

MINUTES



Kansas State Board of Education
Wednesday, July 22, 2020

CALL TO ORDER

Chairman Kathy Busch called the special meeting of the Kansas State Board of Education to order at 10 a.m. Wednesday, July 22, 2020. The meeting was conducted by video conference and was livestreamed for the public to observe and listen.

(00:03:44)

ROLL CALL

All Board members participated:

- Kathy Busch Ann Mah
- Jean Clifford Jim McNiece
- Michelle Dombrosky Jim Porter
- Deena Horst Steve Roberts
- Ben Jones Janet Waugh

STATE BOARD MISSION STATEMENT AND PLEDGE OF ALLEGIANCE

Chairman Busch read both the Board’s Mission Statement and Kansans Can Vision Statement. She then led members in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Jones moved to approve the agenda. Mr. Roberts seconded. Motion carried 10-0. Chairman Busch explained the flow of the meeting and order of presenters.

MOTION
(00:07:14)

DISCUSSION OF PROPOSED EXECUTIVE ORDER 20-58

Scott Gordon, General Counsel for the Kansas State Department of Education, summarized prior events that prompted the special meeting. House Bill 2016 became law in June 2020. In that law, Section 7 states:

(00:07:42)

“Notwithstanding any other provision of law to the contrary, no executive order issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, that has the effect of closing public or private school attendance centers in this state shall be effective unless and until such order has been affirmed by the state board of education by adoption of a resolution by a majority of the members of the state board. Prior to issuing any such executive order, the governor shall submit such proposed executive order to the state board of education. Upon receipt of such proposed executive order, the state board shall meet as soon as reasonably possible to review such proposed order and, if a majority of the members of the state board determines such order is in the best interests of the students in this state, to adopt a resolution affirming such proposed executive order.”

On July 20, 2020, Governor Laura Kelly announced proposed Executive Order 20-58 which has the effect of closing public or private school attendance centers in the state of Kansas. The same day, Gov. Kelly also issued Executive Order 20-59 (requiring COVID-19 mitigation procedures in K-12 schools). Order 20-59 is not subject to prior approval or review by the State Board. Only 20-58 is before the Board for affirmation. Mr. Gordon reviewed specifics of that document, including the temporary closure of public and private schools through Sept. 8, and exceptions for instruction. He then answered questions. Next, Will Lawrence who serves as Chief of Staff for the Governor,

stated the rationale for proposing the delay of school this fall. These included more time for schools to prepare for reopening and a rise in COVID-19 cases in the state. He then answered questions. Secretary Dr. Lee Norman, Kansas Department of Health and Environment, cited current COVID-19 statistics, explained the science and public health perspective, and told what is known about the metrics. He talked about transmission and shared a graph showing trend lines. He then answered questions.

Chairman Busch acknowledged that more than 10,400 written public comments were received through an online submission form. Additional input was received from callers and general email to Board members. She also mentioned that feedback was received from medical doctors, educational associations and chairs of the Navigating Change guidance.

Each State Board member, in order of Board district, provided their statements. They cited considerations, the decision-making process and constituent input from their areas. Additional discussion followed.

ACTION ON RESOLUTION REGARDING EXECUTIVE ORDER 20-58

MOTION
(01:58:52)

Mr. Porter moved to affirm proposed Executive Order 20-58 by resolution that this Executive Order is in the best interests of the students in Kansas. Mrs. Mah seconded. Motion failed on a 5-5 vote, which lacked the required 6 votes necessary for simple majority passage. The Order was not affirmed. The roll call vote was recorded as follows:

Mrs. Waugh, Dist. 1	"yes"	Dr. Horst, Dist. 6	"no"
Mr. Roberts, Dist. 2	"no"	Mr. Jones, Dist. 7	"no"
Mrs. Dombrosky, Dist. 3	"no"	Ms. Busch, Dist. 8	"yes"
Mrs. Mah, Dist. 4	"yes"	Mr. Porter, Dist. 9	"yes"
Mrs. Clifford, Dist. 5	"no"	Mr. McNiece, Dist. 10	"yes"

ADJOURNMENT

Chairman Busch recessed the meeting at 11:57 a.m.

Kathy Busch, Chairman

Peggy Hill, Secretary