

Approved

Stephen R. Cloud 2-12-86
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Stephen R. Cloud at
Chairperson

9:04 a.m. ~~p.m.~~ on Tuesday, January 28, 1986 in room 522-S of the Capitol.

All members were present except:

Representative Roper - Excused

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Research Dept.
Julian Efird - Research Dept.

Conferees appearing before the committee:

Representative Elizabeth Baker - Bill Co-Sponsor
Craig Grant - Kansas-National Education Association (KNEA)
Bill Curtis - Kansas Association of School Boards (KASB)
Connie Hubbell, Legislative Committee Chairperson - Kansas State Board of Education

The meeting of the House Governmental Organization Committee was called to order at 9:04 a.m. by Representative Stephen R. Cloud, Chairman. He called on Avis Swartzman, Revisor, to give the background information concerning HCR 5028. She told what it would accomplish and gave the Supreme Court ruling which said that the State Board did have the right and authority to exercise supervision of the public schools and other educational institutions. The main issue that HCR 5028 speaks to is where legislative authority in the education field should be placed. (See Attachment 1)

Bill Curtis, Kansas Association of School Boards, spoke in favor of HCR 5028, stating that it is good public policy and consistent with existing powers granted to other state agencies. (See Attachment 2)

Representative Elizabeth Baker, bill co-sponsor, provided three copies of information which included testimony, a letter to Representative Lowther and Kansas Gubernatorial Appointments. (See Attachments 3, 4 and 5) The testimony referred to line 38 of Article 6 of the state constitution that states the supervision of the public schools, educational institutions and education interests of the state become the responsibility of the legislature. She referred to Representative Lowther's letter, which gives background information as to why this legislation is needed. After further comments, she ended her testimony by urging passage of HCR 5028.

Craig Grant, Kansas-National Education Association, spoke in favor of HCR 5028. HCR 5028 retains the elected Board but moves the authority to provide for state educational policy to the legislature. He said it is evident that budget control dictates actual control now. Senate confirmation of the appointment of the Commissioner of Education would seem consistent with other agencies. (See Attachment 6)

Connie Hubbell, Legislative Committee Chairperson, Kansas State Board of Education, spoke in opposition to HCR 5028. She stated that the State Board of Education is doing a good job and is adequately responding to the educational needs of the state. Cooperation with the Governor and legislature is good and decisions are being made in the best interests of students and educators. Ms. Hubbell answered several questions asked her by the members of the Committee. (See Attachment 7)

As there were no other conferees on HCR 5028, the hearing was terminated. Minutes of January 16, 17, 21 and 22 were approved on a motion by Representative Graeber and a second by Representative Bowden. The January 23 minutes will be approved at the next meeting.

The Chairman thanked Representatives Hassler, Brown and Sprague for consenting to be Subcommittee chairpersons.

The meeting was adjourned at 9:34 a.m.

January 27, 1986

Memorandum

To: House Committee on Governmental Organization

Re: House Concurrent Resolution No. 5028

HCR 5028 proposes to revise Article 6 of the Kansas Constitution relating to education.

The principal change is to make it clear that it is the Legislature which provides for the public interest in the educational policy of this state and for the State Board of Education's powers, duties and authority in the supervision of the public schools and other educational interests of the state, except for those educational functions delegated by law to the State Board of Regents.

In 1973, the Kansas Supreme Court, in State, ex rel., v. Board of Education (212 Kan. 482), ruled on the meaning of the following provision of the Kansas Constitution (Article 6, Section 2(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. (Emphasis added)

By contrast, Section 2(b) provides:

The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. (Emphasis added)

The Supreme Court determined that Section 2(a) is "self-executing," i.e. that the Constitution grants the State Board authority to exercise "general supervision" of the public schools, educational institutions, and educational interests of the state, except functions delegated by law to the State Board of Regents. A self-executing provision requires no supplementary legislation to make it effective and leaves nothing to be done by the Legislature to put it in operation. Thus, according to the

ATTACHMENT 1

1/28/86 Hs. Gov. Org.

