Approved July 9, 2024

MINUTES

Kansas State Board of Education
Tuesday, June 11, 2024

Call to Order

Start (00:03:20)

Chair Melanie Haas called the meeting of the Kansas State Board of Education to order at 10:00 a.m. Tuesday, June 11, 2024, in the boardroom of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas.

Roll Call

The following board members were present:
Mrs. Michelle Dombrosky
Mrs. Melanie Haas, Chair
Mr. Dennis Hershberger
Mrs. Cathy Hopkins
Dr. Deena Horst
Mrs. Ann Mah
Mr. Jim McNiece
Mr. Jim Porter, Vice Chair
Mr. Danny Zeck

Mrs. Betty Arnold was not present. She was attending the Whole Child conference in Washington, DC.
The Board Attorney, Mark Ferguson and Commissioner Randy Watson were both in attendance at the board table.

Kansas State Board mission statement, Kansans Can Vision statement, moment of silence, Pledge of Allegiance

Chair Haas read both the board's mission statement and Kansans Can Vision statement. She asked for a moment of silence after which the Pledge of Allegiance was recited by all.

Approval of the Agenda

Chair Haas asked for a motion to approve the meeting agenda for both Tuesday and Wednesday. Mrs. Dombrosky requested the removal of items b, e, f, g, h, l and n, be removed from the consent agenda and voted on separately (but as one group).

Mr. Porter made a motion to approval the agenda for Tuesday and Wednesday with b, e, f, g, l, and n, being removed from consent. Dr. Horst seconded the motion. Motion carried 9-0.

Motion (00:05:30)

Approval of the May 14 and 15, 2024 minutes

The Chair asked for a motion to approve the minutes of May 14 and 15, 2024.

Mr. Porter moved to accept the minutes of May 14 and 15, 2024 as written. Mr. Hershberger seconded the motion. Motion carried 8-0-1. Mr. McNiece abstained because he was not present at the meeting.

Motion (00:06:15)

Commissioner's Report: Focused on Literacy

Watson (00:06:45)

Dr. Watson stated literacy has been a priority to Kansas Schools for many years. To counter criticism that claims Kansas students have low literacy rates and that nothing is being done to correct it, he reviewed the history of literacy in our schools and how the literacy standards, which is akin to setting a bar for a high jump competition, affected reading scores.

The 2009 EdNext report graded standards and gave Kansas a D in terms of how high or low the standards for reading were. Kansas had low standards; the bar was set low. By 2016, after Kansas raised their standards, that grade by EdNext had risen to an A, reflecting that Kansas standards in reading are now set extremely high. It was important to raise the bar and so reading assessment is lower because Kansas, as rated in 2017, was the highest reading standard in the United States.

Reviewing what Kansas educators have done to raise scores, he reviewed ACT scores for college readiness, the dyslexia task force, structured literacy (recommended in 2019), and the document "Evidence-based Reading Instruction Guide" was produced in 2019. In 2021, $15 million was allocated for the training of all teachers in the structured literacy technique for teaching reading. In February 2024, the board adopted the position statement which said all schools must use structured literacy.

He then went into the description of performance level descriptors:
Level One, limited
Level Two, basic
Level Three, effective
Level Four, excellent.
All the levels are at grade level, they indicate performance within grade level standards.

Dr. Watson summarized: Kansas has the highest cut scores and highest standards in the nation. To prepare students for all options, we want to aim high. 32% of students at level one, Dr. Watson noted, must be focused on. It is not the goal, but every school district is working hard to raise students to the highest standard possible.

Citizen's Forum

Forum
(00:31:07)

Chair Haas opened the Citizen's Forum at 10:28.

Ross Mosteller, resident of Bern. Mr. Mosteller thanked the board for offering the chance to be heard. He addressed the issue of the land transfer and how the community changed when the local school was closed. The grade school was demolished, and the high school is almost unusable. He is at peace with that, but there was a change and that cannot be ignored. There was a *change of circumstance* and that affects the petition for land transfer.

Brent Lortscher lives two miles east of Bern, was a school board member in Bern and now lives in USD 113. Mr. Lortscher explained the consolidation process and said that the issue is not *if the land should* be transferred, but *where*. He feels O road should be the dividing line.

Karen Mosteller, resident of Bern. Mrs. Mosteller represents her family and the vast majority of USD 113 patrons who live west of Bern. She stated this land dispute is not about money, a sports rivalry, or the fear about opening Pandora's box. She believes the primary issue is representation. If there is taxation without representation, that must be changed.

Amy Sudbeck, President of the USD 115 school board. She referred to the petition and the passionate feelings about it. She asked the board to ignore the feelings and look at the fact. The facts overwhelmingly support the land transfer. USD 113 has never disputed the facts. The spirit of the law is to right a wrong. The facts are where the board should focus.

Mark Sudbeck, resident of Bern. Mr. Sudbeck thanked the board for listening. He is a landowner in Bern; about to build a new home. He wants the transfer of the land so that he has a voice and his children, who will be attending USD 115, will have some say in their school. He believes the state board needs to be involved in all these situation, or large schools will continue to close smaller schools.

