

Approved February 4, 1988  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Senator Joseph C. Harder at  
Chairperson

1:30 ~~a.m.~~/p.m. on Monday, February 1, 1988 in room 123-S of the Capitol.

All members were present except:

Senator Montgomery, excused

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:

SCR 1613 - Constitutional amendment, education article (LEPC)

Proponents:

Mr. Mark Tallman, Legislative Director, Associated Students of Kansas  
Dr. Richard Funk, Assistant Executive Director, Kansas Association of  
School Boards  
Ms. Kay Coles, Director of Communications, Kansas-National Education  
Association (Speaking for Mr. Craig Grant, who is unable to be  
here today)

Opponents:

Ms. Connie Hubbell, Legislative Chairman, Kansas Board of Education  
Mr. Bill Musick, Chairman, Kansas Board of Education  
Mr. David DePue, Executive Director, Kansas Council on Vocational  
Education  
Mr. Ken Rogg, Legislative Representative, Schools for Quality  
Education

After Chairman Joseph C. Harder called the meeting to order, Senator Arasmith moved that minutes of the Committee meeting of January 27 be approved. Senator Allen seconded the motion, and the motion carried.

The Chairman recognized Mr. Mark Tallman of the Associated Students of Kansas, whose testimony in support of SCR 1613 is found in Attachment 1.

Mr. Richard Funk, Kansas Association of School Boards, stated that his organization supports what it feels is the original intent of the resolution, and that is to eliminate the self-executing powers of the State Board of Education. With the focus on this point alone, he said he supports the resolution. He continued his testimony by stating that the resolution as presently written is too broad in scope and pointed out that future legislatures are not bound by the actions of the present one.

Ms. Kay Coles, Kansas-National Education, speaking in the absence of Mr. Craig Grant, voiced her support in favor of SCR 1613 by stating that she feels it was not the original intent of the Education Article to grant the State Board of Education self-executing authority in the education policies of the state. Ms. Coles, however, did express some concerns if the amendment was to pass as it is presently written. (Attachment 2)

Ms. Connie Hubbell, State Board of Education, explained that the focus of her testimony regarding SCR 1613 was directed at the self-executing powers of the State Board. She expressed concern regarding possible legislative actions that could ensue by amending the Education Article of the Constitution using the present language of SCR 1613. (Attachment 3)

The focus of the testimony voiced by Mr. Bill Musick, Chairman of the Kansas State Board of Education, related to the State Board being an elected board as opposed to one that is appointed. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 123-S, Statehouse, at 1:30 ~~am~~/p.m. on Monday, February 1, 1988.

When Mr. Musick and Ms. Hubbell were responding to Committee questions, Ms. Hubbell replied that if the Constitution did not specify that the State Board was to be an elected body, it is possible that future legislatures might support a different view on the issue.

When Mr. Dale Dennis, Assistant Commissioner of Education, was posed a question regarding community colleges, Mr. Dennis replied that he believed the community colleges could be transferred to the Board of Regents but that a third board could not be created under the present constitutional provisions.

Mr. David DePue, after being recognized by the Chairman, identified himself as Executive Director of the thirteen-member board of the Kansas Council on Vocational Education. Mr. DePue explained that the Council on Vocational Education was created as a result of the Carl-Perkins Vocational Education Act of the U.S. Congress, and he was concerned regarding any changes which might affect the Council and its funding, which consists primarily of federal funds. He indicated support for keeping the vocational education schools under the governance of the State Board and noted that in the three states where vocational education is under the Board of Regents there is a status problem that has developed between the baccalaureate and vocational education programs. He also pointed out the importance, under present governance, of their capability of planning over a long period of time.

The Schools for Quality Education legislative representative, Mr. Ken Rogg, told the Committee that members of his organization's legislative committee voted unanimously to oppose SCR 1613 as it is presently written. He did state it would be acceptable if the resolution related only to the self-executing authority of the State Board but indicated that some middle ground might, also, be acceptable to his group.