Supreme Court, the Legislature may enact legislation to facilitate or assist in the operation of the constitutional provision, but any such legislation must be in harmony with and not in derogation of the constitutional provisions.

In response to an inquiry by the chairman of the State Board of Education, the Attorney General issued an opinion (No. 81-236), based largely on the Supreme Court decision described above, which stated that the State Board of Education has the authority to adopt rules and regulations governing certification of teaching, administrative, and other supportive personnel of unified school districts relying on its constitutional authority and disregarding any statutory authority or lack thereof. According to the opinion, the Legislature may not prescribe, amend, modify or otherwise alter the content of such rules and regulations.

Prior to the fall of 1981, the only time the State Board of Education had used its constitutional legislative power was to adopt a rule that led to the Supreme Court decision discussed above. On December 9, 1981, the State Board adopted some revised certification regulations, citing constitutional rather than statutory authority as the basis for them. These regulations became effective as temporary regulations on January 8, 1982, and became effective as permanent regulations on May 1, 1982. Since that time, the State Board has increasingly relied on its constitutional authority in the adoption of rules and regulations which govern the operation of the public schools in this state.

The main issue being addressed by HCR 5028 is where legislative authority in the field of education should be placed. HCR 5028 proposes to clarify that such authority rests with the Legislature. Presently, pursuant to the Kansas Supreme Court decision described herein, that authority is divided, imprecisely, between the Legislature and the State Board of Education.

One other amendment with major policy implications is the amendment to section 4, which provides for Senate confirmation of the appointment of the commissioner of education. It is questionable whether such a provision could be made statutorily.

Other amendments are technical in nature.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

TESTIMONY ON HCR 5028

before the

House Governmental Organization Committee

by

Bill Curtis, Assistant Executive Director
Kansas Association of School Boards

January 28, 1986

Mr. Chairman and members of the committee, we appreciate the opportunity to present the views of the school boards of Kansas on this important issue. The Kansas Association of School Boards has long had a policy provision which supports an elected State Board of Education and places the powers of the State Board clearly under legislative oversight and review. The same policy also supports a Commissioner of Education appointed by the State Board.

HCR 5028 retains an elected State Board and the appointment of the Commissioner of that board. The resolution adds that the Commissioner's appointment shall be subject to Senate confirmation. However, the major change proposed by HCR 5028 removes the self-executing powers of the State Board of Education. The Kansas Association of School Boards believes that is good public policy and consistent with existing powers granted to other state agencies. The association supports HCR 5028 and urges your support.

ELIZABETH BAKER
 REPRESENTATIVE, EIGHTY-SECOND DISTRICT
 SEDGWICK COUNTY
 1025 REDWOOD RD
 DERBY, KANSAS 67037



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: ELECTIONS
 EDUCATION
 LOCAL GOVERNMENT

TO: House Governmental Organization
 FROM: Representative Elizabeth Baker and Representative Ron Fox
 DATE: January 28, 1986
 RE: HCR 5028

HCR 5028 is a proposition to revise Article 6 of the Kansas Constitution, relating to education. The significance of the proposed resolution is embodied in line 38 where the supervision of the public schools, educational institutions and educational interests of the state become the responsibility of the legislature. Included with this testimony is a letter, obtained from the Joint Committee on Administrative Rules and Regulations. This letter gives important background information as to why this proposed constitutional change is needed. A 1973 Kansas Supreme Court decision in State, ex rel., v. Board of Education (212 Kan. 482), more commonly known as the "Peabody" case determined that Article 6, section 2a was a "self-executing" provision, i.e., that the Constitution grants the State Board of Education authority to exercise "general supervision" of the public schools, educational institutions and educational interests of the state, except educational functions delegated by law to the State Board of Regents. It is our belief that this was not the legislative intent and page 3 of this same letter states, "Our Committee cannot seriously entertain the notion that the drafters of this constitutional provision ever intended to assign legislative powers to the State Board of Education which are superior to those of the Legislature. Certainly no such proposal would have been urged without some effort having been made to define or describe the legislative domains of the State Board and the Legislature.

