

Approved April 8, 1986

Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~xxxx~~ p.m. on TUESDAY, APRIL 1, 1986 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 5033 - Concurrent resolution urging school districts to strengthen Kansas history study; urge state board of education and regents to assist school districts in the provision of Kansas history programs (Harper, Apt, Hassler, Hayden)

Proponents:

Representative Richard Harper, co-sponsor of HCR 5033  
Mr. Ken Rogg, Legislative Representative, Schools for Quality Education

HCR 5028 - Concurrent resolution to revise the education article of the constitution

Proponents:

Representative Elizabeth Baker, co-sponsor of HCR 5028  
Mr. Richard Funk, Asst. Executive Director, Kansas Association of School Boards

Opponents:

Ms. Connie Hubbell, Legislative Chairman, State Board of Education

Following a call to order, the Chairman asked if there was a motion to approve the minutes. Senator Arasmith moved that the minutes of March 27 be approved. The motion was seconded by Senator Allen, and the motion carried.

HCR 5033 - The Chairman recognized Representative Richard L. Harper, co-sponsor of HCR 5033, who explained how his resolution would encourage the teaching of Kansas history in the state school system. (Attachment 1)

Mr. Kenneth Rogg of Schools for Quality Education reminded the Committee of a resolution passed by the Legislature in 1983 which encouraged schools to acknowledge the significance of Kansas Day and of his organization's efforts to support this event. HCR 5033, he said, would encourage schools to re-examine their Kansas history programs. He recalled past years when the teaching of Kansas history was more prevalent in the Kansas school system and when textbooks on Kansas history were more readily available. He noted that it was about 1972 when a textbook on Kansas history had once again become available. The only concern expressed by Mr. Rogg was that the teaching of Kansas history not be mandated, and he cited an instance of a doctor of education failing to pass a certification test because of the amount of state history contained in the test.

Following testimony by Mr. Rogg, the Chair called for additional conferees on HCR 5033, but there were none. He then announced that the hearing on HCR 5033 was concluded and that the resolution would be taken under advisement.

HCR 5028 - When Representative Elizabeth Baker, co-sponsor of HCR 5028, was recognized to testify, Representative Baker related that HCR 5028 had been

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,room 254-E, Statehouse, at 1:30 ~~xxx~~ p.m. on TUESDAY, APRIL 1, 1986

assigned separately to two Committees of the House (Education and Governmental Organization) and that not only had it been passed by both Committees, but it was passed unanimously by the Committee of the Whole of the House. Representative Baker recalled that when a similar measure had gone to the Kansas voters in 1974, the measure had failed by only ten votes. Although K-NEA did not support the measure at that time, she continued, the teachers' organization supports it today. Representative Baker submitted Attachments 2, 3, and 4, and these include the testimonies submitted to the two committees of the House which passed the resolution.

Mr. Richard Funk of Kansas Association of School Boards stated that his organization for the last ten years has had a policy statement which supports placing the powers of the State Board of Education clearly under the jurisdiction of the Legislature. (Attachment 5)

In presenting testimony on behalf of the State Board of Education, Ms. Connie Hubbell, Legislative Chairman, affirmed that the general supervisory powers of the State Board had been used wisely to respond to the educational needs of our state. (Attachment 6) Ms. Hubbell, in response to questions, acknowledged that there had been only two instances when the State Board might be considered to have overstepped its powers.

When the Chair called for more conferees to testify on HCR 5028, there was no response. The Chair announced that the hearing on HCR 5028 was concluded and that the resolution would be taken under advisement.

In response to the Chair's call for the subcommittee report on HB 2795 dealing with truancy, Senator Salisbury, chairperson, replied that the subcommittee is requesting additional time before presenting its report to the Committee. The Chair, acknowledging that truancy is a problem of major concern, agreed to the extension of time requested.

