Vaping
New danger for teens
Learn more, page 12
Applications sought for 2019-20 BOLD class

KASB BOLD (Business Operations Leadership Development), a leadership development opportunity for new superintendents (within the first two years in their position) and aspiring superintendents, is seeking applications for the 2019-2020 class.

Application deadline is Sept. 13. The 2019-2020 class will be announced by Sept. 23, and the first class session is scheduled for Oct. 17 and 18.

Participants will be selected based on their current role in their district. Aspiring superintendents or superintendents in the early stages of their career will be given first consideration. Gender, ethnicity, district size, and region of the state will also be considered to achieve a balance across these criteria.

Additional information and the application form is available online at kasb.org/BOLD.

The program focuses on the facilities and planning side of leading a school district. Those selected for the program are asked to commit to six two-day sessions throughout the 2019-2020 school year. Onsite visits and presentations center around seven key areas:

- Building and facilities master planning;
- Technology planning;
- Finance strategies and planning;
- Procurement processes;
- School security;
- Risk management; and
- Human resource management.

KASB staff, experts from across the state and KASB partners lead training. Time is also devoted to class discussions and networking.

KASB Board of Directors

Region 1: Jason Winbolt, Spring Hill USD 230, winbolt@usd230.org
Region 2: Art Gutierrez, Emporia USD 253, art.gutierrez@usd253.net
Region 3: Kevin Cole, Labette County USD 506, kecole86@gmail.com
Region 4: Curt Herrman, Manhattan-Ogden USD 383, mailme@curtherrman.com
Region 5: TinaRae Scott, Morris County USD 417, tscott@cgrove417.org
Region 6: Susan Walston, Haysville USD 261, swalston@usd261.com
Region 7: Darin Holecek, Ellsworth USD 327, holecek5@hotmail.com
Region 8: Gary Yost, Otis-Bison USD 403, yost.gary@yahoo.com
Region 9: Brad Bergsma, Goodland USD 352, brad.bergsma@nwktc.edu
Region 10: Lara Bors, Garden City USD 457, lara.borslaw@gmail.com
Region 11: Mike Seitz, Blue Valley USD 229, mseitz@bluevalleyk12.org
Region 12: Deb Zila, Shawnee Mission USD 512, debzila@smsd.com
Region 13: Valdenia Winn, Kansas City USD 500, valdenia.winn@kckps.org
Region 14: Stan Reeser, Wichita USD 259, stanwreeser@gmail.com
Region 15: Rick Schier, Olathe USD 233, rickschierboe@gmail.com
Ex Officio: Frank Henderson, Jr., Seaman USD 345, hendersf@msn.com

President
Shannon Kimball
Lawrence USD 497
skimball@usd497.org

Past President
C. Patrick Woods
Topeka USD 501
pwoods@topeka.k12.ks.us

President-Elect
Lori Blake
Southeast of Saline
USD 306,
lcblake520@gmail.com
Celebrating Public Schools

IN THIS ISSUE

Features

8 KASB Board, Legislative Committee
During its quarterly meeting, KASB’s Board of Directors heard reports on advocacy activities while the Legislative Committee started the process of updating KASB policies.

10 Part 2 of 3: Equity in Education
In the second installment of Mark Tallman’s look at the “achievement gap,” Tallman focuses on at-risk funding.

14 Research report
KASB’s newest annual survey is out with tons of data on salaries, schedules and other matters important to educators.

16 Counting on you
Kansas can’t afford not to count everyone. KASB’s Rob Gilligan explains the importance of the 2020 Census.

20 We’ve got issues
From school bus safety to transgender bathrooms, state and national education issues are percolating to the surface.

22 Legal doings
KASB’s Legal team has you covered from the consent agenda to board emails to federal notice requirements.

COLUMNS

4 President’s Perspective
For school board members, trust is a key factor in developing good relations with the community and staff. KASB President Shannon Kimball writes that it’s important to take time to cultivate and grow trust.

5 I’m From Kansas
1969 was an auspicious year in music, sports and generally life in the United States. But what was happening then in public education and are we repeating the past?

COVER STORY

12 Clouded in controversy
Educators and health officials are alarmed at the rise in the use of e-cigarettes by young Kansans and are proposing ways to reduce this new and dangerous habit.
Back-to-school greetings! Welcome to September. This is always my favorite time of year, both personally and as a parent. I relish the excitement of each of my children as they greet old friends, meet new friends, and take on new challenges and opportunities as the school year really begins to click along. I hope the past month has brought similar excitement, optimism, and success into your lives and your work as board members.

In mid-August, members of your KASB leadership team attended the National School Boards Association Summer Leadership Seminar. This is an annual opportunity for leadership development and training to help your KASB team improve our leadership skills for the benefit of our state association and its members, and to participate in the governance and leadership of NSBA. Our learning this year centered around one theme in particular I want to share with you — the role of trust in effective leadership.

School board members and state association staff from across the country were challenged to identify what a lack of trust might be costing them in their work: Time, growth in student achievement, staff turnover, community support and buy-in, were just a few of the many costs identified by these leaders. A lack of trust — from our staff, our parents, our community, or even our fellow board members — has significant financial impacts on our organizations. “A lack of trust is your biggest expense,” David Horsager, of the Trust Edge Leadership Institute, shared with conference attendees. Who knew trust-building could be a school funding strategy?

In all seriousness, though, David’s insights about the role of trust in public education leadership rang true. Protecting and increasing trust in our schools, in our system of public education, is our No. 1 job as board members, according to David.

Have you ever heard complaints from your community about your district’s communication, or lack thereof? Have you struggled to pass a much-needed bond issue, address difficult issues such as a student bringing a weapon to school, convince your staff to take a risk on a new approach to teaching and learning? All of these challenges, when we drill down to their root causes, revolve around an absence of, or lack of adequate, trust.

My takeaway from the discussion was this — figuring out how to build trust with our staff, our students, our school families, our communities, and each other should figure prominently in our deliberations and professional development.

Our learning included examining the concrete, essential components upon which trust is built. For example, ensuring our actions have clarity — such as having a clear mission and vision for our district, easily and succinctly communicated to families and the community — builds trust in our schools. Trust is also built when we demonstrate commitment in our work — having healthy systems of accountability as a board and as a district is just one example of how demonstrating commitment to our mission will build trust in our work among our many different constituencies.

