, as well as higher education, other state agencies and local communities.”

The draft resolution does not name a desired level of Kansas K-12 funding but notes the U.S. states with the best rates of educational success across multiple measures all provide significantly higher funding than Kansas, even including the additional funding enacted by the 2017 Legislature. Those states have several characteristics in common, including high teacher salaries, more instructional staff and smaller pupil teacher ratios, more support staff, and smaller average schools and districts. Finally, Kansas districts have had success with specific targeted programs, such as expanded preschool, reading interventions, AVID, Jobs for Americas Graduates and many more. However, funding for these programs remains limited, far below the number of students who could benefit.

**Resolution addresses Federal policy**

The legislative committee also recommended a one-year resolution that expands upon KASB’s current federal policy.

In addition to restating the organization’s opposition to using public funding for private education (vouchers, tax credits), the resolution supports full funding of the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA).

The resolution supports continuation and modernization of the E-Rate program to ensure equitable access to telecommunications, broadband and high-speed learning options for schools, students and their families. It also includes sections on KASB’s support of the legal status of undocumented students who are long-term residents of the United States; opposition to changes in the federal Medicaid program that would reduce funding or eligibility for school-based special education services; and opposition to federal tax changes that would require reductions in federal education aid.
Training is important for success of newly elected board members

By Carol Pitts, cpitts@kasb.com

KASB’s Foundations of Boardsmanship workshop promises to be a day well-spent for newly-elected board members, mentors and board leadership teams. Because of the change in the school board election cycle, the first new board member training will take place Dec. 1 in Wichita as a pre-conference session at the KASB 2017 Annual Conference.

Other full day sessions are planned for Friday, Jan. 12, 2018 in Topeka; Saturday, January 27, 2018 in Haysville; and Saturday, February 10, 2018 in Hays. Additional dates and locations are in the planning stages.

Dr. Brian Jordan, KASB assistant executive director for leadership services, said the training is geared to give new board members a strong foundation to begin building their skills as effective leaders. This training can be even more useful if the district sends a board leadership team.

“The learning curve for a new board member can be pretty steep,” Jordan said. “We cover a lot during the one-day training, ranging from what authority a board of education has to the fundamentals of school finance. We also discuss legal requirements such as open meetings and executive sessions, and how to create a successful board and superintendent leadership team.”

Another critical part of the training is how to set goals and work through disagreements to reach consensus.

“Top achieving districts have one thing in common,” Jordan said, “a board of education and district leadership team that has clearly identified their priorities and remains focused on a vision for the future of their students.”

Creating a board team takes time, Jordan said, and one of the best ways to prepare for success is to have the new board member attend the workshop along with the superintendent, board clerk and a more seasoned board member who can serve as a mentor.

“We build in time during the workshop for discussion and questions. New board members gain a lot of important knowledge quickly when they can discuss their questions with the superintendent, clerk and a veteran board member,” he said.

In the past, KASB has provided new board member training to nearly 100 percent of newly elected members. The vast majority attend one of the scheduled one-day sessions. KASB will also provide on-site training upon request.
KASB Leadership Academy recognizes 335 members for achievements

The KASB Leadership Academy recently awarded certificates to 324 KASB members who participated in training during the 2016-2017 school year.

KASB sponsors workshops throughout the year on a wide range of topics. School board members and administrators receive points based on the length and content of each seminar. Points are also earned through other activities such as whole board training and Leadership for Tomorrow participation.

Level 1 Certificates are presented to those who gain at least 25 points, and Level 2 Certificates are awarded to those who earn 75 points or more.

In the Level 1 Category for 2016-17, 208 board of education members and 109 superintendents received a certificate.

In the Level 2 Category for 2016-17, ten board members and eight superintendents qualified for Level 2 Recognition. Each recipient received a certificate.

Four individuals earned 75 or more points over two consecutive years. They are Norm Wilks, El Dorado USD 490 board member, Katina Brenn, Colby USD 315 superintendent, Dale Brungardt, Ellsworth USD 327 superintendent, and Robert Young, Ellis USD 388 superintendent.

“KASB is honored to be able to bring this extra recognition each year to those who participate in training,” said Carol Pitts, KASB’s assistant executive director of marketing and public relations. “We plan to expand our recognition opportunities next year as a way to highlight the commitment our board members and administrators actively demonstrate each year.”

K-12 education will compete for additional dollars

Additional funding for K-12 education to comply with the Kansas Supreme Court’s Gannon decision will face a lot of competition for state dollars.

On Nov. 8, the Legislative Budget Committee received a briefing on additional requests for funding from a range of state agencies seeking more money for both the current fiscal year and next year. Those requests total almost $400 million over two years. That amount is almost double the additional tax revenue expected to be received over the same two years under a more optimistic revenue estimate received last month.