The Chair then introduced Mr. Mike Culp, principal at Elmont Elementary School, USD 345, Seaman, in Shawnee County. Mr. Culp explained that as a Ph. D. candidate at Kansas State University he would like to distribute questionnaires to the Committee members to complete and return to him as part of the work he is doing on his doctor dissertation study. Mr. Culp described his questionnaire as a generic form of evaluation on the subject of "Principal Competencies". (Attachment 7)

The Chair directed the Committee's attention to HCR 5033, relating to strengthening Kansas history study in Kansas schools, and asked the Committee's pleasure. Senator Warren moved that HCR 5033 be recommended favorably for passage. This was seconded by Senator Montgomery. Before further action was taken, Ms. Connie Hubbell of the State Board, responding to a question, replied that the State Board supports a study of Kansas history being included as an optional course of study in the schools. Mr. Dale Dennis of the State Department of Education told the Committee that presently there are two or three books on Kansas history available for purchase. When the Chair called for a vote on the motion to recommend HCR 5033 favorably for passage, the motion carried.

The Chair next directed the Committee's attention to HCR 5028. He explained that when the Legislature passed the original language of the Constitution relating to the State Board of Education, the intent of the legislation was that the Legislature have supervisory powers over the State Board. He related, however, that the Kansas Supreme Court has interpreted Article 6 of the Constitution, relating to Education, to mean that the State Board has self-executing powers. HCR 5028, he continued, would make it clear that the powers of the State Board are subject to directives adopted by the Legislature. When the Chair asked the Committee's pleasure, Senator Montgomery moved, and Senator Warren seconded the motion that HCR 5028 be recommended favorably for passage. The motion carried. Senator Montgomery then moved that HCR 5028 be placed on the primary election ballot, but he later withdrew his motion.

The Chair announced that the Committee would meet once more before the end of the session with the date to be announced later, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Tuesday, April 1, 1986

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Ken Rogg	Paola	S Q E
Mike Hammond	Topeka	Kansas NEA
Dale Louis Carey	Ottawa, Mo.	State Board of Education
S L Lindy	Topeka	KACC
Merle Hice	"	KACC
Mike Culy	Topeka	<del>citizen</del> citizen
Connie Ruesell	Topeka	St Bd of Ed.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Tuesday, April 1, 1986

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Bella Highfill Scott	Lawrence	USA
Richard Frank	Topeka	KASB
Lee Kunch	Wichita	Attorney
Bill Smith	Wichita	U.S.R. 259
Martine F. Hammond	Topeka	Kan Bd Regents

Mr. Chairman and Members of the Senate Education Committee

HCR 5033 is a resolution urging the teaching of Kansas history in the Kansas school system, and also commends school districts which provide for strong programs of teaching Kansas history.

HB 2074, which was introduced in the 1985 session, mandated the teaching of Kansas history. I feel this resolution is more palatable because it only "urges" that the subject be taught.

This resolution urges the State Board of Education to implement the teaching of Kansas history throughout the state, and also urges the State Board of Regents to incorporate into teacher-training programs effective preparation for the teaching of this subject.

Thank you for allowing me to appear before your committee on this important resolution, and I shall stand for questions.

Richard L. Harper,  
State Representative  
11th District



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

ATTACHMENT 2

TO: Senate Education Committee  
 FROM: Representative Elizabeth Baker and Representative Ron Fox  
 DATE: April 1, 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.

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

## SUBCOMMITTEE REPORT

ATTACHMENT 3

TO: House Governmental Organization Committee

FROM: Subcommittee C

RE: H.C.R. 5028

The Subcommittee makes the following recommendations pursuant to its review of H.C.R. 5028:

H.C.R. 5028 is a proposition to revise Article 6 of the Kansas Constitution. The resolution has two policy implications. First, H.C.R. 5028 addresses legislative authority in the field of education. The resolution would clarify that such authority rests exclusively with the Legislature. Presently, as a result of a state Supreme Court decision, that authority is divided between the Legislature and the State Board of Education. Second, H.C.R. 5028 provides for Senate confirmation of the Commissioner of Education. Presently, the State Board of Education's appointment is not subject to Senate review.