Following testimony by Mr. Rogg, the Chairman adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-s DATE: Monday, February 1, 1988

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
George Barbee	Topeka	Ks Voc. Assn.
Richard Funk	"	KASB
Jim Copple	Wichita	KFT
Carol Kehr	Topeka	KFT
Mary Ellen Simon	Topeka	Lg. of Women Voters
Ruth Wilkin	Topeka	AAUP
<del>John</del> JOSEPH JOSEPH	Lawrence	University of Kansas
Ken Roysa	A B E	Paula
Helen Steinhilber	KC	KC USD #500
Jimm Youngly	Overland Park	USD #512
Leola Thomas	Topeka	USA
Drilla Highfill Scott	Topeka	USA

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Monday, February 1, 1988

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Ray Collins	Topeka	KNEA
Bill Muesel	Mpls	STB
Connie Hines	Topeka	SEBIFED
Merle Hise	"	KACC
Mark Tallman	Topeka	ASK
TED D. AYRES	Topeka	BOARD OF REGENTS
Eel Washburn	Topeka	Washburn Univ
Bob Kelly	Topeka	KS Independent Colleges
Ann Hinkley	Topeka	San Johnston's Intern
David DePue	Topeka	KCOVE
John Conard	Topeka	Governor's Office
ED SCHAUB	TOPEKA	ASSN OF COMMUNITY COLLEGES
DEAN ROBERTSON	TOPEKA	KS Vocational Assn.
Bob Halperin	Girard Ks.	SEK Reg. Serv Center
Debbie Mason	Topeka	" @ KND
David De Moss	Girard, Ks	SEK Education Soc. Ctr.
L. Hines	Topeka	UPI
Amy Apitz	Topeka	KMHA





# ASSOCIATED STUDENTS OF KANSAS

*The Student Governments of the State Universities*

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Executive Director

Mark E. Tallman  
Director of Legislative Affairs  
and Development

**MEMBERS:**

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Fort Hays State University  
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The Wichita State University  
Campus Activities Center  
Wichita, Kansas 67208  
316-689-3480

TO: Senate Education Committee  
FROM: Mark Tallman, Legislative Director  
DATE: February 1, 1988

RE: SCR 1613 -- Revising Article 6 of the Kansas Constitution

Associated Students of Kansas supports the adoption of SCR 1613.

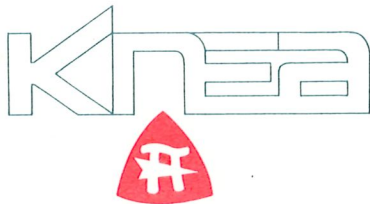
In hearings during the 1987 Legislature regarding the governance of postsecondary education, ASK stated the position that current governance and coordination of postsecondary institutions in Kansas is inadequate and should be improved.

While this amendment to the Constitution would not, by itself, change the present situation, we believe it would be a step in that direction. Political and educational leaders seem to be deadlocked over this issue; hopefully this amendment will break that deadlock.

However, we feel that if this amendment simply leads to a proliferation of governing agencies without greater coordination, it may do more harm than good. Kansas should move to a system which provides efficient use of state services, greater information on student choices and services, easier transfer of credits, and stronger advocacy of student access.

Thank you.

Attachment 1, 2/1/88



Craig Grant Testimony Before  
Senate Education Committee  
Monday, February 1, 1988

Thank you, Mr. Chairman. Members of the Committee, my name is Craig Grant and I represent the 22,000 members of Kansas-NEA. I appreciate this chance to speak to you about SCR 1613, the constitutional changes to the educational article.

Kansas-NEA can support certain changes in Article 6 of the constitution. We believe that the evidence would support the intent of the original writers of the new constitution not to grant the state board of education self-executing authority in the educational policies of the state. It seems inconsistent to us that the legislature, which controls the purse strings, does not have the authority to make independent decisions regarding educational policy. The legislature may choose not to make policy decisions, but it should have the right to do so. We supported this change in 1986 and still believe that this change would be beneficial to the state.

