

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~xxx~~/p.m. on THURSDAY, MARCH 22, 1984 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Legislative Revisor's Office
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

HCR 5077 - Constitutional amendment affecting authority and method of selection of members of state board of education (Hayden et al.)

Proponents:

Representative Mike Hayden, co-sponsor of the bill

Opponents:

Representative Denise Apt

Mr. Robert Clemons, Independence, Member, State Board of Education

Ms. Ruth Ann Hackler, President, Kansas Association of School Boards

Mr. Stan Lind, Legal Counsel, Kansas Association of Community Colleges

Mr. Dale Louis Carney, Member, State Board of Education, 3rd District, Overbrook

Ms. Elaine Beckers-Braun, Chairman, Kansas Association of School Patrons, Mission, Kansas

Mr. Craig Grant, Director of Political Action, K-NEA

Following a call to order by Chairman Joseph C. Harder, the Chairman recognized Representative Mike Hayden, Speaker of the House, and co-sponsor of HCR 5077. Representative Hayden explained the background of the present method for obtaining members of the State Board of Education and outlined the provisions of HCR 5077. Representative Hayden said he felt that there has not been good articulation between the State Board and the Kansas Legislature and that the present method of selection is one of the reasons.

When the Chairman recognized Representative Denise Apt, who testified against HCR 5077, Representative Apt theorized that if the Governor appoints the State Board of Education and if the State Board, in turn, appoints the Commissioners of Education, the Governor could be influencing public policy on education in Kansas. She, therefore, urged the Committee to oppose HCR 5077 in order that the public policy in education remain public.

Mr. Robert Clemons of the State Board of Education testified against HCR 5077, and his testimony is found in Attachment 1.

Ms. Ruth Ann Hackler, president of the Kansas Association of School Boards, testified in opposition to HCR 5077. Ms. Hackler pointed out that KASB represents 300 of the 305 school districts in Kansas and said the organization is dedicated to the local control of schools. She, therefore, maintained that the State Board of Education should be responsible to the people by whom they are elected and not to one individual. She said that she does, however, support the authority of the State Board being under the control of the State Legislature.

When Mr. Stan Lind, on behalf of the Kansas Association of Community Colleges, took the floor, he requested that an amendment to HCR 5077 be adopted by the Committee, and this amendment is found in Attachment 2. Mr. Lind explained that the amendment would make possible at some future date the creation of a separate governing board for the community colleges. Mr. Lind said he felt that community colleges and vocational education do not lend themselves well to the governance by either the State Board of Regents or

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-B, Statehouse, at 1:30 ~~a.m.~~ p.m. on THURSDAY, MARCH 22, 1984

the State Board of Education.

When the Chairman asked if others present in the room wished to testify, Mr. Dale Louis Carney, a member of the State Board of Education from the Third District, stated his opposition to HCR 5077. He maintained that the resolution would sever local control over the school districts and urged the Committee to allow the State Board to remain an elected representative board of the people.

Ms. Elaine Beckers-Braun of Mission, Kansas, who was unable to be present at today's meeting, requested that her name be added to the list of opponents to HCR 5077. A written statement to this effect, as requested by Mrs. Braun, was distributed to Committee members. (Attachment 3)

When Mr. Craig Grant of K-NEA took the floor, he said that K-NEA is in the process of reassessing its position on the concept of HCR 5077, and his testimony is found in Attachment 4.

Following testimony by Mr. Grant, the Chairman said the resolution would be taken under advisement, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, March 22, 1984