The proposed resolution would clarify that the Legislature provides for the State Board of Education and for its 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. The resolution would delete language in Article 6 of the Kansas Constitution which the state Supreme Court has interpreted to mean that the State Board of Education has "self-executing" powers, i.e. that the Kansas 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.

The state Supreme Court's 1973 decision in *State, ex rel., v. Board of Education* (212 Kan. 482) -- commonly referred to as the "Peabody" case -- held that Article 6, section 2(a) was a "self-executing" provision.

The "self-executing" provision requires no supplementary legislation to make Article 6, section 2(a) operative and leaves nothing to be done by the Legislature to put it into operation. Thus, according to the state Supreme Court, the Legislature may enact legislation to facilitate or to assist in the operation of the constitutional provision, but any such legislation must be in harmony with and not in derogation of the constitutional provision.

#### Background

The Subcommittee heard testimony and reviewed public documents about Article 6, section 2(a). The language presently found in the state Constitution was added as a part of the revision of the Education Article which was approved by the electors in 1966. The amendment arose from the work of an Education Advisory Committee which worked in conjunction with the Educational Committee of the Legislative Council. In its report entitled "The Education Amendment to the Kansas Constitution," the Education Committee 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."



The phrase "under directives adopted by the Legislature" is cited as an indication of legislative intent which is counter to the state Supreme Court interpretation of the constitutional provision. The 1973 Supreme Court decision was based on comparing non-parallel language in Article 6 which authorizes the State Board of Education in section 2(a) and the State Board of Regents in section 2(b) to exercise power over certain aspects of the state's education. The state Supreme Court ruling that the State Board of Education has "self-executing" powers led some members of the Subcommittee to conclude that a drafting error or at least an inconsistency in the language of section 2(a) when compared with section 2(b) is the sole basis of this issue. None of the public documents from 1965 or 1966 which the Subcommittee reviewed tend to support the interpretation that the Legislature intended to give the State Board of Education greater authority than were given to the State Board of Regents.

Prior to 1981, the only time the State Board of Education had used its constitutional legislative power was to adopt a rule that led to the state Supreme Court's 1973 decision in the "Peabody" case.

In response to an inquiry by the chairman of the State Board of Education in 1981, the Attorney General issued Opinion No. 81-236 which stated that the State Board of Education has the authority to adopt rules and regulations based on its constitutional authority and disregarding any statutory authority or lack thereof. Based largely on the 1973 state Supreme Court decision, the Attorney General's opinion held that the Legislature may not prescribe, amend, modify or otherwise alter the content of such rules and regulations.

Since 1981, the State Board has increasingly relied upon its constitutional authority in the adoption of rules and regulations which govern the operation of public schools in the state.

#### Subcommittee Review

The Subcommittee held four sessions on H.C.R. 5028.

January 20, 1986. General background discussion and direction to staff to gather public documents.

February 5, 1986. Conferees Bob Wootton from the Governor's Office, Senator Joe Harder, and Representative Don Crumbaker discussed the 1966 amendment and self-executing power. All three conferees supported H.C.R. 5028. Distribution of public documents was made by staff.

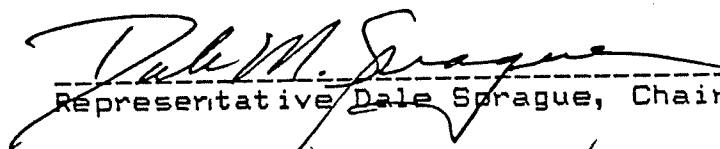
February 6, 1986. The State Board of Education, Kansas National Education Association, and Kansas Association of School Boards presented written statements on H.C.R. 5028. Connie Hubbell, the legislative chairperson for the State Board of Education, Craig Grant of the Kansas National Education Association, and Bill Curtis of the Kansas Association of School Boards answered questions about the position statements.

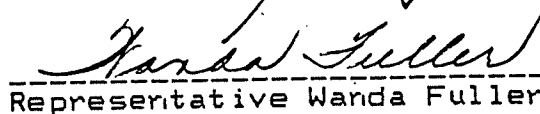
February 11, 1986. Subcommittee discussion of H.C.R. 5028 and directions to staff for final report.