The language presently found in Article 6 section 2(a), was added as a part of the revision of the Education Article which was approved by the electors in 1966. The amendment grew out of the work of an Education Advisory Committee which worked in conjunction with the Education Committee of the Legislative Council. In its report entitled The Education Amendment to the Kansas Constitution (Pub. No. 256 - December, 1965), that Committee, in its explanation of the proposed amendment, states:

The legislature's responsibility will be to establish the broad basic framework and policies for education in Kansas. The State Board of Education would be responsible for their implementation, and a commissioner of education, appointed by the State Board, would administer them.

ATTACHMENT 3

1/28/86 Hs. Gov. Org.

Later, the report states:

Section 2(a) confers on a broadly representative policy-making state board of education, general supervision over public schools, under directives adopted by the legislature. (Emphasis added.)

These statements suggest to us that the prevailing interpretation of the constitutional provision does not square with the intent of those responsible for developing and urging adoption of the amendment."

Two predominant facts arise: First, with this letter we know the original legislative intent in 1966, was not what the Supreme Court interpreted it to be in 1974. Second, it is inconsistent and inconceivable that the Legislature should control funding of public education and not the general supervision of public education.

I urge you to recommend HCR 5028 favorably for passage.

EB/bs



TOPEKA

HOUSE OF
REPRESENTATIVES

January 4, 1982

Representative James Lowther
1549 Berkeley Road
Emporia, Kansas 66801

Dear Representative Lowther:

On behalf of the Joint Committee on Administrative Rules and Regulations, we wish to call to your attention a matter regarding the authority of the State Board of Education which we believe the Legislature should address during the 1982 Session. In our view, initiative for consideration of this matter properly resides with the Education Committee. Therefore, we will appreciate any guidance that your Committee can provide to the 1982 Legislature to resolve the concerns we are expressing.

As you know, in response to an inquiry by the chairman of the State Board of Education, the Attorney General recently issued an opinion (No. 81-236 — copy enclosed) which stated that the State Board of Education has the authority to:

...adopt rules and regulations governing certification of teaching, administrative and other supportive personnel of unified school districts, relying upon its constitutional authority and disregarding any statutory authority or lack thereof. The Legislature may not prescribe, amend, modify or otherwise alter the content of such rules and regulations. (Emphasis added.)

The Attorney General also determined that the present provisions of K.S.A. 77-415, et seq., relating to procedures that apply to the adoption of agency rules and regulations, do not apply to regulations issued by the State Board of Education pursuant to its power and authority under the Kansas Constitution. However, the Legislature can establish procedural requirement that the State Board will have to follow in issuing rules and regulations based upon its constitutional authority. You might be interested to know that the Joint Committee will be recommending legislation to accomplish this. In the meantime, the Attorney General has advised the State Board that it would be desirable for the Board to adopt similar procedures so that there will be adequate notice and an opportunity for a hearing.

In the preparation of this opinion, the Attorney General relied heavily upon the 1973 Kansas Supreme Court decision in State, ex rel., v. Board of Education (212 Kan. 482), more commonly known as the "Peabody" case. At issue in that case was a 1970 rule adopted by the State Board of Education which required all school district boards and the boards of area vocational-technical schools to adopt rules governing the conduct of employees and students. The State Board of Education contended that the

Our Committee cannot seriously entertain the notion that the drafters of this constitutional provision ever intended to assign legislative powers to the State Board of Education which are superior to those of the Legislature. Certainly no such proposal would have been urged without some effort having been made to define or describe the legislative domains of the State Board and the Legislature.

The language presently found in Article 6, section 2(a), was added as a part of the revision of the Education Article which was approved by the electors in 1966. The amendment grew out of the work of an Education Advisory Committee which worked in conjunction with the Education Committee of the Legislative Council. In its report entitled The Education Amendment to the Kansas Constitution (Pub. No. 256 — December, 1965), that Committee, in its explanation of the proposed amendment, states:

The legislature's responsibility will be to establish the broad basic framework and policies for education in Kansas. The State Board of Education would be responsible for their implementation, and a commissioner of education, appointed by the State Board, would administer them.