The pressing issues discussed in these pages — encouraging full participation in the 2020 Census, school safety concerns, and even evaluating how our districts are using at-risk funding, e.g. — could be more effectively addressed through the lens of trust building with those affected by each of these issues. Our communities place trust in each of us to do this work.

As we embark on this new school year, let us each take time to care for, cultivate, and grow that trust so that we maximize the positive effects of our work for our students. Our leadership team at KASB will also be weaving these strategies into our work for the Association on your behalf.

By recognizing trust as a foundational issue in our work, we can better support each other and extend the optimism of the start of a new school year throughout our year’s work.
The story of the Mai Lai Massacre broke. Two major criminal events, the Trial of the Chicago Eight, and the Tate-LaBianca murders took place that year. The Beatles broke up. In happier news, the Brady Bunch first aired and in Columbus, Ohio, someone was enjoying the first Frosty at the first Wendy’s restaurant.

People of my vintage remember most of these things well, but what was happening in the world of education in 1969? Except for the fact that Mr. Coburn was a great teacher at Ridgeview Elementary in Olathe, I don’t remember much at all about fifth and sixth grade. But things were happening. (I DO remember the Chiefs’ Super Bowl season started in 1969!)

My Google search revealed a shocking event that occurred in 1969. Educators know that 1954 marks the year when schools were ordered desegregated “with all deliberate speed” in Brown v. Board. I was shocked to learn that 15 years later, we learned the outer limits of the definition of all deliberate speed. In the 1969 Mississippi case of Alexander v. Holmes County, the courts replaced “all deliberate speed” with “immediately” because no progress toward desegregation had been made in Mississippi, or in many other places. A whole generation of children were still attending purposely segregated school 15 years after the court ordered the practice ended.

In the déjà vu department, a group of states released a report in 1969 called ES ’70: An Education System for the Seventies. And you thought these Vision 2020 projects were new? ES ’70 called for the creation of a “learning environment of unprecedented richness and variety … provided by various audio-visual aids, self-study systems, programmed instruction, educational television, computer assisted instruction, single-concept films, and communication linked study centers.” Other goals were for students to move at their own pace, to put less emphasis on what is learned and more on the process of learning, and “skills for responsible jobs after graduation, focused on the beginning, not end of their alternatives.”

A cynic might look at these reforms for the seventies and think they look an awful lot like the goals of Kansans Can -- here we go again. Which is why the context of Alexander v. Holmes becomes important. In 1969, about 50 percent of Americans held high school diplomas. The vision for education in 1969 was not that all students would benefit from this “Education System for the Seventies.” Children of color were still having to sue local districts for the right to be included. Special education students didn’t have equal access until a decade later.

Today, we have a similar vision for students, but it is for every child in America. Every. Single. Child. Today we know more about how to teach children. Today we have better tools. Today we have higher expectations. It has been 50 years, and we still have a monumental task ahead.
Could anyone in your life benefit from creating a resilient mindset? Do you find it’s sometimes challenging adapting to change? In this entertaining and powerful keynote, Chad shares the critical insights that have enabled him to think differently after losing his eyesight in his late teens. As a finance leader for a multibillion-dollar company, Chad combines business success with real-world experiences to motivate audiences using humor and inspiration. His extraordinary story of overcoming adversity and achieving a high level of success is sure to leave you energized and eager to apply his tools to overcome your own obstacles.

Chad will provide you with a framework for thinking that will enable you to:

• Live happier lives
• Be more productive at work
• Discover unforeseen opportunities
• Adapt to change with greater success
• Lead teams through change
• Set ambitious goals while crafting the right mindset to achieve them
• Nurture resilience, which is the cornerstone of grit/tenacity and success
WHY ATTEND?
KASB is proud to offer the highest quality educational leadership training to public school boards of education and leadership teams in Kansas. The KASB Annual Conference is the association’s flagship event, providing intensive learning and networking experiences that bring together hundreds of Kansas board of education members, school district leaders and content experts.

On Saturday the conference includes three rounds of breakout session - close to 40 different topics. These sessions focus on interactive presentations by KASB members, staff and content experts. This year’s topics will include Advocacy and Community Engagement, Efficient and Effective Practices, Equity and Access, Facility Planning, Foundations of Boardsmanship, Policy/Legal, School Redesign and School Safety and Security.

The KASB Annual Delegate Assembly is scheduled for Sunday, Dec. 8, 2019, in conjunction with the KASB Annual Conference. This important meeting includes the election of the KASB president-elect designee and the review and approval of KASB legislative positions for the upcoming Legislative Session.

HOUSING BUREAU opened September 4!
The KASB Conference is utilizing a Housing Bureau system. This is the exclusive way to make reservations for 2019. There is one website everyone will use to make reservations or be put on a waiting list (much like NSBA).

You will see exact room availability and rates at the Hyatt Regency Wichita as well as the overflow hotels: Drury Plaza Hotel Broadview and The Fairfield Inn and Suites Wichita Downtown. We chose these hotels based on their proximity to the Hyatt, Century II and Wichita’s free downtown shuttle the Q-Line as well as for their amenities and price.

The Housing Bureau opened on Wednesday, September 4 at 8:00 a.m. Clerks received an email from KASB with the access link.

REGISTRATION opened September 4!
The pdf form will be available at kasb.org/kasbcon or submit your conference registration online through the KASB Member Portal.

Sign up for a Friday Pre-Conference Workshops on the pdf form or at the same time as submitting conference registration in the Member Portal.

SCHEDULE At-A-Glance
Be sure to visit our conference website kasb.org/kasbcon for the latest information and updates!