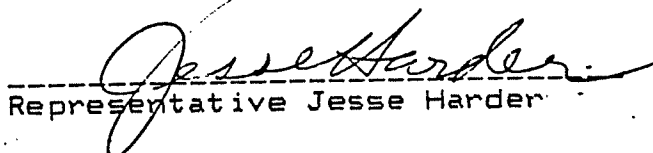
### Subcommittee Recommendations

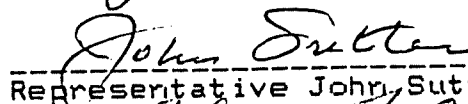
1. The resolution should be recommended favorably. The Subcommittee believes that there would be no change in the current operating relationship between the State Board and the Legislature. The Subcommittee feels that the activities of the State Board since 1966 have been appropriate and proper, and that the State Board has not used its constitutional power as a means to disregard the Legislature. However, the Subcommittee feels that ultimately it is the Legislature which should be responsible for policy decisions in education, especially since the Legislature is responsible for much of the funding.
2. The self-executing power of the State Board should be terminated and all legislative power should be returned to the Legislature. Only the representative of the State Board in a written statement of February 4, 1986, asked to continue existing constitutional provisions whereby the State Board may adopt binding policies in regard to educational issues. Statements presented by the Kansas National Education Association (February 6, 1986) and the Kansas Association of School Boards (February 6, 1986) supported the changes addressed by H.C.R. 5028. All three statements are attached to this report. The provision for eliminating the self-executing language in Article 6, section 2(a) is included in H.C.R. 5028.
3. The appointment of the Commissioner of Education should be subject to confirmation by the Senate. The Subcommittee believes that since the Commissioner is the head of a state agency as well as the chief executive officer of the State Board, confirmation of the Commissioner by the Senate would be an appropriate procedure to follow given the importance and sensitivity of the position in state government. This provision for confirming the Commissioner in the Senate is included in H.C.R. 5028.
4. The Subcommittee makes no recommendation about the issue of electing or appointing State Board of Education members. This question is not addressed in H.C.R. 5028 and the Subcommittee makes no findings with regard to the manner of selection of State Board members.

#### Subcommittee Members:

  
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Representative Dale Sprague, Chairman

  
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Representative Wanda Fuller

  
-----  
Representative Jesse Harder

  
-----  
Representative John Sutter

  
-----  
Representative Thomas Walker

STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

ELIZABETH BAKER  
REPRESENTATIVE, EIGHTY-SECOND DISTRICT  
SEDGWICK COUNTY  
1025 REDWOOD RD.  
DERBY, KANSAS 67037-2428

COMMITTEE ASSIGNMENTS  
MEMBER EDUCATION  
WAYS AND MEANS COMMITTEE  
INTERNSHIP  
LOCAL GOVERNMENT  
ELECTIONS

ATTACHMENT 4

FOR YOUR INFORMATION

HCR 5028 is a proposition to revise Article 6 of the Kansas Constitution. This letter gives important background information as to why this change is needed.

*Elizabeth  
Baker*

STATE OF KANSAS



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



regulation was a proper exercise of its power of "general supervision" granted by both constitutional and statutory provisions. The Court ruled in favor of the State Board.

At the heart of the controversy in the Peabody case and in the recent Attorney General's opinion is the language 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.

The Kansas Supreme Court determined that the above provision is "self-executing," 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. 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 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.

Based upon the decision in the Peabody case, the Attorney General stated the opinion that:

...it is the State Board of Education, and not the Legislature, that possesses 'general supervision of the 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 Attorney General cited a 1979 case (NEA-Fort Scott v. U.S.D. No. 234 (225 Kan. 607)), in which the Kansas Supreme Court made it clear that the authority of the State Board as to general supervision is not "carte blanche," but is limited to the sphere of "general supervision." Thus it must be determined in each instance whether a subject is in the exclusive "general supervision" domain of the State Board. To date, the Attorney General has said only that certification falls into this domain.

