

Approved March 26, 1990  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~xxx~~ p.m. on Wednesday, March 21, 19<sup>90</sup> in room 123-S of the Capitol.

All members were present except:

Senator Anderson, excused

Committee staff present:

Mr. Ben Barrett, Legislative Research Department  
Ms. Avis Swartzman, Revisor of Statutes  
Mr. Dale Dennis, Assistant Commissioner of Education  
Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

HB 2807 - Community colleges, election and terms of office of members  
of boards of trustees (Sughrue et al.)

Proponents:

Representative Kathryn Sughrue, co-sponsor of HB 2807  
Representative Carol Sader

Comments:

Dr. W. Merle Hill, Executive Director, Kansas Association of Community  
Colleges

HB 2808 - School districts, election and terms of office of board of edu-  
cation members (Sughrue et al.)

Proponents:

Representative Kathryn Sughrue, co-sponsor of HB 2808  
Mr. R. E. "Tuck" Duncan, Topeka, a former board of education member

Opponents:

Mr. John Koepke, Executive Director, Kansas Association of School  
Boards

After calling the meeting to order, Chairman Joseph C. Harder asked the  
Committee to turn its attention to HB 2807 and called upon  
Representative Kathryn Sughrue, a co-sponsor of the bill, to address the  
Committee.

Representative Sughrue expressed appreciation that the Committee is hearing  
HB 2807 and HB 2808 today. She said she would address each bill separately  
because of the amendments that had been added in the House.

HB 2807, explained Representative Sughrue, would change from July 1 to  
May 1 the date on which newly-elected members of community college boards  
of trustees would take office. A House amendment, she affirmed, provides  
an option, beginning May 1, 1991, for increasing membership on community  
college boards of trustees from six to seven. (Attachment 1)  
Representative Sughrue affirmed that the main reason for HB 2807 is that  
people want this change.

The Chairman next called upon Representative Carol Sader, a proponent  
for HB 2807. Representative Sader stated that she is testifying to clarify  
the provision of the amendment that was added to HB 2807 on the House  
floor. She said the substance of the amendment to HB 2807 is contained  
in HB 2086, which was passed last year by the Senate Education Committee.  
It provides that the number of members on the college boards of trustees  
be increased from six to seven. She explained that a bill with this  
provision in it was passed by the House in 1988 and came to the Senate  
Education Committee, but the Committee did not deal with it in 1988.  
Last year, she continued, HB 2086 was passed by the House, came to the  
Senate Education Committee, was passed by the Committee, and was put on  
the Senate Calendar. At the end of the 1989 session, she noted, HB 2086  
was rereferred to the Senate Education Committee, where it remains now.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,

room 123-S, Statehouse, at 1:30 ~~x.x.x~~/p.m. on Wednesday, March 21, 1990

Representative Sader reaffirmed that HB 2807 contains the provision of HB 2086 whereby membership on college boards of trustees would increase from six to seven, and she described ways in which an even-numbered board proves inworkable. Representative Sader pointed out that the main difference between the language in HB 2086 and the amendment to HB 2807 is that the language in HB 2807 is permissive and the language in HB 2086 is mandatory.

Representative Sader recommended that either HB 2807 be amended so that the change to a seven-member board of trustees is mandatory or else reject HB 2807 and reactivate HB 2086 and pass it out of Committee.

Speaking as a former member of a college board of trustess, Representative Sader said she strongly supports the lame duck improvement by changing from July 1 to May 1 the effective date on which newly-elected members of community college boards would take office. Responding to a question, Representative Sader replied that enlarging the membership would decrease the number of instances in which a board would have to deal with a tie vote.

Dr. W. Merle Hill, executive director, Kansas Association of Community Colleges, reported that only one college board had expressed a strong opinion against the language contained in HB 2807 to change the date for newly-elected members to take office. He said several boards wondered what difference it would make, and others did not voice any particular opinion.

Dr. Hill further commented concerning mandating the composition of the boards of trustees from six to seven members. He said his survey showed that nine boards were for and ten against this language this year but that last year these numbers were reversed. Overall, he maintained, the community college boards would prefer no change in composition. He did note that one school was strongly for and another was strongly opposed to increasing the board membership from six to seven.