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Bill Stiles

Wichita

U.S.A. 259

Peggy Chrusman

Topeka

K-NEA

John Myers

Topeka

Gov Office

Nancy Lindberg

Topeka

K-NEA

Leslie Anderson

Lindsborg

USD 400

Marty Kutz

Lindsborg

U.S.D 400

Betty Anglin

Dodge City

Yonkers PTA

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, March 22, 1984

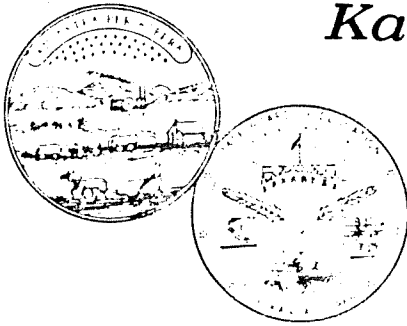
GUEST LIST

NAME

ADDRESS

ORGANIZATION

Bob Clemons	Independence,	St. Bd. of Ed.
Ruth Ann Tackler	Atchae	Ks. Assn of School Bds
Bill Curtis	Topeka	KASB
Stan Lind	K.C. Ks.	K.A.C.C.
Merle Hill	Topeka	KACC
Dennis Derrey	Lawrence	Sen Karr's Office
Lee Townsend	Topeka	K-NEA
Knudsen	Topeka	AP



Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612

Kay M. Groneman
District 1

Alicia L. Salisbury
District 4

Marilyn Harwood
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

Ann L. Keener
District 5

Theodore R. Von Fange
District 7

Robert J. Clemons
District 9

Dale Louis Carey
District 3

Gordon Schultz
District 10

March 22, 1984

Mr. Chairman, members of the Committee, my name is Bob Clemons. I appreciate the opportunity to appear before you concerning House Concurrent Resolution No. 5077. I am a member of the Kansas State Board of Education, and I am appearing on behalf of the Board. The Board has taken official action to oppose the passage of Concurrent Resolution 5077.

The main concern expressed by Board members is that the Board should continue to be elected by the people rather than appointed by the Governor. Each of the present ten members has been elected by the people. Most of us had opposition in the primary election and then again in the general election. We had to appear before the people in order to be elected, and we must answer to the people while in office and if we are to seek reelection. Each and every one of you are aware of this accountability process as you also must face the same procedure before you can serve in the Senate.

This form of representation is the basic foundation of our democratic government. The voters have their choice at election time. They have the opportunity to elect those people they wish to represent them.

Attachment 1

The practice of electing state officials to represent the people has been part of the Kansas Constitution ever since the state of Kansas has existed. It has been part of the United States Constitution since the founding of our country.

Kansas State Board of Education members have been elected since 1969. The Kansas Constitution was amended by a vote of the people on November 8, 1966, to allow for the election of Board members. The amendment passed by a vote of 286,400 to 211,027. On August 6, 1974, the people of the state of Kansas were given the opportunity to determine if they still desired to elect the members of the Board of Education. At this election, the people responded by a vote of 130,265 to 141,492 to retain their right to elect the people who would represent them. Now just a short ten years later, the voters are going to be asked again if they still desire to elect these representatives.

I have been trying to determine why State Board members should be appointed rather than being elected. Comparisons have been made of the State Board and the Board of Regents. It has been said that the Board of Regents has an extremely good track record in articulating the concerns of higher education to the Governor and the Legislature. I would point out to you that there is a great deal of difference between the responsibilities of the State Board of Regents and the State Board of Education. The Board of Regents is an administrative board responsible for the operation of the six state universities and the Kansas Technical Institute. The State Board of Education is not an administrative board. Rather, the State Board must work with elected local boards of education of the 305 unified school districts, 19 community college boards of trustees, two special purpose schools, and governing boards of the 14 area

vocational-technical schools. The State Board does not have absolute control over these local units as the Board of Regents has over the state universities. Each of the local units has control over their own schools. Local boards of education are, of course, elected by the voters of their districts. The working relationships of the Board of Regents with the schools they administer is vastly different from the working relationships of the State Board of Education and the schools under its direction. Comparing the Board of Regents to the State Board of Education is simply not a valid comparison. The areas of their responsibilities and their working relationships are entirely different.

Some media reports have indicated that the State Board of Education has not been providing the leadership necessary for the improvement of education in Kansas. Let me indicate just a few areas where the State Board has been far out in front in this endeavor.

1. The State Board has had a certification testing proposal before the Legislature for the past two years. This program would be a valuable means of improving the quality of those teachers entering the teaching profession.
2. The State Board has in place a form of permissive inservice education for those teachers now teaching in the public schools. The current Legislature has been asked for funds to allow all school districts in the state to take part in this program.
3. The State Board is in the process of finalizing a plan to improve programs in community colleges and vocational schools. This

program will require legislative changes which will be requested during the 1985 session of the Legislature.