Our concern, and the concern we are asking you to address, goes to the very basic distribution of powers under our state constitution. Should all legislative powers relating to the field of education be vested in the Legislature? Or, should some of these powers be reserved to the State Board of Education? Presently, pursuant to the Kansas Supreme Court's Peabody decision, these powers are divided. The nature of this division is not clear; it can only be clarified by further court decisions. How much of current education legislation is, in essence, an empty shell that can be disregarded by the State Board of Education? We do not know. How much existing legislation is in derogation of the present constitutional provision? We do not know.

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.

While the historical basis for the concern we are expressing to you is interesting, it is not the main issue. The main issue is where legislative authority in the field of education should be placed. We are asking that your Committee consider this matter and provide guidance and direction to the 1982 Legislature concerning it.

Sincerely,

Representative Sandy Duncan, Chairman  
Joint Committee on Administrative Rules  
and Regulations

Senator Merrill Werts, Vice Chairman  
Joint Committee on Administrative Rules  
and Regulations



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

Testimony on HCR 5028  
.before the  
Senate Education Committee  
by  
Richard S. Funk, Assistant Executive Director  
Kansas Association of School Boards  
April 1, 1986

Mr. Chairman and members of the committee, we appreciate the opportunity to present the views of the school boards of Kansas regarding HCR 5028.

For approximately the past ten years, the Kansas Association of School Boards has had a policy statement which supports placing the powers of the State Board of Education clearly under the jurisdiction of the Legislature. The same policy also supports a Commissioner of Education appointed by the State Board.

Twice within the last three years that policy has been reviewed by the KASB Legislative Committee, the policy development body of the association. Also, the policy statement has been voted upon by the Delegate Assembly, the policy determining body of the association.

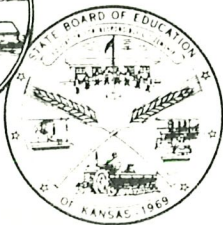
HCR 5028 retains an elected State Board and the appointment of the Commissioner of that board. However, the major change proposed by HCR 5028 removes the self-executing powers of the State Board of Education. It does not appear that the passage of this resolution will perceptibly change the way the State Board operates. The resolution provides a check on the State Board and the past history would indicate that it would rarely be used. Neither is it anticipated that the Legislature would become involved in the business of the State Board. KASB would urge your support of HCR 5028.



# Kansas State Board of Education

Kansas State Education Building ATTACHMENT 6

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

April 1, 1986

Marion (Mick) Stevens  
District 10

TO: Senate Education 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.

Senate Education  
Attachment VI

4/1/86

SCHOOL PRINCIPAL'S PERFORMANCE/PROFICIENCY STANDARDS

Please do not identify yourself since we are using only group data.

Below are listed the general skills, proficiencies, and a definition of such that have been identified in the literature. Please mark your opinion on the importance of each proficiency of school principals.

In your opinion how important is this skill/proficiency?

1. Job Motivation: The extent to which activities and responsibilities available in the job overlap with activities and responsibilities that result in personal satisfaction

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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2. Sensitivity: Actions that indicate a consideration for the feelings and needs of others

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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3. Technical and Professional Knowledge: Level of understanding of relevant technical and professional information

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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4. Adaptability: Maintaining effectiveness in varying environments, with various tasks, responsibilities, or people

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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5. Extraorganizational Sensitivity: Action that indicates an awareness of the impact and implications of decisions relevant to societal and governmental factors

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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6. Organizational Sensitivity: Action that indicates an awareness of the impact and implications of decisions on other components of the organization

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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7. Recognition of Employee Safety Needs: Awareness of conditions that affect employees' safety needs and taking action to resolve inadequacies and discrepancies

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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8. Decisiveness: Readiness to make decisions, render judgments, take action, or commit oneself

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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9. Tenacity: Staying with a position or plan of action until the desired objective is achieved or is no longer reasonably attainable

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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10. Range of Interests: Breadth and diversity of general business related knowledge--well informed

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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11. Development of Subordinates: Developing the skills and competencies of subordinates through training and development activities related to current and future jobs