Kristin Meyer, resident of Bern. Mrs. Meyer appreciates this chance to speak. She lives two miles south of Bern, directly in the middle of the disputed territory. She raised four children, two in each district. She wants her land to stay in 113 and she stated that she represents many residents in the disputed area. The 115 land transfer petition is an overreach and should be denied. Educating our students is the priority.

Leslie Scoby, resident of Sabetha and President of USD 113 board of education in her third term. Mrs. Scoby, a former teacher, thanked the board members at the state level. Both districts, she said, have excellent history in educating students. She felt Scott Gordon was the utmost professional at the hearing. When the hearing was over, most residents let out a relief that a lengthy process was over. She encouraged the board to end this petition. This dispute costs local schools so much in legal fees and takes the focus away from educating students.

Todd Evans, Superintendent of USD 113, Sabetha. Mr. Evans explained there are good people on both sides of the land transfer situation. He urged the board to look at policies. Policy is the guideline. To justify taking land by petition, a material change of circumstance must have taken place. He stated the facts do not support this when looking at the USD 113 and 115 situation. He implored the state board to keep this decision simple and ethical and deny this land transfer petition.

Kristina Sudbeck, resident of Bern. Mrs. Sudbeck supports the transfer of land. She is a landowner in rural Bern in the disputed area. Her children go to Nemaha. Both districts are good, but there is more to an education than classroom teaching; there is an emotional social experience to school. She feels her children will thrive in Nemaha. Becoming full members of USD 115 would give her children more sense of community. There has been a lengthy process of local attempts to solve this problem, but they have not been able to do so.

Denise Schmidt, resident of Claflin. Mrs. Schmidt stated she is not from the area of this land closure. She lives in Central Plains. She studies rural education and has experience in school transfers. School closings and consolidations are emotionally difficult, and taxing on all. Locally made decisions should be made by local school boards. If the petition is granted, she believes it will open up a Pandora's box, because there is not a material change of circumstance and other districts will use this as precedent. Western and Central Kansas have endured the most consolidations.

Chair Haas thanked everyone who took the time to come and speak in person to the board. She closed the forum at 10:59 a.m.

Legislative Matters from Frank Harwood

Legislation
(01:02:24)

Dr. Harwood went over the legislative session. $300 million additional dollars go to PreK-12 from the State General Fund. There is also $75,500,302 in increased special education funding. The BASE has risen 5.7% to $5,378 and the LOB base if $5,452. SB 387 was passed almost unanimously in both the House and Senate.

There will be a special legislative session focused on tax cuts.

He went over the legislative compensation plan that is being put into place starting in 2025. Legislators will now get $43,000 per year plus subsistence allowance. Previously the state board salaries were tied to legislative salaries, but the statue was not changed to include the state board. Any change in compensation for state school board members will require separate legislation.

Dr. Watson shared that for the first time since the state board was established in the late 1960s, the board is now separated from legislative pay levels.

Dr. Harwood and Dr. Hess put together options for moving forward:

1. State board members could be supported at the same level as legislators with an equal salary and mileage. (adds $396,000)
2. Increase State board daily rate to the new daily per diem rate for legislators ($286.67 per day) (adds $170,000)
3. Convert to biweekly salary based on $286.67 per day with a total $22,360 annual salary plus subsistence (adds $170,000)

Distribution
(01:19:40)

Act on Distribution of Special Ed Distribution Formula

Dr. Harwood shared the local contribution model, which starts with total SPED expenditures and then subtracts revenue received by the district (SPED state aid, federal SPED Aid, and Medicaid reimbursement). He shared some examples and answered questions about how the formula would work in practice.

Motion
(01:24:30)

Mrs. Mah moved that the Kansas State Board of Education adopt the local contribution model as presented for the equitable distribution of special education services aid to districts in 2024-2025, pursuant to House Sub for Senate Bill 387. Dr. Horst seconded the motion. 9-0 motion carried.

Budget
(01:25:17)

Receive Budget Recommendations for 2026

Dr. Harwood introduced the FY 2026 budget. The department will not be asking for supplemental aid in base aid but will be simply following the law that has been set. The estimate for 2025-2026 the base $5,518.

The same is true for the local option budget and supplemental state aid. Fiscal Year (FY) 2025-2026. $625,000,000 would be the supplemental state aid. The estimate for capital improvement state aid (bond and interest state aid) is estimated at $207,500,000. Capital

outlay state aid comes to $105,000,000. Dr. Harwood continued through the various areas of the budget which were included in the budget handout. Special education came to $601,018,818 which is 70.6% of excess costs.

The budget will be up for a vote (a recommendation of the board) in July.

Act on ESSER III Change Requests for use of Federal Covid 19 relief funds — ESSER III (02:05:44)

Tate Toedman, Assistant Director, Special Ed and Title Services, presented the ESSER changes which total $131 million. There are forty-six districts that are asking for an ESSER change. He went through all the requests and explained what each district requested. The districts are using the remainer of their funds as the ESSER funding is ending. August should be the last month that any money will be requested.