We do have some concerns as to what changes the legislature might make if this amendment as written passes. The ludicrous extreme would be to do away with the state board of regents and state board of education and run the department itself. I know that will not occur. Our delegates have supported a third governing board for community colleges. We know that could happen under this change. We have supported an independent and autonomous standard's board so that we can have more policing powers over our own profession. That could happen with the change. An area of change

Attachment 2, 2/1/88

Craig Grant Testimony Before Senate Education Committee, 2/1/88, page two

which we have not supported as of this time is a change to an appointed state board of education. That would be a possibility under the proposal.

The unknown often makes people nervous. We are not stating that we do not trust the legislature to make thoughtful decisions with the purpose of improving education in Kansas. We also believe that we do need some flexibility in education to meet the challenges which will arise in the future. I believe that it might be advantageous for the leaders to outline what possible changes are being contemplated to ease the minds of the people with legitimate fears as to what might happen.

As in the past, Kansas-NEA can support change in the education article of the Kansas constitution. We thank you for listening to our concerns.

# Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612-1103

Mildred McMillon  
District 1

Connie Hubbell  
District 4

Bill Musick  
District 6

Evelyn Whitcomb  
District 8

Kathleen White  
District 2

Sheila Frahm  
District 5

Richard M. Robl  
District 7

Robert J. Clemons  
District 9

Paul D. Adams  
District 3

Marion (Mick) Stevens  
District 10

February 1, 1988

TO: Senate Education Committee

FROM: State Board of Education

SUBJECT: Senate Concurrent Resolution 1613

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before the Committee on behalf of the State Board.

Senate Concurrent Resolution 1613 is an amendment to the Constitution which would grant the Legislature the opportunity to enact legislation to change the present system of governance and to make any other changes that are not currently possible under the present education article. The two areas that are most frequently discussed concerning the education article associated with the State Board has been the appointment of State Board members and elimination of its self-executing powers currently provided by the Constitution. I would like to discuss with you the self-executing powers.

The State Board 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 State Board has made a concerted effort to work cooperatively with the Governor and Legislature to improve the quality of educational programs in unified school districts, community colleges, and area vocational-technical schools. Numerous programs have been initiated which have assisted schools in improving standardized test scores including the minimum competency test. In those areas in which there are problems the State Board has made every effort to initiate programs to improve.

It is the State Board's opinion that its general supervisory powers have been used wisely to respond to the educational needs of Kansas.

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. 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.

Attachment 3, 2/1/88



Of the 11 resolutions to amend the Article, two were submitted to the voters: in 1974, a proposal was submitted to make the language referring to the supervisory authority of the State Board of Education identical to that of the State Board of Regents and to give the Legislature the ability to create a separate community college governing board. A second proposal containing an amendment limiting the powers of the State Board of Education to those delegated to it by the Legislature was submitted to the voters in 1986. Both proposals failed.

The State Board of Education feels that no changes need to be made in Article 6 of the Kansas Constitution.

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February 1, 1988

TO: Senate Education Committee

FROM: State Board of Education

SUBJECT: Senate Concurrent Resolution 1613

My name is Bill Musick, Chairman of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

I would like to speak to changing the State Board of Education from an elected board to an appointed board. It is generally agreed that ideally, the people should exercise their voting franchise in educational policy making. It is essential that some part of the state educational agency be kept close to the people. It seems logical that the element closest to the people should be the State Board of Education. It also seems logical to elect the members of such a board and that the board should appoint the top professional person who should be the administrator. The elective method of choosing board members provides a democratic means of obtaining members to represent the people and makes the board more accountable. It gives the ordinary citizen a direct contact when problems arise affecting the local districts. It also insures that all areas of the state are represented.

The State Board contends that it is not necessarily true that better qualified people can be secured through appointment. It is more than likely that on some occasions the political organization that supported the election of the Governor would insist on the appointment of persons who may or may not be well qualified for membership on the State Board of Education. The assumption that appointment would remove the board from politics is not necessarily sound. Appointment of board members could be influenced by political rather than educational considerations. The board could become deeply affected by politics rather than being lifted out of politics.

In summary, 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 cooperating with the Governor and the Legislature without amending the Constitution. We believe that an elected State Board would be more accountable to the people of Kansas.

Attachment 4, 2/1/88