The Chair recognized Representative Kathryn Sughrue, co-sponsor of HB 2808, who explained that HB 2808 contains most of the same provisions as HB 2807 except that the language applies to boards of education instead of boards of trustees of community colleges. She explained the provisions of HB 2808 and gave reasons why she feels HB 2808 should be passed. (Attachment 2)

Mr. R.E. "Tuck" Duncan, Topeka, a former board of education member, was called upon to testify in support of HB 2808. He reaffirmed previous testimony as reasons for changing the date for when newly-elected members of boards of education should assume office and encouraged the Committee to pass HB 2808 favorably. (Attachment 3) Mr. Duncan pointed out that school board elections are a referendum for the people to choose whom they wish to represent them on the board. In replying to a question, Mr. Duncan said he felt the effectiveness of a school board member after losing an election is obviously diminished.

Mr. John Koepke, executive director, Kansas Association of School Boards, informed members that over the years the Delegate Assembly of his organization has almost unanimously voted to retain the present date for school board members to take office. He explained the rationale for this vote and urged the Committee to retain the present practice not only for when newly-elected school board members should take office, but, also, in regard to the election date. (Attachment 4)

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

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Wednesday, March 21, 1990

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
John Kezka	Topeka	KASB
Tuck Durkan	Topeka	Attorney
Oran Burnett	Topeka	U.S. 501 <sup>st</sup>
Carol Adew	P.V.	Leg.
Deila Highlee Scott	Topeka	UBA
Alma Mora	Topeka	KACC
Bernie Koch	Wichita	Wichita Chamber
Merle Hill	Topeka	KACC

KATHRYN SUGHRUE  
REPRESENTATIVE 116TH DISTRICT  
FORD COUNTY  
1809 LA MESA DRIVE  
DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER FEDERAL AND STATE AFFAIRS  
ENERGY AND NATURAL RESOURCES  
RANKING MINORITY MEMBER GOVERNMENTAL  
ORGANIZATION  
MEMBER MIDWESTERN CONFERENCE ON  
HEALTH-COMMISSIONER ON  
INTERSTATE COOPERATION

Mr. Chairman and members of the Senate Education Committee

Thank you for scheduling hearings for 2807 and 2808.

I have been approached by voters and former school board members who are concerned about lame duck board members that have enacted important business transactions before their term as board members expired.

H.B. 2807 would affect the date on which newly elected members take office after being elected for the community college board of trustees.

Presently boards elected in April assume their new position July 1. With H.B. 2807 the newly elected members would take office May 1.

This bill will shorten the time from election date to the time when the newly elected officers take office.

The amendment is written so as not to shorten the term of any currently elected trustees.

The House Committee of the Whole amended the bill to add the provisions regarding the number of members that compose a community college board of trustees.

Beginning May 1, 1991, the bill provides the option of increasing the board's membership from six (the current membership of all such boards) to seven. For community colleges to which the option applies,

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beginning in 1991, the new seventh member, an at-large member, would be elected.

In drafting the bills you will notice that obsolete provisions were deleted in both bills, provision which have been in the election laws for sometime. For an explanation of technical changes address those questions to Avis.

Why is this change needed?

(1) Newly elected people are usually excited and anxious to assume office - why should they wait 3 months, the enthusiasm could wane.

(2) Newly elected individuals are serious about the position, will have done their homework and know what is needed to be done - as for training superintendents and college presidents are most capable and can train the new boards.

(3) Board members who seek election and are defeated often make several important decisions without letting the new board have any input - the board will need to live with decisions made.

(4) Many times old board members do not attend from April to July - thus hampering the consideration of necessary business.

(5) Board of trustees for community colleges are voted on by the people - they support schools both on policies and financially. Why shouldn't we listen to their recommendations?

For these reasons H.B. 2807 as requested by the voters should be considered favorable.

There are 53 House members who co-sponsored this bill. The bill passed in the House by a vote of 119 to 4.

I urge your favorable vote on H.B. 2807.

STATE OF KANSAS

KATHRYN SUGHRUE  
REPRESENTATIVE, 116TH DISTRICT  
FORD COUNTY  
1809 LA MESA DRIVE  
DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: FEDERAL AND STATE AFFAIRS  
ENERGY AND NATURAL RESOURCES  
RANKING MINORITY MEMBER: GOVERNMENTAL  
ORGANIZATION  
MEMBER: MIDWESTERN CONFERENCE ON  
HEALTH—COMMISSIONER ON  
INTERSTATE COOPERATION

Mr. Chairman and members of the Senate Education Committee

H.B. 2808 contains many of the same provisions found in H.B. 2807. It would affect the date on which newly elected members take office after being elected for the school district board of education.