Friday. December 6
7:30 a.m. REGISTRATION BEGINS for KSSA Day
Meeting All Kids Needs Tours
Winter School Law Conference
Foundations of Boardsmanship 2.0
Poverty Simulation
Principal Training
8:00 a.m. Meeting All Kids Needs Briefing
8:15 a.m. Meeting All Kids Needs Buses Depart
9:00 a.m. Early Bird Onsite Meetings Begin
Noon Early Bird Lunches
Kansas School Attorneys Association Lunch
4:00 p.m. Early Bird Onsite Meetings Adjourn
4:00 p.m. CONFERENCE/DELEGATE REGISTRATION & Networking Reception
6:00 p.m. Evening Adjourns

Saturday. December 7
7:30 a.m. CONFERENCE REGISTRATIONS OPENS and Continental Breakfast
8:00 a.m. Welcome and Opening Remarks
KASB President, KASB Executive Director
KASB Nominating Committee Report
8:45 a.m. Keynote Tim Hodges, Gallup
10:00 a.m. Break and Vendor Trade Show Opens
10:45 a.m. Breakout Sessions A
11:30 a.m. Networking Lunch & Trade Show
1:30 p.m. Breakout Sessions B
2:30 p.m. Break and Vendor Trade Show
3:00 p.m. Breakout Sessions C
4:15 p.m. General Session
Dr. Randy Watson
5:30 p.m. Networking Reception
7:45 p.m. Adjourn

Sunday. December 8
7:30 a.m. DELEGATE REGISTRATION OPENS Continental Breakfast
8:30 a.m. Regional Elections
9:00 a.m. Delegate Assembly Begins
Roundtable Discussions Begin
10:00 a.m. Break and Background Music in Delegate Assembly
10:15 a.m. Closing Keynote: Chad E. Foster
11:45 a.m. Conference Adjourns
KASB Board of Directors updated on numerous topics

The KASB Board of Directors in August received reports from staff on advocacy and communications, results from the Summer 2019 Regional Roundtable discussions, the agenda for upcoming Fall Regional Roundtable meetings and a review of the new KASB Pathways and workshop and seminar schedule for 2019-2020.

In addition, Randy Weseman, assistant executive director for leadership services, provided an overview of school safety meeting and trainings scheduled for September and October.

The three-hour evening sessions will give local school board members the opportunity to discuss what measures schools are taking — and should be taking — to secure their schools. On Oct. 28, KASB is sponsoring a day-long training on threat assessment. Weseman said the threat assessment training is for teams from districts and other KASB organizations and will be based on the Virginia Threat Assessment Model.

Also at the board meeting, Dr. John Heim, KASB executive director, reviewed recent research conducted by the association on the annual conference and delegate assembly, and provided a report on Envise, a partnership between KASB and the Nebraska and Oklahoma school board associations that developed the association’s new data management system, PinPoint AMS.

The board also received a report on the KASB office construction project completed this summer and reviewed recommended changes to association policies. Reports were given on recent NSBA meetings attended by KASB board leadership and board vice-president seats up for election in December.

Workers Comp board elects Officers

The KASB Workers Compensation Board of Trustees has elected officers — Paul Bruggeman as chairperson, and Denise Titus as vice-chairperson.

The board in August also reviewed the 2019-20 Membership Report and end of the year actuarial report. The year-end audit was mentioned but since it is not complete it was not presented. The audit will be presented to the board no later than the end of September.

The trustees gave final approval to the 2019-20 budget, administrative contract and approved other standard reports.

Most of the meeting, the trustees held their annual orientation session. Every year the trustees review the Bylaws, Rules of Operation, Statute & Regulations. They also have guest speakers come in to review information from outside service agents that provide services to the Fund. The Board of Trustees next meeting will be at noon Friday, Jan. 10.
Legislative Committee starts work on policies for 2020 Session

KASB’s Legislative Committee in August started work on policy proposals that will also be discussed at Fall Regional meetings in September and October.

The committee will meet again in November to finalize recommendations to the Delegate Assembly at KASB’s annual convention in December in Wichita. The Delegate Assembly will vote on the policy positions that will guide KASB advocacy efforts during the 2020 legislative session, which starts in January.

In discussions, committee members said reducing vaping, expanding Medicaid and special education funding were among the major concerns in their communities.

The committee also said it will continue discussions for possible recommendations on bullying, immigration and several other issues.

A state task force has been working on bullying and will provide recommendations on policies, best practices, legislation and training to the State Board of Education. Legislative committee members said proposals to reduce bullying should be evidence-based and involve communication with parents and the community. KASB President-Elect Designee Lori Blake, who is a member of the Southeast of Saline USD 306 board, serves on the state task force, as well as KASB’s Donna Whiteman, associate executive director/legal services.

On vaping, a coalition of education and health groups will push for legislation next session to increase the minimum age in Kansas to purchase tobacco products, including e-cigarettes, from 18 to 21. The Legislative Committee will decide whether to endorse such legislation.

A vaping task force has been formed by the State Board in the face of alarming increases in the number of young people using e-cigarettes. KASB has been part of the working group and advises boards and districts that wish to adopt or strengthen anti-smoking and anti-vaping policies. KASB Assistant Executive Director of Legal Services Angie Stallbaumer represents the association on the task force.

On immigration, KASB issued a statement in July decrying inhumane conditions at facilities where immigrant children were being detained, particularly when separated from their families. KASB stands with the National School Boards Association in recognizing that the inhumane treatment of children and their families seeking entry or asylum into the United States is traumatic for the children and their families. Lack of adequate food, housing, health care, basic hygiene, educational services and social and emotional support causes trauma that severely inhibits children’s ability to learn and function.

This issue is specifically a concern to KASB because some of these children have attended and will in the future attend Kansas schools. Because of these traumatic experiences, these children will require special attention to recover, learn and hopefully lead successful lives.

In the adopted KASB 2019 Resolutions and Policies, KASB noted school districts are required to provide educational services of all students, regardless of their legal status. Discussion will continue on KASB’s immigration position.

KASB members who wish to weigh in on any of these issues are urged to contact Leah Fliter, KASB advocacy and outreach specialist, at lfitler@kasb.org.

KASB staff and committee members work on policy proposals.
Part II: Equity in student success:

How Kansas funds extra support for students at risk of failing

As noted in Part 1 of this series, students from lower income families (eligible for free or reduced-price meals) score much lower on reading and math tests and have lower graduation rates than higher income students. This part shows how the state school finance formula provides additional funding for students based on the number of low-income students, but districts use that funding to help any at-risk students, regardless of income.

Current at-risk funding is based on the number of lower income students, but the students actually receiving services are identified mostly based on academic factors.

The Kansas school finance formula provides school districts with funding that must be used to help students identified as “at risk” due to various criteria. The amount of at-risk funding each district receives is based primarily on the number of students in the district who qualify for free meals under the National School Lunch Program. Additional funding, called “high density” at-risk weighting, is provided for districts and for individual school buildings with more than 35 percent of students on free meals. Finally, funding is provided for three- and four-year-old preschool students who meet at-risk criteria, with the number based the amount of money appropriated by the state.