Mrs. Mah moved that the Kansas State Board of Education accept the recommendations of the Commissioner's Task Force on ESSER distribution of money and approve the public school district for ESSER III change requests as presented for use of federal COVID-19 relief funds. Mr. Porter seconded the motion. Motion carried 7-1-1. Mr. Zeck voted no, and Mrs. Dombrosky abstained. — Motion (02:12:10)

Act on ERC Recommendations for higher education approvals — ERC (02:14:45)

Dr. Chmidling, Assistant Director, Teacher Licensure, went through all the recommendations for the six colleges and their various programs.

Dr. Horst moved that the Kansas State Board of Education accept the recommendations of the Evaluation Review Committee for educator preparation program approvals for Bethel College, Friends University, MidAmerica Nazarene University, Pittsburg State University, University of Saint Mary, and Wichita State University. Mr. McNiece seconded the motion. Motion carried 9-0. — Motion (02:17:39)

LUNCH

Receive Hearing Officer's recommendations regarding USD 115 petition for land transfer — Hearing Officer (03:33:18)

KSDE General Counsel Scott Gordon described his visit to Bern, finding O road, and looking at the areas that are under consideration in the petition. He also drove through Sabetha. Mr. Gordon shared he wanted to have an idea of where these towns and schools were. What he learned during the public hearing was that although these may be small towns, these are people with big hearts, and they have big desires and big concerns. Everyone was courteous and respectful. Everyone applauded for everyone, even if they didn't agree with the position expressed. (He also apologized for misspelling Sebetha/Sabetha.)

Mr. Gordon explained the two methods to transfer territory between school districts:

1. Upon written agreement of any two school boards.
2. Unilateral petition filed by one school board.

The unilateral petition requires the state board to (1) conduct a public hearing, which must be publicized by placing a notice in a publication for two full weeks prior to the hearing, (2) put a notice in the newspaper of the "giving" district and (3) share a final notice between three and ten days prior to hearing. All these steps were completed.

The state board shall issue its order within 90 days of the public hearing which in this case would be June 20th. The three options are: (1) the state board can approve as written, (2) approve after amendment, or (3) deny. He noted that if denied, no petition considered within two years can be made asking for substantially the same territory. Since 1987, statewide, there have been twenty-four agreements between school districts to transfer territory. Twenty-three unilateral petitions filed: four were withdrawn, eight were approved by the school boards and eleven were denied.

After describing the procedure for the public hearing and his own process of working through the facts, materials, and issues, Mr. Gordon turned his attention towards how he evaluated the merits of the petition, and in turn what the state board should consider when deciding how to vote.

Factors which the state board should consider:

1. City boundaries
2. District capacities
3. Buildings
4. Busing
5. Food service
6. Staffing
7. Commerce
8. Areas of Interest
9. Enrollment
10. Effect on students

Mr. Gordon went over four primary factors:

- Effect on students
- School Improvement

- Equalization
- Material change in circumstance

Mr. Gordon went through all the factors and explained how he evaluated them; the fine details are explained in his Hearing Officer report.

He evaluated the factors as:

Boundaries: the petition does not to divide any city. If approved all of Bern and everything within three miles would transfer to USD 115.

Capacity: both schools provide testimony of having capacity.

Buildings: USD 115 spoke about mobile classrooms.

Food service: no evidence of significance.

Administration and teachers: both schools are quality schools.

Busing: USD 115 does not receive transportation funding for the non-resident students which they current are busing. Granting the petition would allow USD 115 to get funding for these busing costs.

Commerce: no substantial changes.

Declining enrollment: USD 113 total enrollment has declined 14% since 2021. USD 113's nonresident enrollment increased by 12%. USD 115 residents attending USD 113 has increased by 11%. USD 115 increased by 4%, nonresident increased by 15.56%, and nonresident from USD 113 increased by 9.4%. USD 115 enrollment is going up and USD 113 is going down.

Long term effect of students will have negligible effect in USD 115. 115 would receive tax revenue, approx. $300,000. Also, within 113, for the students there is not much of an effect. There would be a loss of tax revenue, but $300,000 is not a large amount of money in a school budget.

Would the transfer add to the general improvement of the public schools in the state? System wide, Mr. Gordon feels there is no change in terms of general improvement.

Equalization of benefits/burdens: If the needle moves at all, the proposed transfer makes the communities further apart.

Material change in circumstance: There has been a school closing in the area, but it was 12 years ago.

Based on these factors it was his decision that the petition should be denied. Mr. Gordon expressed his decision to deny the petition was not easy. He based it on the facts and the factors approved by the school board. He did not mediate because that is not the job of a hearing officer. He has no amendment to bring to the board because there was never a pleading asked for that. There was a brief discussion with the board members.

Oral Arguments by Legal Counsel for USD 115 and USD 113

Oral Arguments USD 115 (04:15:35)

Josh Ney, representing USD 115, Nemaha Central, greeted the board and asked that he have 20 minutes to present his oral argument and 10 minutes for rebuttal.