Later, the report states:

Section 2(a) confers on a broadly representative policy-making state board of education, general supervision over public schools, under directives adopted by the legislature. (Emphasis added.)

These statements suggest to us that the prevailing interpretation of the constitutional provision does not square with the intent of those responsible for developing and urging adoption of the amendment.

Prior to this Fall, the only time the State Board of Education had used its constitutional legislative power was to adopt the rule that resulted in the Peabody decision. On December 9, 1981, the State Board adopted some revised certification regulations, citing constitutional rather than statutory authority as the basis for them. These regulations become effective as temporary regulations on January 8, 1982, and as permanent regulations on May 1, 1982.

You might remember that in 1974, subsequent to the Peabody decision, the Legislature adopted a concurrent resolution proposing to amend Article 6, Section 2 of the state constitution in two areas (copy enclosed). The principal amendment was to propose changing the phrase "The legislature shall provide for a state board of education which shall have general supervision. . ." to "The legislature shall provide for a state board of education and for its general supervision. . ." It is our understanding that this change was designed to resolve the question regarding the matter of legislative authority. That amendment was defeated at the 1974 primary election.

KANSAS GUBERNATORIAL APPOINTMENTS

<u>Agency</u>	<u>K.S.A.</u>	<u>Membership</u>	<u>Appointed by Governor</u>	<u>Senate Approval Required</u>
Abstracters', Board of Examiners	74-3901	3	3	
Accountancy, State Board of	1-201	7	7	
Adjutant General	48-203	1	1	X
Administration, Secretary of	75-3702a	1	1	X
Adult Authority, Kansas	22-3707	5	5	X
Advanced Technology Commission, Kansas	74-5035	13	5	
Aging, Secretary of	75-5903	1	1	X
Aging, Advisory Council on	75-5911	19	15	
Agreement on Detainers, Administrator	22-4407	1	1	
Agricultural Labor Relations Board	44-820	3	2	
Alcoholic Beverage Control Board of Review	41-203	3	3	X
All-Sports Hall of Fame Board of Trustees	74-2906a	7	7	
Animal Health Board, Kansas	74-4001	7	6	
Applied Remote Sensing, Kansas Commission on	1984 H.B. 2670	17	3	
Arkansas River Commission, Kansas-Oklahoma	82a-528	3	3	
Arkansas River Compact, Administration	82a-520	3	3	
Armory Board	48-315	9	6	
Arts Commission, Kansas	74-5202	12	12	
Bank Commissioner, State	75-1304	1	1	X
Banking Board, State	74-3004	9	9	X
Barber Examiners, State Board of	74-1805	5	5	
Behavioral Sciences Regulatory Board	74-7501	7	7	
Big Blue River Compact Administration, Kansas-Nebraska	82a-529	2	1	
Building Advisory Commission, State	75-3780	7	5	
Capitol Area Plaza Authority	75-2237	11	6	
Central Kansas Library System	75-2550	1 or more from each system member	1 or more from each county in the system	
Children and Youth Advisory Committee	38-1401	15	5	