Kansas has used the free lunch eligible student count to calculate the amount of at-risk aid a district receives since the landmark 1992 school finance lawsuit created the system basically still in place. The amount of funding is determined by three factors. First is the “weighting factor,” which is multiplied by the base funding per pupil. Second is the dollar amount of base state aid per pupil. Third is the number of students counted.

For example, last year, the “regular” at-risk factor was 0.484, multiplied by the base state aid per pupil amount $4,165 equaled $2,016 for each free-lunch eligible student. Multiplied by 179,638 students eligible for free meals, the statewide amount of at-risk funding was $362 million. Districts with more than 50 percent of students eligible for free meals receive an additional 0.105 weighting for each such student. Districts below 50 percent receive a sliding amount that is phased-out at 35 percent. High density weighting may also be applied to individual school buildings. Total high density weighting statewide is $51 million. The state also provided $16.8 million for at-risk pre-kindergarten students.

The amount of at-risk funding has risen dramatically because each component has increased. The weighting factor was increased from 0.01 to nearly 0.484 over the past 25 years, with preschool at-risk funding and high density funding added during that time. Base state aid increased from $3,600 in 1993 to $4,165. The number of students who qualify has increased from about one in three to nearly 50 percent in the middle of the past decade, although the number has dropped as the economy improved after the Great Recession. (See chart below.)

![Graph showing the increase in Kansas Students Eligible for Free or Reduced Price Lunches over time.](chart.png)
It is important to stress, however, that the number of free lunch students only determines the amount of money each district receives for at-risk programs. The students actually receiving these services must qualify based on various criteria set by the State Board of Education, such as not being at grade level or not on track to graduate. In other words, a free lunch eligible student does not receive at-risk services unless he or she meets those criteria, and a higher income student who does not receive free meals may qualify for at-risk services.

**School district differences**

If lower income students were equally distributed among all school districts, all districts would face similar challenges in trying to help these students do better. However, the percentage of free/reduced price meal eligible students is NOT evenly distributed, ranging from a low of 10 percent or less to a high of over 80 percent. The range for individual school buildings is even higher, from under 5 percent to over 95 percent.

Districts with higher numbers of low income students are likely to have more at-risk students and need more resources to help them. In fact, there is a very strong statistical negative correlation between free (or reduce reduced) meal students and academic performance. For the most part, schools that are labeled as “failing” because of low test scores and graduation rates simply have much higher percentages of low-income students.

**How are other students’ needs addressed?**

Low income students aren’t the only populations that have average lower performance. African American, Hispanic, and American Indian students have lower average scores than the total population. However, these groups also have much higher poverty: American Indian, Black and Hispanics in Kansas had poverty rates around 24 percent from 2012 to 2016, more than double the white poverty rate of 10.4 percent over that period. As a result, districts with high poverty also enroll more non-white students, and receive more at-risk funding.

There are several other aid programs or weightings directed at student groups that are based on the services provided, rather than income levels of students. The first is special education state aid, which helps provide services to students who qualify, based on an Individual Education Plan, or IEP, under federal law and regulations. The state provides nearly $500 million special education aid annually, which is primarily distributed to districts and special education cooperatives based on the number of special education teachers and paraprofessional they employ, and to pay for transportation costs of students and teachers.

A second program is the bilingual education weighting, which provides funding to assist students who do not speak English as their first language. The state provides over $42 million annually, based on either the number of students in the district receiving these services, or the “contact hours” where a student is receiving instruction from a certified bilingual instructor, whichever is greater.

A new program entering its second year is the Mental Health Intervention Pilot Program. Initially, funding was directed to districts and schools chosen by the Legislature. This year, additional districts where allowed to compete for funds. The state is providing $10 million annually to allow those districts to hire behavioral health specialists, provide mental health services to underinsured and uninsured students with mental health issues, and draw down federal matching funds.

School districts also received federal funding for special education services and “Title I” services that are similar to at-risk programs.
The stories aren’t pretty.
Lung damage, explosions, addiction, drug use.

The problem of young people puffing on e-cigarettes, often referred to as vaping, has hit the nation and Kansas schools like an earthquake.

“It has exploded. It is an epidemic,” said Mark Thompson, a program consultant with the Kansas State Department of Education.

From 2017 to 2018, the use of e-cigarettes by high school students in the United States increased 78 percent from 11.7 percent to 20.8 percent. In 2017, almost 35 percent of Kansas high school students reported they’d tried e-cigarettes and 10.6 percent said they regularly used them, according to the Kansas Youth Risk Behavior Survey.

Health officials say those numbers will go up when those surveys are updated, they are seeing increased usage at the middle school level and some young people are using their e-cigarette devices to use illegal drugs.

High school bathrooms are being called JUUL rooms — named after the leading product used for vaping; addicted students have begged school officials for another hit off their device before it is taken away by their parents; and stories emerge daily about young people hospitalized because of vaping and exploding devices.

Six months ago, meetings about the danger of vaping caught the attention of a handful of parents. Now they draw standing-room-only crowds.

What happened
E-cigarettes are devices people use to inhale an aerosol, which usually contains nicotine and other chemicals in a liquid solution. Inhaling activates a battery-operated heating device, which vaporizes the liquid solution. The liquid — e-juice — comes in scores of flavors and marketed to look like candies with names like Candy Crush, Blue Razz, Cream Cookie, and Cinnablaze.

The devices look like pipes, cigarettes, or everyday items like pens or USB memory sticks, which are easy to conceal from teachers and parents. The smoke from these devices dissipates quickly and doesn’t smell, which increases its ability to be used without detection.

E-cigs have been advertised as helping people quit smoking but studies have shown young people who vape are more likely to smoke cigarettes. Even the terms vape or vaping are misnomers created by the e-cigarette industry. The cloud that comes out of the smoker’s mouth is not water vapor, but an aerosol that includes nicotine, which is a highly addictive chemical, cancer-causing chemicals, flavoring linked to lung disease, volatile organic compounds and heavy metals, such as nickel, tin and lead.

“No amount of nicotine is safe for a young person to be using. We need to make sure our young people are not exposed to this product,” said Jordan Roberts, youth prevention program manager with the Kansas Department of Health and Environment.