These budget requests do not include anything to address the court’s ruling that last year’s school finance plan failed to meet constitutional standards of adequacy. They do include an additional $20 million in the current year and $35 million next year for additional Kansas Public Employees Retirement System contributions due to higher payroll costs.

Other big requests include:
- $24 million next year for the Board of Regents and state universities to restore previous budget cuts.
- Nearly $140 million next year for social services, including elimination of the Medicaid Home and Community Based Services waiting lists.
- $20 million for the judicial branch.
- $13 million for corrections, including pay for prison staff.

The committee also learned that the cost of mandatory human services caseloads from the state general fund is expected to increase $16.4 million this year and $50 million next year.
KASB updates open meeting handbook

KASB has updated its 58-page handbook on the Kansas Open Meeting Act that includes an updated chart school board members and clerks can use in making a motion to go into executive session. It is available for $30.

The 2017 Kansas Legislature made some changes to the Kansas Open Meeting Act in House Bill 2301 affecting the procedures school boards need to use when they recess into executive session.

As of July 1, 2017, K.S.A. 75-4319 requires the following:

“Any motion to recess for a closed or executive meeting shall include: (1) A statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.”

Members named to interim finance committee

Legislative leaders have announced their appointments to the select committee that will work on school finance before the January startup of the 2018 legislative session.

House Speaker Ron Ryckman Jr., R-Olathe, named Reps. Blaine Finch of Ottawa as chair of the committee and Larry Campbell of Olathe, Steve Johnson of Assaria and Troy Waymaster of Bunker Hill. Finch is chairman of the House Judiciary Committee; Campbell is chair of the K-12 Education Budget Committee, Johnson chairs the Tax Committee and Waymaster chairs Appropriations.

Senate President Susan Wagle, R-Wichita, has named state Sens. Molly Baumgardner of Louisburg as vice chair and Jim Denning of Overland Park, Carolyn McGinn of Sedgwick and Richard Wilborn of McPherson. Baumgardner is chair of the Senate Education Committee, Denning is Senate Majority Leader, McGinn is chair of Ways and Means and Wilborn chairs Senate Judiciary.

On the Democratic side, Senate Minority Leader Anthony Hensley of Topeka appointed himself and House Minority Leader Jim Ward of Wichita appointed Ed Trimmer of Winfield and Valdenia Winn of Kansas City. Trimmer is the ranking minority leader on K-12 Education Budget and Winn also serves on that committee.

The 11-member select committee is supposed to work on responses to the Kansas Supreme Court ruling that the state’s school finance system is inadequate and inequitable. The committee also may discuss a possible constitutional amendment on school funding.
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Some of our members have asked for clarification on what type of student access they should provide to agencies conducting child abuse investigations in the school setting.

KASB has two main policies concerning student questioning by law enforcement agencies.

The most commonly referenced, JCAC, regards interrogation and investigations conducted by law enforcement. In situations where law enforcement questions students at school on a topic unrelated to a report of child abuse, the policy states that building administrators are to make a reasonable attempt to contact a parent, guardian, or representative of the student prior to any questioning taking place.

In such cases, where law enforcement has initiated the investigation and has not come at the request of the district, we advise our members not to provide law enforcement officers with access to students for questioning during school hours unless one of the following is true:

1. the student’s parent or guardian has given permission for the questioning to take place;
2. law enforcement has a valid warrant for such purpose which has been presented to the administration; or
3. there is a demonstrated emergency requiring expediency in questioning. This is our recommendation whether law enforcement seeks to interview a student as a potential witness to a criminal matter as well as if the investigation is into alleged criminal conduct by the student.

However, in cases where either law enforcement or representatives of the Department for Children and Families (“DCF”) is doing an investigation into known or suspected child abuse, the rules are vastly different. KASB’s policy GAAD covers such investigations.

State law on this topic gives investigatory agencies much latitude to question students in the school setting. K.S.A. 38-2226(g) provides that educational institutions, DCF, and law enforcement are to cooperate in the investigation of reports of suspected child abuse and neglect. It specifically provides that DCF and law enforcement shall have access to children for this purpose in the school setting.

This statute does not specifically limit access only to alleged victims, so we would encourage similar access be given to potential witnesses of abuse and/or neglect as well. Note that it is up to the agency investigating the report to determine whether or not a school staff member will be asked to sit in on an interview with a student to facilitate the investigation. Your staff members cannot insert themselves into the process uninvited.

Please also keep in mind that notifying parents of law enforcement and/or DCF questioning of a student is not allowed if the investigation is into alleged abuse or neglect in the student’s own household. In circumstances where a student is questioned as a witness to known or suspected abuse or neglect not occurring in the student’s household, we recommend notifying the student’s parents of the questioning just as a courtesy.