4. The Legislature is continually provided information concerning the fiscal aspects of education in Kansas. Mr. Dale Dennis of our staff is on constant call by legislators to provide fiscal information concerning the schools under the jurisdiction of the State Board. There is no doubt in my mind that Mr. Dennis is the leading authority on school finance in Kansas and probably the United States. The State Board continually supports Mr. Dennis in his working with the Legislature.

These are only a few of the areas where the Board of Education has exerted leadership. I have attached to my statement a listing of some of the activities of the State Board during the past year. I believe this will be enlightening to you as to some of the many activities the State Board has undertaken to improve the educational opportunities of the kids of Kansas.

At the present time the State Board does provide the Legislature with a legislative program. Attached is a copy of these legislative recommendations for the current year. I am sure you have all seen these before. If the State Board becomes an appointed board rather than an elective board, then I am sure that such recommendations would then be the same as the Governor's. If Board members are appointed by the Governor, then it appears to me that the members will be responsible to and obligated to the Governor. The present elected Board is directly responsible to the people who elected them and, thus, can help to provide an educational program consistant with the needs as their electors see them.

Mr. Chairman, members of the Committee, I appreciate the opportunity to appear before you as an elected State Board of Education member. I would urge you to defeat the passage of Concurrent Resolution 5077 so that I or other elected State Board members can continue to testify before you. I would attempt to answer any of your questions.

EXAMPLES OF
STATE BOARD OF EDUCATION
ACTIVITIES

Planning

Participated in the development of the Postsecondary Education Master Plan Phase I and Phase II

Participated in the planning for Vocational Education's role in Secondary Schools Phase III

Participated in the development of state and federal plans for Vocational Education, Special Education, and Chapter 2, ECIA

Studied developments and trends in education and collected information regarding policies and practices in other states:

Strategic planning for the State Department of Education
National Association of State Boards of Education: Annual meeting, regional meeting, Board of Directors meetings, and legislative meetings
American Association of School Administration National meeting
National School Boards Association Annual Convention
Education Commission of States Annual Meeting
National Forum and Excellence in Education

Served on state advisory groups which meet several times each year:

Community College
Community Education
Chapter 2, ECIA
Governor's Commission for Parenthood Education
Agriculture in the Classroom Foundation
Joint Commission on Public Understanding of the Law
Vocational Education
Kansas Minimum Competency Test

State Leadership in Educational Policy

Routinely corresponded and met with members of the Congress and Administration on educational issues affecting Kansas

Developed policies and criteria for the State Board Program of Educational Excellence

Served on task forces:

Confidence in Education Task Force
Agriculture in the Classroom Task Force
Governor's Task Force on Preschool Education for the Handicapped

Leadership in Quality Instruction

Participated in State Board and staff workshops:

Regional forums regarding Excellence in Education
Certification and inservice education regional workshops
Special Education workshops
School Improvement Conferences
School Food Service regional workshops
Annual Vocational Education summer conference
Local district inservice workshops and presentations
Vocational Education conference

Participated in education coalition meetings

Examples of representation at the local level:

Seward County Community College building dedication
Manhattan AVTS open house
Atchison AVTS open house
Future Farmers awards
National Student Council meeting
Pratt County Community College dedication
North Central AVTS building dedication

Examples of representation at professional education organizations:

Kansas National Education Association annual convention
Kansas High School Activities Association Board of Directors meetings
and regional meetings
Kansas United School Administrators state and regional meetings
Kansas Association of School Boards Annual convention and regional
meetings
Kansas Association of Community Colleges annual meeting

Supervision of Staff

Developed policy related to the supervision of Kansas State Department of Education activities and its 171 staff

Supervised, reviewed and evaluated the program operation at the Kansas State School for the Deaf and the Kansas State School for the Visually Handicapped

Legislative

Testified at legislative hearings and in interim legislative committees regarding educational issues