Mr. Ney presented his packet of documents, which he referred to as the summation by USD 115 of the voluminous records. He explained the packet:

1. Alternative One (Map of petition area)
2. Alternative Twp (proposal for redrawn map)
3. USD 115 oral presentation slides
4. USD 115 written supplemental testimony from 4/15/2024 (Abilene case)
5. USD 115 proposed findings of fact and conclusion of law
6. USD 115 projected capacity for 2024-2025

Procedural next steps are that the board can approve the transfer or redraw the map.

Mr. Ney focused on alternative amended land transfer descriptions, additional key points in favor of transfer, compared to the Abilene transfer order in 2000, and arguments addressing public policy issues raised by USD 113. The Pandora's box argument does not belong in this case as he believes the USD 115 and 113 situation is an outlier. Mediation, informal discussion, petitions, and landowner preferences have all been performed. 80% of the residents prefer to move to USD 115.

He described the mediation process. In June there was an offer to swap land; USD 113 asked for high value land. USD 115 responded not with a valuation swap, but an equitable middle. He showed how alternative two would mean 95% of the students in that transferred area already attend USD 115. Mr. Ney encouraged the board to approve the petition, or to continue this process and engage in drawing a new map that would be acceptable to USD 115.

Ultimately, he stated, USD 115 is here to determine whether the land transfer is in the best interests of the students in the region. They are looking for an equitable solution for region. Mr. Ney ended by saying, “Losing the forest of chronic inequity through the trees of technicalities would do a great disservice to the students and families in this area.”

USD 113
(04:37:36)

David Cooper, attorney for USD 113, Prairie Hills, stated the petition should be denied because there is no material change of circumstances, it does not improve public schools or the interests of children in both districts, and the proposed transfer negatively affects equalization. The transfer would not change or improve education for anyone. These factors are based on the factors given by the state board. The factors are objective. The question is, should land be taken from one school district and given to another school district?

THE KSBE is acting in a quasi-judicial capacity. It involves land, families, neighbors, and it evokes passion, emotion, sentiment, zeal and perhaps resentment. Because of those emotions – we have law, which is neutral and based on policy. The road has been long to get to this point. It started with a request for an appointment of a mediator in October 2023, mediation happened in December, the USD 115 petition was filed, there was a hearing in March 2024, there were proposed findings and conclusions, and last week the recommendation came and today, Mr. Cooper expressed, we are here. It has been exhausting and expensive process, probably costing up to a quarter of a million dollars to reach this point today.

Mr. Cooper focused on the role of the board and asked whether they want to spend their time making these kinds of decisions; refereeing decades old cross-county rivalries. Mediation succeeded between USD 113 with USD 380 Vermillion/USD 335 Jackson Heights. They found agreement. 113 is willing to compromise. Meditation was attempted with USD 115 but it failed. The proposal by 115 is unreasonable. There has been no material change in circumstance. He noted that USD 113 surrounds USD 115. It includes the Axtell schools. The communities could not agree.

There are potential unintended consequences if the petition is approved, for instance out-of-district students can ask for the chance through open enrollment to attend a different school. If accepted, will that school then petition to transfer the territory of those open enrollment attendees? For instance, in 2023 USD 113 had 123 out-of-district students, so should USD 113 now seek the transfer of the land where those students live?

A transfer of territory is different from redistricting legislative districts. He addressed the change of strategy of USD 115 asking to use alternative maps. He noted that this strategy is not fair, as the rules cannot change in the middle of the game.

What is the long term effect a transfer would have on students living in the petitioned area, the receiving district, and the giving district? Would the transfer add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities?

The Bern closure is not a material change in circumstance. Mr. Cooper went through the history of this area and how school districts were developed and then how the consolidations in 2009 and 2010 and 2011 affected the area. There were further land transfers in 2023 with Vermillion and Jackson Heights. He noted that there is some territory that has already been given to USD 280 Vermillion, so it cannot now be given to USD 115.

Mr. Cooper addressed the supplemental written testimony, which he noted was not shared with USD 113, which asks for alternative maps. He stated this strategy is clearly unfair and should not be part of this process; redrawing maps could have been part of mediation, but it was not introduced until late in this long and contentious process.

The petition does not affect instruction for either district, city boundaries are not a consideration, USD 113 has the capacity to take all the students, transportation costs are not a consideration, but USD 113 does bus out-of-state students, and staffing is not a consideration. Without a material change of circumstances, a land transfer would negatively affect equalization. Mr. Cooper ended by concluding the petition should simply be denied.

Dr. Horst asked, “Why didn’t mediation work?”

Mr. Cooper noted that to answer that, it is important to go back to 2009 when promises were made, that residents could take land with the students. That premise that “we were promised” is not a basis of this situation. School boards change and promises are not always kept. In the other two cases, there was a material change of circumstance because Wetmore had recently changed. He described the problems of mediation with USD 115. Valuation neutral land swaps were offered but not accepted.