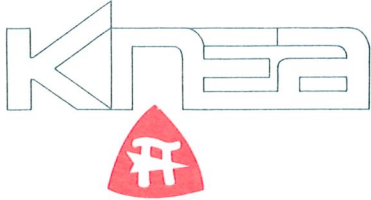
<u>Agency</u>	<u>K.S.A.</u>	<u>Membership</u>	<u>Appointed by Governor</u>	<u>Senate Approval Required</u>
Civil Rights, Commission on	44-1003	7	7	X
Civil Service Board, State	75-2929a	5	5	X
Commissioners to take Depositions and Acknowledgments	53-201		1 or more	
Community College Advisory Council	71-901	11	11	
Consumer Credit Commissioner	16-403	1	1	X
Corn Commission, Kansas	2-3002	9	9	
Corporation Commission, State	74-601	3	3	X
Corrections Ombudsman Board	74-7401	10	2	
Corrections, Secretary of	75-5203	1	1	X
Cosmetology, Kansas State Board of	74-2701	5	5	
Credit Union Administrator	17-2233	1	1	X
Credit Union Council, Kansas	17-2232	7	7	X
Crime Victims Reparation Board	74-7303	3	3	X
Crippled Children's Advisory Commission	75-5643	5	5	
Deaf and Hearing Impaired, Kansas Commission for the	75-539	16	9	
Dealer Review Board, Motor Vehicle	8-2412	8	8	
Deferred Compensation, Advisory Committee on	75-5522	5	2	
Delta Dental Plan of Kansas, Inc., Board of Directors	40-19a03	10	2	
Dental Board, Kansas	74-1404	5	5	
Developmental Disabilities Services, State Planning Council on	74-5501	Not more than 15	Not more than 15	
District Court, Judges of	20-2911 and 2913			
Economic Development, Advisory Com- mission to the Department of	74-5019	9	9	
Economic Development, Secretary of	74-5002a	1	1	X
Education Commission of the States	72-8012	7	2	
Embalming, State Board of	74-1701	5	5	
Emergency Medical Services Council	65-4316	18	11	
Employment Security, Board of Review	44-709(f)	3	2	X
Environment, Advisory Commission on	75-5615	7	7	
Fire Marshal, State	75-1510	1	1	X
Fire Protection, Personnel Standards and Education, Governor's Com- mission on	31-151	7	7	
Fiscal Agent, Incoming Governor	75-3719	1	1	
Fish and Game Commission	74-3301	5	5	X

<u>Agency</u>	<u>K.S.A.</u>	<u>Membership</u>	<u>Appointed by Governor</u>	<u>Senate Approval Required</u>
Food Service and Lodging Standards, Advisory Committee on	75-5629	9	9	
Governor's Residence Advisory Commission	75-129	7	1 or spouse	
Grain Advisory Commission, State	34-121	5	5	
Grain Inspection Department, State Director of	75-1701	1	1	X
Grain Sorghum Commission, Kansas	2-3002	9	9	
Hazardous Waste Disposal Facility Approval Board	65-3432	5	2	X
Healing Arts, State Board of	65-2812	13	13	
Health, Advisory Commission on	75-5614	7	7	
Health Coordinating Council, Statewide	65-4705	28	28	
Health and Environment, Secretary of	75-5601	1	1	X
Hearing Aid Examiners, Kansas Board of	74-5802	5	5	
Highway Advisory Commission, State	75-5002	12	12	
Highway Patrol Superintendent	74-2113	1	1	X
Historic Sites Board of Review, State	75-2719a	11	9	
Human Resources, Secretary of	75-5701	1	1	X
Indigents' Defense Services, State Board of	22-4519	9	9	X
Interstate Compact on the Placement of Children, Administrator	38-1203	1	1	
Interstate Compact on Juveniles, Administrator	38-1003	1	1	
Interstate Cooperation, Governor's Committee on	46-403	6	2	
Interstate Agricultural Grain Marketing Commission	2-3101	3	1	
Interstate Oil Compact Commission, Representative	55-865	1	1	
Interstate Parole Compact	22-4101	1	1	
Judge Advocate General	48-2106	1	1	
Juvenile Offender Programs, Advisory Commission on	75-5388	13	4	
Law Enforcement Training Commission on Peace Officers' Standards and Training, Kansas	74-5606	12	10	
Librarian, State	75-2535	1	1	X
Library Advisory Commission	75-2546	8	7	
Library Network Board	75-2578	10	7	
Low-Level Radioactive Waste, Advisory Board on	65-34a03	10	2	
Mental Health and Retardation Services and Community Mental Health Programs, Advisory Commission on	75-3302d	12	12	