HOUSE EDUCATION COMMITTEE

	Topeka Telephone
Don Crumbaker (R), Chairperson	296-7660
James E. Lowther (R), Vice-Chairperson	296-7660
Denise C. Apt (R)	296-7645
William Robert Brady (D)	296-7648
Ralph E. Bussman (D)	296-7632
Wanda Fuller (R)	296-7654
Elaine R. Hassler (R)	296-7692
Henry Helgerson, Jr. (D)	296-7648
Anthony Hensley (D)	296-7690
Phil K. Kline (R)	296-7645
Charles F. Laird (D)	296-7689
Robin Leach (D)	296-7636
Robert D. Miller (R)	296-7687
Max Moomaw (R)	296-7676
James K. Murphy (D)	296-7699
Vacant	NA*
Lloyd Polson (R)	296-2450
William Reardon (D)	296-7630
Bill Reinhardt (R)	296-7681
Marvin Smith (R)	296-7674
Vern Williams (R)	NA*

SENATE EDUCATION COMMITTEE

	Topeka Telephone
Joseph C. Harder (R), Chairperson	296-7391
August (Gus) Bogina (R), Vice-Chairperson	296-7362
Charlie Angell (R)	296-7358
Jim Allen (R)	296-7361
Fred A. Kerr (R)	296-7380
Billy Q. McCray (D)	296-7387
Don Montgomery (R)	296-7371
Nancy Parrish (D)	296-7373
Tom Rehorn (D)	296-7376
Joe Warren (D)	296-7381
Wint Winter, Jr. (R)	296-7364

* Not available at printing

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District 9
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Gordon Schultz, Ph.D., Chairman
District 10
(316) 262-8159

STATE BOARD OF EDUCATION LEGISLATIVE RECOMMENDATIONS

1984



Kansas State Department of Education

*Kansas State Education Building
120 East 10th Street Topeka, Kansas 66612*

An Equal Employment/Educational Opportunity Agency

RECOMMENDATIONS	DESCRIPTION	FY 1985 ESTIMATED COST
CERTIFICATION TEST DEVELOPMENT AND VALIDATION	The State Board recommends that all teachers be required to pass a certification test prior to initial certification.	Certification test development and validation \$ 115,000* (1) professional and (2) support staff ... 57,319* Operating expenditures for staff 5,000*
INSERVICE EDUCATION AID PROGRAM	The State Board recommends that the inservice education state aid program be made available to all school districts.	Inservice education aid 2,500,000* (1) professional and (.5) support staff .. 40,000*
STATE CAPITAL OUTLAY AID FOR AVTS	The State Board recommends that state capital outlay funds be made available for replacement of antiquated equipment for AVTS as provided by statute.	\$2,000,000*
MINIMUM COMPETENCY ASSESSMENT PROGRAM	The State Board recommends that the minimum competency assessment program be continued for a minimum of five years to include testing in reading and mathematics in grades two, four, six, eight, and eleven.	\$230,000
CREDIT HOUR AID FOR COMMUNITY COLLEGES AND WASHBURN UNIVERSITY	The State Board recommends that credit hour aid for community colleges and Washburn University be increased by an additional \$.50 per credit hour above the current amount provided by statute.	\$485,000
OUT-DISTRICT STATE AID FOR COMMUNITY COLLEGES AND WASHBURN UNIVERSITY	The State Board recommends that out-district state aid for community colleges and Washburn University be increased by an additional \$2.00 per credit hour above the current amount provided by statute.	\$575,000
SPECIAL EDUCATION CATEGORICAL AID	The State Board recommends that the 100 percent special education excess costs be funded.	\$9,800,000*
BLUE RIBBON COMMITTEE TO STUDY TEACHER SALARIES	The State Board recommends that a <i>Blue Ribbon</i> Committee be appointed to study teacher salaries.	\$6,000
APPROVAL OF A TYPE II AVTS FOR JOHNSON COUNTY	The State Board recommends that a Type II AVTS be authorized for Johnson County. (If the moratorium on Type II schools were to be lifted, the State Board could then rescind its approval for two Type I AVS and approve one Type II AVTS for the county.)	One countywide school should be more efficient than two separate schools.
INTERSTATE CERTIFICATION COMPACT	The State Board recommends that it be authorized to enter into an interstate certification compact with other states on the certification of educational personnel.	Minimal
AMENDMENT TO AUTHORITY TO APPROVE AVS/AVTS	The State Board recommends that K.S.A. 72-4416 be amended to require 1) the State Board approve applications for new AVS/AVTS for educational soundness and 2) the Legislature provide funding prior to implementation. The State Board also recommends that the freeze on Type II schools be removed.	None

* Enacting legislation would not be necessary, but appropriations would have to be increased.