Mr. Nye stated the alternatives were offered in December. Valuation neutral was never an issue, 113 offered land that they had. The second day they came to the table and there was a new standard, that 115 must give equal land. He said 113 wanted the oil land and

were willing to give the students. He said these alternatives were not snuck in; they did talk about them during mediation in December. He believes what the board is doing today is akin to zoning. He believes 113 cares about the money, and they don't want to negotiate. To stand on technicalities ignores all the work that 115 has done, as they paid for all the mediation. 115 wants to negotiate and there was no chance to do that. He argues that an exodus of students from a school district, a bond to help welcome the new students from 113, and many other factors are part of a totality of circumstances. 113 continues to work on where the line shall be drawn. He believes the facts and the data is on the side of 115. The technicalities are made up. This is about the area that wants to be transferred, the students are already in 115, and it makes sense to transfer the area to 115.

Security Plans Exec Session Motion (05:33:23)

Physical security district action plans

John Calvert, Safe and Secure Schools KSDE coordinator, was present to share some district action plans.

Vice Chair Porter moved that the Kansas State Board of Education recess into executive session to discuss the subject of security measures that protect a public body or agency and public buildings or facilities, which is justified pursuant to the exception for discussion matters related to such security measures under KOMA, because the discussion of which would jeopardize such measures. We need to invite John Calvert and Mark Ferguson for 30 minutes. Dr. Horst seconded the motion. Motion carried 9-0.

The board went into executive session.

PPC Nominations (06:06:39)

Act on recommendations for new appointments for the Professional Practices Commission

Shane Carter, Director, Licensure, gave a review of the Professional Practices Commission (PPC) and explained new appointments needed for the commission. The open positions will be public high school principal (1), elementary school teacher (1), and teacher-at-large (2).

Motions (06:12:28)

Mr. Hershberger moved that the Kansas State Board of Education act to appoint Erica Shook to serve on the Professional Practices Commission representing a public high school principal position. The appointed nominee would serve a full-term effective July 1, 2024, through June 30, 2027. Mr. Porter seconded the motion. Motion carried 9-0.

Mrs. Hopkins moved Kori Lopez be appointed for the elementary school teacher. The appointed nominee would serve a full-term effective July 1, 2024, through June 30, 2027. Mr. Porter seconded the motion. Motion carried 9-0.

Dr. Horst moved that the Kansas State Board of Education act to appoint Carla Breckenridge and Anita White for the at-large public school teacher. The appointed nominee would serve a full-term effective July 1, 2024, through June 30, 2027. Mrs. Mah seconded the motion. Motion carried 7-2. Mrs. Hopkins and Mrs. Dombrosky voted no.

(Note: Mrs. Mah nominated Angie Powers, but it was discovered that she is not going to be in the classroom in future, so Mrs. Mah rescinded that nomination.)

Act on teacher licensure literacy requirements

Teacher Licensure Literacy (06:39:40)

(Mrs. Arnold, who is attending a Whole Child conference in Washington D.C., joined the meeting via phone.)

Shane Carter gave a review of actions the board has approved up to this point. He explained what the options are to verify teacher knowledge of new literacy teaching practices, how veteran teachers will be tracked in terms of their training and knowledge and what the next recommended action is at this point in the process.

Chair Haas noted that this vote is similar to the graduation requirements. If this vote is positive, then the policy will be created and brought back to the board and there will be a final vote on this official change to a regulation update.

Motion (07:20:00)

Mr. Porter moved that the Kansas State Board of Education require elementary English language arts teachers, elementary history, government and social studies teachers, special education teachers who provide services to elementary students, reading specialists who provide services to elementary students, school psychologists who provide services to elementary students, and administrators assigned to elementary schools if actively employed to demonstrate knowledge of the science of reading by either completing a literacy training approved by the State Board of Education or by passing a State Board of Education approved assessment to be eligible to renew a professional license beginning July 1, 2028. Mrs. Mah seconded the motion. Motion carried 7-2-1. Mrs. Hopkins and Mrs. Dombrosky voted no. Mr. Zeck abstained.

Executive Session: Land Transfer Issues

Executive Session (07:22:00) Motion

Mr. Porter moved that the Kansas State Board of Education recess into Executive Session to discuss the subject of legal matters with legal counsel, which is justified pursuant to the exception for matters which would be deemed privileged in the attorney-client relationship under KOMA, in order to protect the privilege and the board's communications with an attorney on legal matters. Commissioner Watson and board attorney Mark Ferguson should stay. The session will be 30 minutes starting at 5:20. Mrs. Hopkins seconded the motion. Motion carried 9-0.

The board went into executive session and adjourned immediately after. The meeting was recessed at 6:00.

Kansas State Board of Education
Wednesday, June 12, 2024

(00:04:39)

Chair Haas called the meeting to order at 9:00 a.m. All members were present except for Mrs. Arnold who was attending a conference in Washington D.C.

Act on USD 115 land transfer petition

Act on Land Transfer
(00:05:32)

Scott Gordon, KSDE legal counsel and the hearing officer for this petition, was present for any questions. He addressed the issues of due process, amended land planning, letters and emails. Some did not want their letters to be public, and so he redacted all the personal contact information, and they needed to be public because they had been submitted and given to the board. Mr. Gordon also noted that often he addresses the board as an advocate or guide. As a hearing officer, he is not taking sides or giving legal advice, he is summarizing and answering based on the facts he gathered. He is not the decision maker.