Roberts said she is hearing of children smoking two JUUL pods a day — each pod has the nicotine equivalent of a pack of cigarettes.

The increase in e-cigarette use is erasing two decades of progress in reducing teen nicotine addiction, advocates say.

Resist
Roberts is urging students to apply for $250 mini grants to inform schools about the dangers of using e-cigarettes. The applications are being accepted through Sept. 20. More information is at resisttobacco.org. Peer-to-peer education is the most effective way to inform students, she said.

In addition, education and health officials are seeking an increase in the minimum age in Kansas to purchase tobacco products, including electronic cigarettes, from 18 to 21. The issue is likely to be considered during the 2020 legislative session, which starts in January.

Already, some 22 local governments in Kansas, covering
about a quarter of the state’s population, have raised the age to 21.

Earlier this summer, the State Board of Education formed a working group that has provided recommendations to better inform students, parents and the general public about the dangers of e-cigarettes. KASB has been part of the working group and provides advice to boards and districts that wish to adopt or strengthen anti-smoking and anti-vaping policies.

KDHE recommends a comprehensive tobacco-free and vape-free school policy that prohibits all types of tobacco products, including e-cigarettes for all students, staff and visitors on all school grounds at all times. As of October 2017, only one in three Kansas school districts had such a comprehensive policy but recently, with assistance from KASB, at least a dozen districts have updated their policies. Officials have also been quick to note that tobacco cessation resources should be available for both students and staff.

8 Elements of a Vape-Free School

1. Policy
2. Educate
3. Inform
4. Promote
5. Update
6. Involve
7. Enforce
8. Support

Does your school have a comprehensive tobacco policy? See the Kansas Vape-Free Schools Toolkit for a policy checklist.

Provide all school personnel with up-to-date training on tobacco products, addiction, and the dangers of youth e-cigarette use.

Share e-cigarette information with parents whenever possible—via parental advisories, in newsletters, and at parent/teacher meetings.

Promote health messaging throughout the school, and post signage that clearly communicates your policy.

Update health education curriculum to include information on the harms of vaping and nicotine addiction.

Involve and empower students to take action and educate their peers! Start a Resist chapter in your school.

Consistently enforce your school’s policy. Focus on education and avoid punitive measures when possible—remember, it’s an addiction!

Provide support to students for cessation by referring them to the Kansas Tobacco Quitline and This Is Quitting.

www.kdheks.gov/tobacco/vape_free_schools.html
KASB’s 2018-19 annual survey report

KASB recently released the annual report summarizing the data collected via the KASB Annual Surveys for the 2018-19 school year. This 16-page report provides a high-level overview of the state of public school education in Kansas by providing statewide averages for the survey questions.

The report is split into several sections. Each section and highlights of some of the feature data are as follows.

**Calendar**
The Calendar Info section provides data largely collected on the Calendar annual survey.

Highlights include:
- 75.2% reported students had Martin Luther King, Jr. Day off, while 68.5% reported students had President’s Day off.
- 16.9% of districts reported having a zero hour at the high school level, and 27.2% reported having block scheduling at the high school level.
- 6.3% reported having a four-day week.
- The most commonly reported arrival and departure times for students were 8:00 a.m. and 3:30 p.m.

**Teachers**
The Teacher Info section includes information taken from several surveys including the Teacher Contracts, Employee Relations, and Calendar annual surveys.

Highlights include:
- Districts offering all purpose paid leave provide on average 11.4 days per year per teacher.

**Supplemental Pay**
The Supplemental Pay Info section includes data from the Supplemental annual survey.

Highlights include:
- 20 districts reported having supplemental contracts for district athletic directors, with an average pay amount of $9,564.
- 10 districts reported having supplemental contracts for district club/academic activity directors, with an average pay of $5,187.
- 230 high school yearbook heads were reported, with an average pay of $1,986.

**Staff**
The Staff Info section gathers together all reporting of individual staff salary, hours, and other particulars other than teachers. Highlights include:
- The average Superintendent age was 52.7, compared to 46.8 for the average Principal.
Fees
The Fees Info section reports data gathered on the Fees survey.
Highlights include:
- 33.5% of districts reported charging a high school activities participation fee. The average fee amount was $36.10.
- 39.2% of districts reported charging an electronic device rental fee. The average fee amount was $38.30.
- 28.2% of districts reported charging an average of $122.67 per event for use of their auditorium.
- 86.1% of districts reported providing uniforms for high school team athletics for free.

Policy
The Policy Info section gathers information from across all surveys related to policies and procedures.
Highlights include:
- 66.3% of districts indicated that compensation, terms and conditions of employment, leave policies, etc. for classified employees are determined based on superintendent recommendations.
- The average number of times parent-teacher conferences are held annually is 2.0.
- On average, districts pay staff $18.77 an hour for lunchroom duty.
- 86.4% of districts reported offering driver’s education: 46.8% reported offering it outside of the regular duty day.
- 48.7% of districts reported having an Early Retirement Incentive Program (ERIP).
- Districts reported having boards comprised of 65.6% men and 34.4% women.

Teacher Salary Schedule
The Teacher Salary Schedule Info section pulls information from KASB’s review of district teacher salary schedules.
Highlights include:
- The average amount for the first step on the schedule was $36,859.
- The average amount for the last step on the schedule was $58,082.

To view the full report, visit: KASB.org/2018-19-survey-annual-report/
If you have questions or feedback, please email tcarter@kasb.org.
Census is important for Kansas schools

By Rob Gilligan, rgilligan@kasb.org

Every 10 years, the federal government through the efforts of the U.S. Census Bureau attempts to accurately count everyone living in the United States. This massive undertaking has taken place every decade since the first count held in 1790 led by Thomas Jefferson. The information collected through the decennial census provides a wealth of knowledge and information, much of which is used by KASB in developing reports and information for our members.

While there are certainly countless applications of Census data in both academic and commercial research, there are four key functions of the Census that affect public policy and voting in the United States, which in turn affects schools:

1. Reapportionment
2. Redistricting
3. Demographic data
4. Government resource allocation

Reapportionment

Reapportionment is the process of re-distributing seats in the House of Representatives according to the population in each state. While each state gets two seats in the U.S. Senate, each state is given a certain number of House seats based on its population; and every state is guaranteed at least one seat by the constitution, regardless of how many people live in that state.