<u>Agency</u>	<u>K.S.A.</u>	<u>Membership</u>	<u>Appointed by Governor</u>	<u>Senate Approval Required</u>
Mexican-American Affairs, Advisory Committee on	74-6502	7	7	
Military Advisory Board, Kansas	48-214	9	3	
Military Disability Board, Kansas	48-261	At Least 5	At Least 5	
Milk Advisory Committee, State	65-737b	6	5	
Mined-Land Conservation and Reclamation Board	49-404	13	12	
Mo-Kan Metropolitan Development District and Agency Compact	12-2518	5	5	X
Municipal Accounting Board, State	75-1118	7	7	
National Guard, Generals	48-208			X
Nonprofit Medical Service Corporation Directors	40-1902	15	2	
Nonprofit Optometric Service Corporation Directors	40-19b03	10	2	
Nonresident Violator Compact, Administrator of	8-1220	1	1 (Secretary of Revenue or Director of Vehicles)	
North Central Kansas Library System Board	75-2550	1 or more from each system member	1 or more from each county in the system	
Northeast Kansas Library System Board	75-2550	1 or more from each system member	1 or more from each county in the system	
Northwest Kansas Library System Board	75-2550	1 or more from each system member	1 or more from each county in the system	
Nuclear Board, Midwest	48-2002	varies	1	X
Nursing, State Board of	74-1106	11	11	
Oil and Gas, Advisory Committee on Regulation of	55-153	10	1	
Optometry, State Board of Examiners in	74-1501	4	4	
Pardon Attorney	75-3102	1	1	
Park and Resources Authority, State	74-4504	9	5	X
Pharmacy, State Board of	74-1804	6	6	
Physical Therapists, State Examining Committee for	65-2904	5	3	
Podiatry, Advisory Committee on	74-2807	3	3	
Political Party, State Committee	25-3804	varies	1	
Political Party, State Committee, Executive Committee	25-3805	varies	1	
Pooled Money Investment Board	75-4221a	3	2	X

<u>Agency</u>	<u>K.S.A.</u>	<u>Membership</u>	<u>Appointed by Governor</u>	<u>Senate Approval Required</u>
Public Disclosure Commission	25-4119a	5	1	
Public Employee Relations Board	75-4323	5	5	X
Public Employees' Retirement System, Kansas	74-4905	7	7	X
Real Estate Commission, Kansas	74-4201	5	5	
Recreation, Joint Council on	74-4528	15	7	
Regents, State Board of	74-3201	9	9	X
Regents, State Board of, Additional Members to Carry out Federal Act	74-3236	indefinite	indefinite	
Revenue, Secretary of	75-5101	1	1	X
Savings and Loan Commissioner	74-3104	1	1	X
Savings and Loan Board	74-3113	7	7	X
Securities Commissioner	75-6301	1	1	X
Social and Rehabilitation Services, Secretary of	75-5301	1	1	X
South Central Kansas Library System Board	75-2550	1 or more from each system member	1 or more from each county in the system	
Southeast Kansas Library System Board	75-2550	1 or more from each system member	1 or more from each county in the system	
Southwest Kansas Library System Board	75-2550	1 or more from each system member	1 or more from each county in the system	
Soybean Commission, Kansas	2-3002	7	7	
State and School District Purchases, Committee on	75-3318	5	2	
Supreme Court, Nominating Commission	Kansas Constitution, Art. 3, 2f; K.S.A. 20-124	11	5	
Tax Appeals, State Board of	74-2433	5	5	X
Technical Professions, State Board of	74-7004	9	9	
Transportation, Secretary of	75-5001	1	1	X
Turnpike Authority, Kansas	68-2003	5	2	
Vehicle Equipment Safety, Commissioner	8-1205	1	1	
Veterans' Commission, Kansas	73-1208a	3	3	X
Veterinary Examiners, State Board of	47-818	5	5	
Washburn University, Board of Regents	13-13a04 and 13-13a06	9 or 10	3 or 2	
Water Authority, Kansas	74-2622	16	8	
Water Authority, Kansas, Chairperson	74-2622	1	1	X
Water Office, Director	74-2613	1	1	X