Mr. Hershberger asked for Mr. Gordon's guidance on "also must include whether the transfer must improve the education throughout the state…" Mr. Gordon answered that there are inequalities between school districts financially, and equalization from the state is to try and equalize the districts. He believes the board needs to look at the students as a whole, not just the students who might move.

Mrs. Hopkins questioned that when transfers come to the board through the agreement process, does the board look at the equalization process? For instance, for the other two agreements in this same area, was equalization an issue?

Mr. Gordon asked about the other two recent agreements did include a transfer of land. If the school districts agree that decision is generally accepted, unless there are inequities. Mrs. Hopkins asked about the Abilene/Chapman case and why it came to the state board. Mr. Gordon described that situation from 1999-2000. A school was closed in Chapman and Abilene made a petition for land transfer. The hearing officer found that closure was not a material change in circumstance. The hearing officer recommended not to transfer the land. The state board made their own boundaries, and it went to the district court.

Mr. Zeck shared his experience of being in both towns and noted that both towns are great places, and the schools are both excellent.

Mr. Zeck moved that the USD 115 petition be denied, Mrs. Mah seconded the motion. Motion made (00:15:16)

There was discussion.

Mrs. Mah pointed out the eleven items in the law and the four factors. She stated approving will not improve education across the state. Citizen's paying taxes where they live and not in the school their children attend, happens across the state. The promise that the land would follow the kids was made and that was not fair. We do not let people move their land from one district to another. That is why the responsibility falls on the board because they need to look at what happens statewide.

Mr. Porter asked for the date this must be decided (90 days). Mr. Gordon answered it is June 20, 2024. Mr. Porter stated that he has not been to this area. He has no knowledge or the skills to bring out the red pen. He asked is there any possibility that they can get together and solve the problem where there is not "someone who loses and someone who wins." He recommends further mediation. At this point he would support the motion, but he believes people ought to be able to come together and find some solution.

Mr. Hershberger stated this is the toughest thing they have faced as a board. He always tries to think about decisions from a philosophical standpoint of freedom. Policies decided on today can change the course of history. He would rather go the route that Mr. Porter has suggested, but when it comes to freedom, there are areas like property rights, ownership, and parental choice which must be protected. He will vote against this motion for that reason. He hopes that whatever the vote is today, he wants the two districts to come together because that is the best answer. His overarching value is to look at everything through the lens of freedom.

Dr. Horst referenced that she previously represented this district, so this is extremely hard because, as Mr. Zeck has found out, both the schools are quality. As one of the patrons mentioned in the hearing, Nemaha County feels very strongly that education is important, and their actions show it. The way they teach their students shows it. They have high expectations. She stated that they need to be proud of that. However, she is concerned that there is a rivalry. She watched Wetmore be divided between school districts, without very much fanfare. She cannot help but wonder if Bern were in a different location, would it have been quite as challenging? Both Wetmore and Bern were separate school districts and as far as she knows even though some of their students might have gone different directions, there wasn't the same kind of connection or rivalry. She is hoping that there is a recognition by 113 that there are people who had voted at

one time because they thought they might be able to save their school. There was a bond issue that gave them hope that they might be able to keep their school. Having visited with some of the district 113 people, true or untrue, that is the way some of them feel. They feel like their land was grabbed. It behooves both 115 and 113 to work to find a way to ensure that the folks in Bern feel like they are a part of what they are funding. It will be difficult for her to agree to reject or accept the petition, because of this rivalry situation. The petition itself has some flaws, and so legally it is difficult to approve, but it is difficult to disagree because of all the history. She will join Mr. Hershberger in his thought that there needs to be a recognition that freedom is important, taxation without representation is not our way. That needs to be worked on. She agrees it is unlikely is that there will be six votes to reject. She pleaded for them to work together.

Jim McNiece noted this is an awful situation and there will not be any clear winner. He believes there will be more of these situations. As an outgoing member of the board, he encourages the board to look at the rules which may be outdated, because Western Kansas is not growing in terms of population but is the same geographic size. It is going to be a challenge. It behooves the board to look at this issue, and ask, how could we have done better. To both communities, he apologizes for this happening. Any decision the board makes will be the wrong decision for someone. He believes the lawyers need to fix this, but the board needs to provide leadership, to offer better steppingstones to find a solution so that these situations do not need to resort to this method.

Mrs. Mah appreciates the thoughts of the board, and she agrees that the districts could work this out next week. She also noted freedom works, and we have it because we are a nation of laws. This board is an elected body, and we must follow the law. That is how we protect freedom. She supports Mr. Zeck's motion.

Chair Haas noted that when she looks at the effects of the students in this area, they may not even know this is happening. She disagrees that this is taxation without representation, because when you send your children to another district, you know you will not be able to vote for the school board. She feels the red pen belongs to the people in the area, not to the board. She agrees that Mr. McNiece is right, that there will be more of these. She referred to the statutes.

Back on the motion, Mr. Zeck moved that the USD 115 petition be denied. Mrs. Mah seconded the motion. The motion carried 6-3. Mr. Hershberger, Dr. Horst and Mrs. Hopkins voted no.