Since 1930, Congress has used the “method of equal proportions.” This formula takes a state's population and divides it by the mean number of that state’s current number of House seats and the next seat (the square root of n[n-1]). This formula takes the remainders among the states and allocates them in such a way as to provide the smallest difference between any pair of states in a district, and in the number of people assigned to each representative.

Kansas has had as many as eight Congressional Districts at one time, slowly losing seats through the reapportionment process after the Census held in 1930, 1940, 1960, and most recently losing our fifth Congressional seat following the 1990 census. While Kansas is expected to maintain four districts following the 2020 Census, as populations shift it is possible that Kansas may only have three congressional districts in the not too distant future.

Redistricting

The terms “reapportionment” and “redistricting” are often used interchangeably, though the two terms are, in fact, very different. Reapportionment and redistricting are both important in the choosing of congressional representatives. How they differ is in what, exactly, they divide. While reapportionment refers to reassigning the number of House representatives each state may have, redistricting draws boundaries within each state for voting and representation, after reapportionment has taken place.

The redistricting process in Kansas will occur in the Spring of 2022, led by a joint committee of the Legislature that will be charged with making maps of districts for our four congressional districts, 40 Kansas Senate Districts, 10 State Board of Education Districts that are made up of four senate districts, and finally 125 House of Representative districts. This process has traditionally been very controversial and charges of gerrymandering, or manipulating the maps to benefit one political party, will often be discussed.

Demographic Data

Demographic data refers to data that is statistically socio-economic in nature such as population, race, income, education and employment, which represent specific geographic locations and are often associated with time. For example, when referring to population demographic data, we have characteristics such as area population, population growth or birthrate, ethnicity, density and distribution. With regard to employment, we have employment and unemployment rates, which can be related further to gender and ethnicity.

Businesses use census data to decide where to build factories, offices and stores, and this creates jobs. Developers use the census to build new homes and revitalize old neighborhoods. Local governments use the census for public safety and emergency preparedness. Residents use the census to support community initiatives involving legislation, quality-of-life and consumer advocacy.

KASB as well as other school advocates utilize the data collected through the census to better understand and identify the population that we are serving in Kansas. Having accurate information about our communities helps schools to better plan for serving both our current student population, as well as future students that will be coming into the district.

Government resource allocation

This refers to over $675 billion per year that is allocated throughout the nation with help from census data, including programs such as public health, education and infrastructure. State and local funds are often distributed based on population, meaning that every person is important when advocating for
funding. The strength of census statistics and data also helps inform many public policy proposals at all levels of government.

In fiscal year 2016, Kansas received $6,054,507,586 through 55 federal spending programs that were guided by data derived from the 2010 Census. This included over $109 million in Title 1 Grants to schools, almost $110 million in IDEA Special Education funding, approximately $20 million in Vocational Rehabilitation Grants, $18 million in Supporting Effective Instruction Grants and a little more than $10 million in Career and Technical Education Grants. In addition to the education support, many federal programs support and assist many of the same families that are part of our school system.

While Census 2020 will officially start the count in March of next year, Census Bureau staff are already working in our communities to prepare for the upcoming count. Census Address Canvassing operation began on Aug. 4, and Census Bureau Address Canvassers are out in Kansas Communities. Local law enforcement agencies have been informed.

How to Identify a Census Bureau Employee: census.gov/about/regions/philadelphia/contact/identify.html

All Census Bureau employees have a valid U.S. Census Bureau ID badge. If you are unsure, call the regional office for Kansas/Oklahoma in Denver at 1-800-852-6159

The Census Bureau NEVER asks for:

- Your full Social Security number.
- Money or donations.
- Anything on behalf of a political party or campaign.
- Your full bank or credit card account number.
- Your mother’s maiden name.

The census provides vital information for you and your community.

- It determines how many representatives each state gets in Congress and is used to redraw district boundaries. Redistricting counts are sent to the states by March 31, 2021.
- Communities rely on census statistics to plan for a variety of resident needs including new roads, schools, and emergency services.
- Businesses use census data to determine where to open places to shop.

Each year, the federal government distributes hundreds of billions of dollars to states and communities based on Census Bureau data.

In 2020, we will implement new technology to make it easier than ever to respond to the census. For the first time, you will be able to respond online, by phone, as well as by mail. We will use data that the public has already provided to reduce followup visits. And, we are building an accurate address list and automating our field operations—all while keeping your information confidential and safe.
Upcoming KASB workshops, training

Helping students stay safe and healthy and succeed will be a big part of upcoming KASB workshops.

Randy Weseman, assistant executive director for operations and leadership services at KASB, will conduct three sessions on making schools safer: “What Every Board Member Should Know About Safe and Secure Schools.”

These meetings are scheduled:
- Sept. 10 at McPherson;
- Sept. 11, at Colby; and
- Sept. 12, at Olathe.

During these sessions, board members will discuss what measures schools are taking and should be taking to keep their schools safe. Weseman will provide up-to-date research on threat assessments and why schools should focus on opening lines of communication and trust between schools, law enforcement, staff, students and parents.

**Threat assessment training**

On Oct. 28, KASB will host a threat assessment team training based on the Virginia Student Threat Assessment guidelines, which is an evidence-based model of school threat assessment that is being used by many schools.

**Student rights, 504 training**

KASB’s legal staff will conduct training on student rights and Section 504 issues. KASB attorneys will inform you how to handle Office of Civil Rights complaints and investigations and processes to put in place to preempt complaints.

The legal workshop schedule is:
- Sept. 18 in Sublette;
- Sept. 19 in Colby;
- Sept. 24 at Greenbush; and
- Sept. 26 in Topeka.

**Fall regional discussions**

And get ready for the KASB Fall Regional Roundtables. Like our Summer meetings, these sessions will focus on several topics while also initiating discussions about challenges unique to local school districts.

This structure is meant to encourage more interaction among
board members while providing local advocates the opportunity to discuss issues with KASB staff. Some of the topics to be covered include orienting new board members, school redesign, legislative priorities, and the 2020 Census.

The Summer Regional Roundtables drew more than 120 education leaders, discussing a wide range of topics.