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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12. Written Communication: Clear expression of ideas in writing and use of good grammatical form

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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13. Creativity: Generating and/or recognizing imaginative solutions and innovations in work-related situations

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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14. Oral Presentation: Effective expression when presenting ideas or tasks to an individual or to a group when given time for preparation (includes gestures and nonverbal communication)

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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15. Initiative: Active attempts to influence events to achieve goals; self-starting rather than passive acceptance. Taking action to achieve goals beyond those called for; originating action

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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16. Resilience: Handling disappointment and/or rejection while maintaining effectiveness

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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17. Tolerance for Stress: Stability of performance under pressure and/or opposition

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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18. Extraorganizational Awareness: Use of knowledge or changing societal and governmental pressures outside the organization to identify potential problems and opportunities

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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19. Control: Establishing procedures to monitor and/or regulate processes, tasks, or activities of subordinates and job activities of subordinates and job activities and responsibilities; taking action to monitor the results of delegated assignments or projects

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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20. Organizational Awareness: Use of knowledge of changing situations and pressures inside the organization to identify potential organizational problems and opportunities

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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21. Judgment: Developing alternative courses of action and making decisions based on logical assumptions that reflect factual information

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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22. Work Standards: Setting high goals or standards of performance for self, subordinates, others, and organization. Dissatisfied with average performance

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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23. Leadership: Utilization of appropriate interpersonal styles and methods in guiding individuals (subordinates, peers, superiors) or groups toward task accomplishment

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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24. Independence: Taking action in which the dominant influence is one's own convictions rather than the influence of others' opinions

<u>Very Important</u>	<u>Somewhat</u> <u>Important</u>	<u>Not Very</u> <u>Important</u>	<u>Not Important</u>
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25. Planning and Organizing: Establishing a course of action for self and/or others to achieve a specific goal; planning proper assignments of personnel and appropriate allocation of resources.

<u>Very Important</u>	<u>Somewhat</u> <u>Important</u>	<u>Not Very</u> <u>Important</u>	<u>Not Important</u>
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26. Career Ambition: The expressed desire to advance to higher job levels with active efforts toward self-development for advancement

<u>Very Important</u>	<u>Somewhat</u> <u>Important</u>	<u>Not Very</u> <u>Important</u>	<u>Not Important</u>
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27. Practical Learning: Assimilating and applying new, job-related information taking into consideration rate and complexity

<u>Very Important</u>	<u>Somewhat</u> <u>Important</u>	<u>Not Very</u> <u>Important</u>	<u>Not Important</u>
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28. Integrity: Maintaining social, ethical, and organizational norms in job-related activities

<u>Very Important</u>	<u>Somewhat</u> <u>Important</u>	<u>Not Very</u> <u>Important</u>	<u>Not Important</u>
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29. Energy: Maintaining a high activity level

<u>Very Important</u>	<u>Somewhat</u> <u>Important</u>	<u>Not Very</u> <u>Important</u>	<u>Not Important</u>
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30. Delegation: Utilizing subordinates effectively; allocating decision making and other responsibilities to the appropriate subordinates

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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31. Oral Communication: Effective expression in individual or group situations (includes gestures and nonverbal communications)

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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32. Risk Taking: Taking or initiating action that involves a deliberate gamble in order to achieve a recognized benefit or advantage

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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33. Analysis: Identifying problems, securing relevant information, relating data from different sources, and identifying possible causes of problems

<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not Important</u>
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Please go back and circle the numbers of the two proficiencies you think are the most important. Thank you for your valuable time and input.

Sources for the proficiencies are:

George C. Thornton III and William C. Byham. Assessment Centers  
Managerial Performance, Publisher: Academic Press, Inc.,  
1982.

National Association of Educational Secondary Principals Standards  
Projects. 1920 Association Drive, Reston, Virginia 22091.  
PROFICIENCY STANDARDS FOR ELEMENTARY SCHOOL PRINCIPALS:  
Kindergarten through Eighth Grade.

National Association of Secondary School Principals Assessment  
Centers, 1904 Association Drive, Reston, Virginia 22091.