Vote on Motion (00:45:30)

Board Attorney Mark Ferguson stated he will prepare a final order and have the board chair sign the order no later than June 20th.

Consent

Consent Agenda

Mr. McNiece moved that the consent agenda be approved. Mrs. Hopkins seconded the motion. Motion passed 9-0.

(00:47:26)

Motions

Mrs. Mah moved that the items removed from the consent agenda: b, e, f, g, h, I, j, and n, be approved. Mr. McNiece seconded the motion. Motion carried 7-2. Mrs. Dombrosky and Mr. Zeck voted no.

CTE

Overview of Career and Tech Ed Pathways

(00:59:07)

Natalie Clark, Assistant Director, Career Standards and Assessments, presented on Career and Technical Education, and she shared the opportunities that today's Kansas students are given. She started with history, as it was 1917 when vocational education, as it was called, first began. It has shifted in the 1960s into Career and Tech Ed (CTE). In the past, this type of education was for a few students and limited skills were taught, and now it is for all students and all careers. When done correctly the CTE pathways should reflect the present jobs in Kansas. There are thirty-six pathways and students are aligned for post-secondary success. They follow the national model, but it is adjusted for the job needs of Kansas.

These are the twelve elements that are needed for a pathway:

1. Standards aligned and integrated curriculum
2. Sequencing and articulation
3. Student assessment, certificates, certifications, and degrees
4. Prepared and effective program staff
5. Engaging Instruction
6. Access and equity
7. Facilities, equipment, technology, and materials
8. Business and community partnerships
9. Student career development
10. Career and technical student organization
11. Work based learning
12. Data and Program Improvement

Mrs. Clark explained each element and shared examples, videos and explanations.

FAFSA

Receive proposed amendment to accreditation regulation 91-31-31 (minimum high school graduation requirements regarding FAFSA

(01:56:00)

Dr. Watson introduced Dr. Cynthia Lane, the new chair of the Literacy Blueprint Commission and a former member of the Kansas Board of Regents (KBOR).

Dr. Lane stated that two years ago the KSBE board leadership came to KBOR and asked for strong collaboration in: expanding opportunities for high school students to access post-secondary education, and literacy. She shared the collaboration that the two boards have been involved in, and introduced the Blueprint for Literacy Advisory Committee, which she will be leading, beginning later this month.

Dr. Watson introduced the conversation on FAFSA. Today will be a discussion, and a receive item, if the board wishes to take some action.

The Vice-Chair of KBOR, Carl Ice, spoke to the board about what KBOR was trying to achieve when they recommended that completing the FAFSA application be a graduation requirement. The regents are here because they think education is important. Higher education leads people to better lives, it is good for our state and our region. To make progress one needs a strategic plan. They came up with three pillars, (1) helping Kansas families, (2) supporting Kansas businesses, and (3) and advancing economic prosperity. He believes FAFSA helps Kansas families. One of the best practices is to use FAFSA. Kansas is 39th in completion of FAFSA nationally. Filling out the form helps students see what is possible. It is a vehicle for grants, scholarships, and other forms of financial aid. Therefore, KBOR recommended that FAFSA be added as a graduation recommendation.

Mr. Hershberger shared he has a privacy issue with families. He is concerned about families sharing economic information to the government. He read an email from a superintendent who is not supportive of FAFSA, in terms of privacy and the idea that KBOR is recruiting through high schools.

Mr. Ice noted that FAFSA is not a recruiting tool for KBOR. He simply wants to help students know that there can be a future for them in higher education.

Mr. McNiece shared the experience of being on the graduation requirement task force. They wanted to put the burden on schools to help students look at the possibility of continuing with their education. If someone does not want to do it – this was a "softball" requirement. It does not keep a student from graduating, but it was pressure on the school to make sure the student had multiple opportunities to file the FAFSA. To get financial assistance, the FAFSA needs to be filled out. He shared that some students just fell through the cracks, for instance guidance counselors might oversee 1000 students. Students need to know this is a possibility, that there is financial aid available if they want to continue into higher education. That was the intent, he explained.

Mr. Gordon introduced a way to take FAFSA out of the graduation completions. The proposed amendment would be to strike all of 91-31-31- (a) 12 and 91-31-25 (f). This month it is a receive item, and if the board wishes, could be voted on in July.

Dr. Proctor offered an idea to move FAFSA from graduation requirements to KESA compliance. The superintendent could make sure the students have all the necessary information to be informed of what the FAFSA is and the potential benefit of the FAFSA application to the student and parent/guardian.

Teacher of the Year Team 2024 — KTOY Team (02:37:35)

Denise Kahler, Director, Communications, introduced the team. The teachers present are highlighted in bold.