The Fall meetings will be held:
- **Sept. 24** in Stafford and Hiawatha;
- **Sept. 25** in Garden City and Topeka;
- **Sept. 26** in Colby and Olathe;
- **Oct. 1** in McPherson and Greenbush; and
- **Oct. 2** in Beloit and Haysville.

For more information on these and all our learning opportunities, go to KASB.org and click on upcoming events.
State Board of Education focuses on issues

Don’t go sleeping on the Kansas State Board of Education.

Board members have been busy in recent months, working on numerous issues that will surface in the form of legislation during the 2020 legislative session, which starts in January.

The issues deal with student health, safety and success.

Health: Vaping

After forming a workgroup to provide schools with strategies to curb the use of e-cigarettes by young people, the board has indicated it will be front and center in pushing to increase the age in Kansas to purchase tobacco products, including e-cigs, from 18 to 21. The change would require legislation that will likely be worked on first by the Senate and House health committees.

Safety: Bus stop-arm

In addition to raising awareness to the rules around stopped school buses, the board will be pushing legislation to make enforcement more efficient by making a violation of the bus stop arm law a civil violation that can be assessed by using video evidence.

Success: ACT instead of 10th grade test

Kansas Education Commissioner Randy Watson is gathering input on having all Kansas students take the ACT in 11th grade instead of the 10th grade math and English tests.

Watson said the change may be permissible under the federal Every Student Succeeds Act as a way to report student achievement for accountability purposes.

In Kansas, students take math and English state assessments in grades three through eight and 10. Science assessments are administered in grades 5, 8 and 11.

BoardDocs® provides a powerful, easy-to-use eGovernance solution

- Save thousands of dollars by eliminating paper packets.
- Reduce staff time spent on preparing and distributing board packets and documents.
- Increase accountability and transparency of your board’s operations and processes.
- Reduce paper waste and your organization’s carbon footprint.

Learn more...

boarddocs.com
or call
BoardDocs
800.407.0141

Hear it from a Kansas Colleague! Contact KASB at 800-432-2471 or email cpitts@kasb.org. We’ll put you in touch with similar-size districts in Kansas currently using BoardDocs®
Court order on transgender bathrooms may increase requests from students

A recent federal court order against a Virginia school district may increase requests from parents of transgender students for access to restrooms corresponding to the student’s gender identity.

The ruling said the Gloucester County School Board’s transgender bathroom ban against a former student violated the U.S. Constitution’s equal protection clause and Title IX, which is the federal policy that protects against gender-based discrimination. The board’s policy had required, Gavin Grimm, a transgender male who has since graduated high school, to use girls’ restrooms or private restrooms.

The court also ordered the school board to update Grimm’s official school transcript to identify him as a male.

“(T)here is no question that the Board’s policy discriminates against transgender students on the basis of their gender noncomformity,” U.S. District Judge Arenda Wright Allen wrote.

“Under the policy, all students except for transgender students may use restrooms corresponding with their gender identity,” Wright wrote. “Transgender students are singled out, subjected to discriminatory treatment, and excluded from spaces where similarly situated students are permitted to go.”

KASB Assistant Executive Director of Legal Services Angie Stallbaumer said Kansas school districts are already reporting requests to provide restroom access based on gender identity.

“This is a high profile case, and our districts may receive questions about policy or treatment of transgender students and staff in the days to come,” Stallbaumer said.

She added: “Although this case is not controlling in our jurisdiction, it is likely courts in our jurisdiction will take it under consideration in ruling on similar cases. Whether our member boards have expanded their nondiscrimination policies to provide specific protections to students based on gender identity or not, we recommend that district staff and boards take care to thoughtfully consider and act upon requests for accommodations by transgender youth and to run complaints based on gender identity through the board of education’s sexual harassment and discrimination complaint policies’ procedures.”

Judge Allen’s ruling joins others that have been favorable to transgender students in Maryland, Pennsylvania and Wisconsin, according to The Associated Press. But differing policies are still in place in schools across the country, said Harper Jean Tobin, policy director for the National Center for Transgender Equality, speaking last month with the AP.

Gary McCaleb, senior counsel for the conservative Christian group Alliance Defending Freedom, said the issue is far from resolved.

Grimm’s lawsuit in Virginia became a federal test case when it was supported by the administration of then-President Barack Obama and scheduled to go before the U.S. Supreme Court in 2017.

But the high court hearing was canceled after President Donald Trump rescinded an Obama-era directive that students can choose bathrooms corresponding with their gender identity. The Supreme Court returned the case to lower courts to reconsider.

The Gloucester County School Board has the option of appealing the case to a federal appeals court and possibly to the Supreme Court.
The power of the consent agenda

By Ashley Rohleder, KASB attorney

As any superintendent, board clerk, or board member will confirm, district board meetings cover a lot of topics and can run for a long time if not run efficiently. One such tool the board clerk can use to help reduce the number of topics and time is a consent agenda.

A consent agenda gathers routine business, actions, and reports into one agenda item for action. Rather than handling each piece individually in a time-consuming fashion, items not requiring discussion may be addressed all at once.

The consent agenda can be handled at any point in the meeting after the board approves the agenda, though most districts handle these simpler matters toward the beginning. When the board votes to approve the agenda, they may vote to take items off the consent agenda to allow for individual discussion of those topics. It’s important to note that even when using a consent agenda, all board members votes must be identified and recorded.

A consent agenda should not be used to conceal unpopular topics or prevent discussion of topics that should be taken up individually but can help spare embarrassment of individual votes or discussion on topics that have already been taken up or are otherwise not productive.

There are no specific rules on what may or may not be addressed, but a consent agenda should never be used for a topic that requires discussion. Items previously discussed but needing further action, like final action on a nonrenewal, can be placed on a consent agenda. Common topics are:

- Minutes approval;
- Administrative reports;
- Correspondence;
- Announcements;
- Reports for the board which do not require discussion;
- Resignations;
- Payment of routine bills; and
- Appointments of various board members or staff members to commissions, study groups, etc.

If a consent agenda is used, all items listed can be approved with one motion, followed by a second and an affirmative vote of at least four board members.

Reply all: danger of board email

By Sam Blasi, KASB attorney

Electronic Mail (Email) has made communication between people exponentially easier. The ease of access to sharing information for superintendents, board clerks, and board members makes life more convenient in a majority of circumstances. As with any new-fangled technology, email comes with its own pitfalls and concerns. This could not be truer than when it comes to board communications via email and the “Reply All” button.