KANSAS ASSOCIATION OF COMMUNITY COLLEGES

Columbian Title Bldg., 820 Quincy • Topeka 66612 • Phone 913-357-5156

W. Merle Hill
Executive Director

CHAPTER 465

Senate Concurrent Resolution No. 122

To: Senate Education Committee
From: Stanley Lind, Counsel
Kansas Association of
Community Colleges
Date: March 22, 1984
Subj: House Concurrent
Resolution No. 5077

A PROPOSITION to amend section 2 of article 6 of the constitution of the state of Kansas, relating to the state board of education, the operation, supervision and control of community junior colleges and the state board of regents.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted by title to the qualified electors of the state for their approval or rejection: Section 2 of article 6 of the constitution of the state of Kansas is amended to read as follows:

"Sec. 2. State board of education and state board of regents.
(a) The legislature shall provide for a state board of education and for its 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.

"(b) 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 post baccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

"(c) Any municipal university shall be operated, supervised and controlled as provided by law.

"(d) Any community junior college shall be operated, supervised and controlled as provided by law."

Sec. 2. The title appearing on the ballot by which this amendment is submitted to the electors of this state shall be the following:

"The constitution of the state of Kansas shall be amended by amending section 2 of article 6 to provide for a state board of education and for its 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 and further, to provide that any community junior college shall be operated, supervised and controlled as provided by law."

Sec. 3. This resolution, if concurred in by two-thirds of the members elected to the senate and two-thirds of the members elected to the house of representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by section 1 of article 14 of the constitution, and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 1974 as provided by law unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at such special election.

Adopted March 27, 1974.

STATE OF KANSAS ● SENATE CHAMBER

JOSEPH C. HARDER, STATE SENATOR

Twenty-fifth District, Moundridge, Kansas 67107

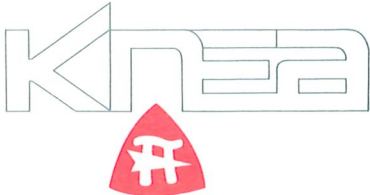
memorandum

MEMBERS OF SENATE EDUCATION COMMITTEE
Thursday, March 22, 1984

OPPONENT OF HCR 5077,

Ms. Elaine Beckers-Braun, Mission, Kansas,
President, Kansas Association of School
Patrons

is unable to be present today to testify
against HCR 5077. She wishes the Committee
members to know that she is opposed to
HCR 5077.



Craig Grant Testimony Before
Senate Education Committee
March 23, 1984

Thank you, Mr. Chairman. Members of the Committee, my name is Craig Grant and I represent Kansas-NEA. Thank you for the opportunity to speak to the committee on HCR 5077.

As many of you know, the last time the concept of an appointed board was placed before the voters, Kansas-NEA opposed the concept; however, as the newspapers have reported, Kansas-NEA is in the process of reassessing that position with the goal of possible strengthening of our State Board of Education. We believe that we must strengthen our State Board so we can have a strong, viable Board advocating for the changes which must be made if we are to adequately prepare our children and grandchildren. The committees studying the concept and making our decisions will not have finalized our position before this resolution moves through the Legislature.

Kansas-NEA's deepest concerns with the movement from an elected to an appointed State Board of Education will be dealt with in the enabling statutes which will follow. We certainly will express our concerns at hearings in the upcoming weeks. However, our concerns will include:

1. Allowing professional educators to serve on the State Board of Education;
2. Keeping certification regulations clearly under the authority of the State Board of Education; and
3. Keeping accreditation authority under the auspices of the State Board.

These may be dealt with in the enabling legislation. If not, Kansas-NEA will attempt to change such legislation to include such matters.

Kansas-NEA will be making a decision in the near future on our official position. We would hope that the legislation to follow will deal with our concerns.

Thank you, Mr. Chairman and members of the committee, for listening to the concerns of teachers.