- Teacher of the Year: Mr. Taylor Bussinger, teaches social Studies at Prairie Trail Middle School in Olathe.
- Ms. Cherryl Delacruz, high school mathematics teacher at Topeka Center for Advanced Learning & Careers, Topeka USD 501.
- Ms. Gretchen Elliott teaches high school art at Smoky Valley High School, Smoky Valley USD 400.
- Ms. Joanna Farmer teaches high school agricultural at Southeast High School, Wichita USD 259.
- Ms. Melissa Haney, Kindergarten through second-grade teacher at Explorer Elementary School, Goddard USD 265.
- Ms. Erin Pittenger, Kindergarten through fourth-grade teacher at St. George Elementary School, Rock Creek USD 323.
- Ms. Michelle Tapko teaches sixth-grade social studies at Roseland Elementary School, Shawnee Mission USD 512.
- Ms. Fonda Telthorst teaches second-grade music at Piper Prairie Elementary School, Piper USD 203.

Ms. Delacruz spoke about joy in teaching. The team has focused on sharing joy and fostering joy in future teachers. They presented at twenty colleges and teaching institutions. Joy is an essential part of a teaching career.

Mr. Bussinger shared what a close team and family the group has become. They showed a PowerPoint showing many events of the year.

Ms. Tapko shared some of the district visits and her discovery that the schools are so different and yet connected.

Ms. Telthorst focused relationships among the teachers and decision makers. She showed slides of the many visits, colleges, zoo, team eating together, leadership conference, and problem solving with other teachers.

Receive KESA school improvement and accreditation model

KESA
(04:16:53)

Jay Scott, Director, Accreditation and Design and Dr. Ben Proctor, Deputy Commissioner, Direct Learning Services, presented the entire KESA model as a receive item, to be voted on in July. The KESA 2.0 model will ensure that districts will be accredited based on the four fundamentals, five state board outcomes, student outcomes and compliance. The four fundamentals are: structured literacy, standards alignment, balanced assessment, and quality instruction.

Each accreditation area has a set standard to meet, a measure to evaluate a school system's performance and supports to assist systems in meeting the standards. Within the accreditation process is the vision that every school system will improve through engaging in this process.

The process begins with the KESA check in; the regional executive meets with the District Leadership Team (DLT) to implement guided reflection and to prepare for the school improvement day. The school improvement day is a facilitated collaboration focused on improvement. The DLT establishes a plan to engage the school community in the school improvement process leading to the submission of the action plan.

In terms of outcomes, there are several areas to consider: graduation rate, postsecondary effectiveness, and English language arts (ELA) and math.

There are three levels of accreditation: accredited, accredited with conditions and not accredited.

The timeline is planned for the next three years with year three being the full evaluative year. The roles of the districts, Kansas State Department of Education (KSDE), Accreditation Review Council (ARC) and the Kansas State Board of Education (KSBE) were explained for the areas of compliance, school improvement and outcomes. The districts will always be responsible to report information; KSDE will analyze it and send issues they feel need assistance to the ARC; the ARC reviews compliance and will liaison with the District Leadership Team of that district to make a recommendation to KSBE; and the KSBE determines accreditation.

Special Education Advisory Council (SEAC) Quarterly Report

SEAC
(05:14:24)

Marvin Miller, Lindsey Graf and Lena Kisner (Zoom) were present to give a quarterly report on the activities of SEAC.

The Special Education Advisory Council is a required Council under the Code of Federal Regulations 300.167. SEAC consists of 21 members and 7 non-voting Ex-Officio members which includes: the State Board of Education, the Disabilities Rights Center, Families Together, the Kansas Association of Special Education Administrators, the Kansas National Education Association, the Kansas State School for the Blind/Visually Impaired, and the Kansas School for the Deaf/Hard of Hearing. SEAC must have at least 51% of the members as persons with disabilities or have a child with a disability. Kansas also has representation for the parent of a student with an exceptionality (gifted). Members are selected by the leadership committee consisting of the Chair, Chair-Elect, and Past Chair. The membership committee also considers the Kansas State Board of Education regions when making membership selection.

Mr. Miller, Chair of SEAC, represents districts 8 and 10 in the Wichita area. The new Chair will be Lindsey Graf, starting in the July meeting. She is the special ed director in Coffey County. Dr. Lena Kisner, Chair-elect for next year introduced herself. She is a special ed administrator.

Mr. Miller stated that SEAC advises Bert Moore, director of special ed at KSDE, the team of special ed at KSDE, and the state board. He described the membership changes and the meeting dates for 2024-2025 were shared. They heard reports on the state performance plan/annual performance report, virtual programs and students with disabilities, licensure updates and legislative updates.

Chair Report
(05:30:11)

Chair Report

The Chair shared that the artwork placed in the front of each board member's folder is an original, created by students in the third grade art class, taught by Mrs. Ana Diaz's at Quincy Signature Visual Arts Elementary. She thanked Mrs. Diaz and the children in the class.

Board Travel

Chair Haas asked that if there are any travel additions, to send them to the board secretary.

Motion
(05:31:47)

Mr. Porter moved to accept the board travel report and approve all the travel as presented. Mrs. Hopkins seconded the motion. Motion carried 9-0.

Requests for future agenda items

Mrs. Hopkins: Asked for a list of the districts receiving equalization dollars and what percent it is of the total. This will be added to the Friday Notes.

Mrs. Dombrosky: Asked for more conversation on high quality instruction.

Adjourned

Adjourn
(05:34:55)

_____ _____

Melanie Haas, Board Chair Deborah Bremer, Board Secretary