We know that this is a difficult area in law and policy for your staff, and we advise, when in doubt, to refer back to your policy for guidance. As always, know that you may contact a member of KASB’s legal staff for more information as well.

These articles are provided by the KASB Legal Services team and are not intended to be legal advice. If you have any questions, please contact KASB at 800.432.2471. KASB Legal Staff: Donna Whiteman, assistant executive director of legal services/attorney; Sarah Loquist, attorney; Luke Sobba, attorney; Lynette Stueve, attorney; and Angie Stallbaumer, attorney/policy specialist.
Employees maintain free speech
guarantees during school work day

Constitutional guarantees 
of free speech and freedom 
of expression have been 
in the news lately. To what 
extent can school districts 
limit an employee’s right of 
free speech?

Q. Do employees have free 
speech rights while at school?
A. Yes. The question of the 
extent of those rights generally 
arises when a school district 
attempts to fire an employee 
because of statements he has 
made. It is well settled that 
a state may not discharge a 
public employee on a basis 
that infringes upon the 
employee’s constitutionally 
protected interest in freedom 
of speech. See, e.g., Rankin 
v. McPherson, 483 U.S. 378 

Q. How do courts determine whether an employee has been 
properly discharged or disciplined for engaging in speech?
A. First, courts consider whether the employee’s speech was 
made pursuant to the employee's job responsibilities in his 
or her capacity as an employee. When public employees 
make statements pursuant to their official duties, they are 
not speaking as citizens for First Amendment purposes, and 
the Constitution does not insulate their communications from 
employer discipline. Garcetti v. Ceballos, 547 U.S. 410 (2006); 
Brammer-Hoelter v. Twin Peaks Charter Academy, 492 F.3d 
1192 (10th Cir. 2007); Casey v. West Las Vegas Independent 
School District, 473 F.3d 1233 (10th Cir. 2007); Deschenie v. 
Central Consolidated School District 
No. 22, 473 F.3d 1271 (10th Cir. 
2007); Green v. Board of County 
Comm’rs, 472 F.3d 794 (10th Cir. 
2007).

The courts will balance the interests 
of the employee, as a citizen, in 
commenting upon matters of public 
concern and the interest of the 
state, as an employer, in promoting 
the efficiency of the public service 
it performs through its employees. 
The threshold question in applying 
the balancing test is whether the 
employee’s speech may be “fairly 
characterized as constituting speech 
on a matter of public concern.” 
Connick, 461 U.S. at 146.

Q. When is speech deemed to be on a 
matter of public concern?
A. Whether an employee’s speech 
determines the content, form and context of the given 
addresses a matter of public concern 
statements, as revealed by the whole record. This inquiry is 
ultimately a question of law for the court to decide. Hullman v. 
Board of Trustees of Pratt Community College, 725 F.Supp. 1536, 
1544 (D. Kan. 1989.) Because almost anything that occurs with 
a public agency could be of concern to the government, a court 
does not focus on inherent interest or importance of the matters 
discussed by a terminated public employee, but rather the court 
decides whether the speech at issue in a particular case was 
made primarily in the employee’s role as citizen or primarily in his 
role as employee. See, Terrell v. University of Texas System Police, 
792 F.2d 1360 (5th Cir. 1986).

In evaluating the issue of public concern, courts have focused on 
the extent to which the context of the speech was calculated to
disclose wrongdoing or inefficiency or other malfeasance on the part of governmental officials in the context of their duties. Koch v. City of Hutchinson, 847 F.2d 1436, 1445 (10th Cir. 1988), cert. denied, 109 S.Ct. 262. Courts have consistently found the public concern element satisfied when the speech discloses evidence of corruption, impropriety, wrongful conduct, or malfeasance of public officials. Speech on the internal administration of the educational system and personal grievances are usually not protected. Hullman, 725 F.Supp. at 1545.

Q. What if the speech is on a matter of personal concern?
A. Speech addressing matters of personal concern are not protected by the First Amendment. Employee complaints over internal affairs are not protected. Thus, speech concerning transfer policies, office morale, the need for grievance committees or the level of confidence in supervisors is not protected. Connick, 461 U.S. 138 (1983).

Q. What about speech that doesn’t concern the school but concerns controversial political or social issues?
A. As long as the speech addresses a matter of public concern, a teacher has the right to comment not only on matters concerning the operation of the public school, but also to make out-of-class statements concerning controversial political or social issues. The inappropriate or controversial character of the statement is irrelevant to the question of whether the statement deals with a matter of public concern.

Free speech questions can be complicated and may require careful legal analysis. Before imposing discipline or acting to curtail an employee’s speech, please contact a KASB attorney for help in evaluating the situation.

These articles are provided by the KASB Legal Services team and are not intended to be legal advice. If you have any questions, please contact KASB at 800.432.2471.
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