

## House Concurrent Resolution No. 5030

By Representatives Beggs and Ballou

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A PROPOSITION to revise article 6 of the constitution of the state of Kansas, relating to education.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 6 of the constitution of the state of Kansas is hereby revised to read as follows:

“Article 6. — EDUCATION

“§ 1. ~~Schools and related institutions and activities~~ **System of public education.** The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining ~~public schools, educational institutions and related activities~~ *a system of public education* which may be organized and changed in such manner as may be provided by law.”

“§ 2. ~~State board of education and state board of regents~~ **Governance.** ~~(a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law.~~ *(a) The legislature shall make suitable provision for the governance of the system of public education and the schools and institutions that are parts of the system.*

*(b) The legislature shall provide for the supervision of elementary and secondary schools and such other educational institutions and interests.*

~~(b) (c)~~ *(c) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or postbaccalaureate degrees and such other educational institutions and educational in-*

1 interests as may be provided by law. The state board of regents shall  
 2 perform such other duties as may be ~~prescribed~~ provided by law.

3 (d) *The legislature may provide for such other instrumentalities*  
 4 *of governance, supervision or control of the schools, educational*  
 5 *institutions and educational interests of the state as the legislature*  
 6 *may deem necessary. Such instrumentalities shall perform such du-*  
 7 *ties as may be provided by law.*

8 ~~(e)~~ (e) Any municipal university shall be operated, supervised  
 9 and controlled as *may be* provided by law.”

10 “§ 3. ~~Members of state board of education and state~~  
 11 ~~board of regents.~~ (a) ~~There shall be ten members of the state~~  
 12 ~~board of education with overlapping terms as the legislature may~~  
 13 ~~prescribe. The legislature shall make provision for ten member dis-~~  
 14 ~~tricts, each comprised of four contiguous senatorial districts. The~~  
 15 ~~electors of each member district shall elect one person residing in~~  
 16 ~~the district as a member of the board. The legislature shall prescribe~~  
 17 ~~the manner in which vacancies occurring on the board shall be~~  
 18 ~~filled.~~

19 —~~(b)~~ The state board of regents shall have nine members with  
 20 overlapping terms as ~~the legislature may prescribe~~ *may be provided*  
 21 *by law.* Members shall be appointed by the governor, subject to  
 22 confirmation by the senate. *Not less than* one member shall be  
 23 appointed from each congressional district with the remaining  
 24 members appointed at large, however, no two members shall reside  
 25 in the same county at the time of their appointment. Vacancies  
 26 occurring on the board shall be filled by appointment by the gov-  
 27 ernor as provided by law.

28 ~~(e)~~ (b) Subsequent redistricting shall not disqualify any member  
 29 of ~~either the board~~ from service for ~~the remainder of his~~ *a full* term  
 30 *of office.* Any member of ~~either the board~~ may be removed from  
 31 office for cause as may be provided by law.

32 “§ 4. ~~Commissioner of education~~ *Secretary of education.*  
 33 ~~The state board of education shall appoint a commissioner of ed-~~  
 34 ~~ucation who shall serve at the pleasure of the board as its executive~~  
 35 ~~officer. The governor shall appoint a secretary of education, subject~~  
 36 ~~to confirmation by the senate. The secretary shall serve at the plea-~~  
 37 ~~sure of the governor and exercise such powers and perform such~~  
 38 ~~duties as may be provided by law.”~~

39 “§ 5. ~~Local Public elementary and secondary schools. Lo-~~  
 40 ~~cal Public elementary and secondary schools under the general su-~~  
 41 ~~per vision of the state board of education shall be maintained, de-~~  
 42 ~~veloped and operated by locally elected boards. When authorized~~  
 43 ~~by law, such boards may make and carry out agreements for co-~~

1 operative operation and administration of educational programs ~~un-~~  
2 ~~der the general supervision of the state board of education, but. All~~  
3 such agreements shall be subject to limitation, change or termina-  
4 tion by the legislature. *The secretary of education shall exercise such*  
5 *supervision over the maintenance, development and operation of*  
6 *public elementary and secondary schools as may be provided by*  
7 *law.”*

8 “§ 6. **Finance.** (a) The legislature *shall make suitable provision*  
9 *for finance of the system of public education. The legislature may*  
10 *levy a permanent tax for the use and benefit of state institutions of*  
11 *higher education and apportion among and appropriate the same*  
12 *to the several institutions, which levy, provide for apportionment*  
13 *and appropriation shall continue until changed by statute of the*  
14 *proceeds of such tax. Further appropriation and other provision for*  
15 *finance of institutions of higher education may be made by the*  
16 *legislature.*

17 (b) ~~The legislature shall make suitable provision for finance of~~  
18 ~~the educational interests of the state. No tuition shall be charged~~  
19 ~~for attendance at any public school or other public educational in-~~  
20 ~~stitution to pupils persons required by law to attend such school;~~  
21 ~~except such or institution. Fees or supplemental charges as may be~~  
22 ~~other than tuition may be charged to such persons when authorized~~  
23 ~~by law. The legislature may authorize the state board of regents to~~  
24 ~~establish or require the charging of tuition; and other fees and~~  
25 ~~charges for attendance at institutions under its supervision any pub-~~  
26 ~~lic school or other public educational institution to persons who are~~  
27 ~~not required by law to attend such school or institution.~~

28 (c) No religious sect or sects shall control any part of the public  
29 educational funds.”

30 “§ 7. **Savings clause.** ~~(a)~~ All laws in force at the time of the  
31 adoption of this amendment and consistent therewith shall remain  
32 in full force and effect until amended or repealed by the legislature.  
33 All laws inconsistent with this amendment, unless sooner repealed  
34 or amended to conform with this amendment, shall remain in full  
35 force and effect until July 1, 1969 2005.

36 ~~(b) Notwithstanding any other provision of the constitution to~~  
37 ~~the contrary, no state superintendent of public instruction or county~~  
38 ~~superintendent of public instruction shall be elected after January~~  
39 ~~1, 1967.~~

40 ~~(c) The state perpetual school fund or any part thereof may be~~  
41 ~~managed and invested as provided by law or all or any part thereof~~  
42 ~~may be appropriated, both as to principal and income, to the sup-~~  
43 ~~port of the public schools supervised by the state board of~~

1 ~~education.”~~

2 Sec. 2. The following statement shall be printed on the ballot with  
3 the amendment as a whole:

4 “*Explanatory statement.* The purposes of this revision of the education  
5 article of the state constitution are to: (1) Eliminate language pro-  
6 viding for the state board of education; (2) authorize the legislature  
7 to provide for persons or agencies, in addition to the state board of  
8 regents, to whom governing or supervisory powers in the area of  
9 education may be granted; (3) require the governor to appoint a  
10 secretary of education; and (4) eliminate obsolete language and gen-  
11 erally update the provisions of the article.

12 “A vote for this proposition will effectuate the purposes for revision of  
13 the education article as hereinbefore enumerated.

14 “A vote against this proposition will continue in effect the present  
15 provisions of the education article.”

16 Sec. 3. This resolution, if approved by two-thirds of the members  
17 elected (or appointed) and qualified to the House of Representatives, and  
18 two-thirds of the members elected (or appointed) and qualified to the  
19 Senate shall be entered on the journals, together with the yeas and nays.  
20 The secretary of state shall cause this resolution to be published as pro-  
21 vided by law and shall cause the proposed amendment to be submitted  
22 to the electors of the state at the general election in the year 2004.

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