<u>Agency</u>	<u>K.S.A.</u>	<u>Membership</u>	<u>Appointed by Governor</u>	<u>Senate Approval Required</u>
Wheat Commission, Kansas	2-2603	7	7	
Wichita University, Board of Trustees	76-3a16	9	9	



Craig Grant Testimony Before The
House Governmental Organization
Committee

January 28, 1986

Thank you, Mr. Chairman. Members of the Committee, my name is Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to speak with you regarding HCR 5028.

Kansas-NEA believes that HCR 5028 is a compromise piece of legislation that addresses a topic which has been before the legislature in the past. Both last session and as late as last Wednesday in the Senate Education Committee, legislation was introduced to not only change the constitutional powers and duties of the State Board of Education, but also to make the Board an appointed one. Most discussion last year referred to the elected status versus appointed status. HCR 5028 retains the elected Board but moves the authority to provide for the state education policy to the legislature.

Kansas-NEA does not believe that the state will experience much if any change in the developing and supervising the educational policy of this state. The legislature would delegate much, if not all, of the general operation of our schools to the state board and local school districts. However, it seems to us that the body which funds the education system has the ultimate responsibility to provide for our entire educational system. It is so evident that budget control dictates actual control that we should clarify our constitution to place the credit-or blame-for our educational

Craig Grant Testimony Before House Governmental Organization Committee,
January 28, 1986 - Page Two

programs where it actually belongs. As far as the Kansas Senate confirming the appointment of the Commissioner of Education, it seems consistent with other agencies to proceed in this direction.

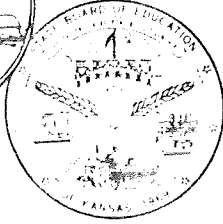
Kansas-NEA believes that HCR 5028 is a workable compromise that clarifies and updates the Kansas Constitution in a way which is consistent with reality in Kansas. We can support such a change.

Thank you, Mr. Chairman and Member of the Committee, for listening to the concerns of teachers.

Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612-1103



Kay M. Groneman
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

Sheila Frahm
District 5

Theodore R. Von Fange
District 7

Robert J. Clemons
District 9

Dale Louis Carey
District 3

January 27, 1986

Marion (Mick) Stevens
District 10

TO: House Governmental Organization Committee

FROM: State Board of Education

SUBJECT: House Concurrent Resolution 5028

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before you today on behalf of the State Board concerning House Concurrent Resolution 5028.

The State Board of Education has made a concerted effort to acknowledge both the educational needs of the community and the school districts' ability to finance any proposed changes. The educational reform movement began following the release of the "Nation at Risk" report which has initiated a good deal of publicity about the expectations and limitations of education on the national level. However, prior to the reform movement, the State Board of Education had started new programs to meet the state's expectation of education, especially increasing student achievement. During the last few years, with the cooperation of the Governor and the Legislature, we have been able to establish a precertification testing program, an inservice education program, standards to increase graduation requirements, and a plan for implementation of a teacher internship program.

In light of these accomplishments, it is the State Board's opinion that its general supervisory powers have been used wisely to respond to the educational needs of our state.

The State Board of Education has made every effort to obtain public input on any major issues being considered for implementation by holding hearings. Notices of all public hearings are made available to all school districts, community colleges, and area vocational-technical schools prior to implementation to insure that adequate input is received prior to the State Board's action.

ATTACHMENT 7

An Equal Employment/Educational Opportunity Agency 1/28/86 Hs. Gov. Org.

We believe amending the Constitution to reduce the State Board's self-executing authority is unnecessary and not in the best interest of education. Education is a very complex and difficult area to analyze and determine the proper decisions which should be made in the best interest of students and educators. Thus, we believe that the State Board of Education which is composed of elected members whose major interest is education can adequately respond to those needs in cooperation with the Governor and the Legislature without amending the Constitution.