Clerks and superintendents often use email address lists with all the board members’ email addresses already entered so that they do not have to enter each email address individually. All the information contained in the email goes out directly to all board members. This is not a problem, it is completely legal and in accordance with the Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 et seq. The problem comes when board members wish to respond to the sender or provide additional information to the rest of the board. More often than not, the board member clicks “reply all” out of habit and convenience.

This is both a mistake and a KOMA violation. By sending an email to three (3) or more sitting board members, the board member has initiated a meeting without providing notice. The KOMA defines a meeting as “any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication by a majority of the membership of a public body or agency subject to this act for the purpose of discussing the business or affairs of the public body or agency.” Email falls under the category of an interactive communication. By responding to the initial email and including at least three (3) other board members, the board member interactively communicated with a majority of members concerning the business of the school district. By definition, the board member has unintentionally held a meeting.

KASB advises that all communications to the entire board be sent individually or by blind carbon copy (BCC) so the “reply all” option is not possible. Some clerks make a special note in their email for recipients to “not reply all.”
School districts generally provide parents, students and the public with all the required annual notices at the beginning of the new school year. Many of these notices arise from federal law. The following summary of some of these laws will be helpful in determining who needs to receive the notice, what the notice must contain, and when and how the notice must be given.

**Family Educational Rights and Privacy Act (FERPA)**

**WHO:** Parents of students currently in attendance and/or eligible students (students who are at least 18 years old) currently in attendance.

**WHAT:** The annual notice must inform parents and/or eligible students of their rights under FERPA which include the right to:

- Inspect and review education records;
- Seek amendment of the student’s education records;
- Consent to disclosures of personally identifiable information contained in the student’s education records (except to the extent that FERPA authorizes disclosure without consent); and
- File a complaint about FERPA violations with the U.S. Department of Education.

The notice must also include all of the following:

- The procedure for exercising the right to inspect and review education records;
- The procedure for requesting amendment of records; and
- If the school has a policy of disclosing education records to other school officials, a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

**WHEN:** The beginning of each school year.

**HOW:** The school may provide this notice by any means reasonably likely to inform the parents and/or eligible students of their rights. The school must effectively notify parents and/or eligible students who are disabled or who have a primary or home language other than English.

**Child Nutrition Programs**

**WHO:** Parents and the public

**WHAT:** Information about free and reduced priced meals and/or free milk. The letter or notice shall include an application form.

**WHEN:** On or about the beginning of each school year

**HOW:** A letter and application distributed to the parents of all children in attendance at school. Also, a public release containing the same information supplied to parents and including both free and reduced-price eligibility criteria shall be provided to the informational media, the local unemployment office, and to any major employers contemplating large layoffs in the area from which the school draws its attendance. Copies of the public release shall be made available upon request to any interested persons. Any subsequent changes in a school’s eligibility criteria during the school year shall be publicly announced in the same manner as the original criteria were announced.

**Asbestos Hazard Emergency Response Act (AHERA)**

**WHO:** Parents, teachers, and employee organizations

**WHAT:** The availability of the district’s asbestos management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities.

**WHEN:** At least once each year.

**HOW:** The school must provide notification to the above referenced groups in writing.

**McKinney-Vento Homeless Assistance Act**

**WHO:** Public

**WHAT:** Requires notice of the education rights of homeless students.

**WHEN:** At least once each year.

**HOW:** The notice is to be distributed in places where homeless students receive services including schools, family shelters and soup kitchens. The notice must be given in a manner and form understandable to homeless students and their parents, including, to the extent feasible, in their native language.

If you have any questions about any of these topics, please do not hesitate to contact a KASB attorney for assistance at 1-800-432-2471.
Fall Regional Roundtables for Boards and District Leaders
5 p.m. Registration 5:30-8:30 p.m. Workshop
NOTE: USA Kansas Meetings 4:30-6 p.m.
KASB Focus Topics - School Redesign, Legislative Priorities and Key Issues, Framing the Accountability Message, Local Issues
09.24.19 Stafford, High School Commons
09.24.19 Hiawatha, The Fisher Center
09.25.19 Garden City, Educational Support Center
09.25.19 Topeka, KASB
09.26.19 Colby, City Limits Convention Center
09.26.19 Olathe, Education Center
10.01.19 McPherson, The Cedars
10.01.19 Girard, Greenbush ESC
10.02.19 Beloit, NCKTC
10.02.19 Haysville, The Learning Center
Leading the Change Effort and Connecting to KESA
8:30 a.m. Registration 9 a.m.-3:30 p.m. Workshop
10.08.19 Dodge City, The Learning Center
10.09.19 Topeka, KASB

Fall Board Clerk Support Sessions
Meeting Time 11:30 a.m.-2 p.m.
10.22.19 Garden City, Board Office
10.23.19 Topeka, KASB
10.24.19 Hays, The Venue

What Every Board Member Should Know About Safe and Secure Schools
5 p.m. Registration 5:30-8:30 p.m. Workshop
09.10.19 McPherson, The Cedars
09.11.19 Colby, City Limits Convention Center
09.12.19 Olathe, Education Center
Threat Assessment Team Training
8:30 a.m. Registration 9 a.m.-8:30 p.m. Workshop
10.28.19 Topeka, KASB

Becoming an Effective Supervisor:
Director’s Workshop
9:30 a.m. Registration 10 a.m.-2 p.m. Workshop
10.10.19 Topeka, KASB
10.16.19 Garden City, District Office

Student Rights Legal Training
8:30 a.m. Registration 9 a.m.- Noon Workshop
09.18.19 Sublette, Service Center
09.19.19 Colby, City Limits Convention Center
09.24.19 Girard, Greenbush ESC
09.26.19 Topeka KASB

Section 504 Legal Training
12:30 p.m. Registration
1-4 p.m. Noon Workshop
09.18.19 Sublette, Service Center
09.19.19 Colby, City Limits Convention Center
09.24.19 Girard, Greenbush ESC
09.26.19 Topeka KASB

Development Cultural Proficiency
Registration 5 p.m.
5:30-8:30 p.m. Workshop
10.21.19 Sublette, Service Center
10.23.19. Haysville, The Learning Center
10.30.19 Topeka, KASB

PLEASE NOTE:
Lunch will be offered for those registered for both half-day sessions.