Presently boards elected in April assume their new position on July 1. With this bill the newly elected would take office May 1.

The amendment is written so as not to shorten the term of any currently elected school board members.

Also, the date set by law for a school district's annual election of a president and vice president is changed from the first meeting in July to the first meeting in May. This change would not shorten the term of any officer currently serving in such capacity.

Another amendment changes from November 15 to September 15 the deadline for appointment of a new member when no candidate is elected to a school board position or when it is necessary to replace a member-elect who becomes ineligible to take office.

In drafting the bills you will notice that obsolete provisions were deleted in both bills, provision which have been in the election laws since the days of school unification. For an explanation of technical changes address those questions to Avis.

I have 6 reasons why this bill should be passed.

- (1) Newly elected people are usually excited and anxious to assume  
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Attachment 2

office - why should they wait 3 months, the enthusiasm could wane.

(2) Newly elected individuals are serious about the position, will have done their homework and know what is needed to be done - as for training superintendents and college presidents are most capable and can train the new boards.

(3) Board members who seek election and are defeated often make several important decisions without letting the new board have any input - the board that will need to live with decisions made.

(4) Many times old board members do not attend from April to July - thus hampering the consideration of necessary business.

(5) Our surrounding states - Oklahoma, Missouri, Colorado, Iowa and South Dakota all install newly elected persons at the first meeting after the election date. Nebraska has a strange system as you will notice.

(6) School district board of education members are voted on by the people - they support schools both on policies and financially. Why shouldn't we listen to their recommendations?

For these reasons H.B. 2808 as requested by the voters should be considered favorably.

There are 53 House members who co sponsored this bill. The bill passed in the House by a vote of 111 to 12.

I urge your favorable vote on H.B. 2808.

SURVEY OF ELECTION DATES FOR MEMBERS OF LOCAL BOARDS OF EDUCATION

State	Date of Election	Date Newly Elected Mbrs Take Office	Term of Office
<u>Missouri</u>	1st Tues. in April every year. 6 Mbrs on each BOE, 2 elect. yrly.	1st Bd. Mtg. after election date	3 yrs. overlapping terms.
<b>(Bill in Missouri General Assembly this year would switch to Kansas method-- Members would take office on July 1)</b>			
<u>Oklahoma</u>	4th Tues. January every year	1st Mon. February	3 and 5 yr. overlapping terms.
<b>New law, effective this year:</b>			
	4th Tues. May	1st Mon. June	
<u>Nebraska</u>	(most populous districts) general election in Nov.	January 1	4 yrs. overlapping terms
	(many other elem and HS dists) 1st Tues in April	July 1	
<b>Most have 6 mbrs. every other year elections (3-3)</b>			
<u>Iowa</u>	2nd Tues of Sept. every year. 5 mbrs (2-2-1) or 7 mbrs. (3-2-2-)	"Organizational Mtg." 3rd Monday of Sept.	3 yr terms
<u>Colorado</u>	1st Tues. after 1st Mon. in May in odd numbered years. 5 members (2-3)	Immediately, May be sworn in within 10 days	4 yr terms



State	Date of Election	Date Newly Elected Mbrs Take Office	Term of Office
<u>South Dakota</u>	3rd Tues in June (90% of dist.) 5 mbrs. (2-2-1)	Sworn in at first July mtg.	3 yrs.
	Or, if held in conjunction with the city elections in a community on 2nd Tuesday in April (10% of dist.)		
<u>Minnesota</u>	3rd Tues in May every year. 7 mbrs. (2-2-3)	July 1	Three yr terms overlapping.
	<b>Optional System</b>		
	3rd Tues. in November	January 1	

TESTIMONY OF  
R.E. "Tuck" Duncan  
before the  
SENATE COMMITTEE ON EDUCATION  
March 21, 1990

It is a pleasure appearing before the Committee. As a former member of a board of education I believe I can testify with authority regarding valid reasons to alter the dates that a newly elected member takes office. I have been both a newly elected member taking over for a retiring member and I have been an "involuntarily retired" member. Thus, I have experienced the problems confronted by not assuming office right after the election from both sides. When I was elected the current board made many decisions that I do not believe would have been made had I taken office right away. Upon my retirement it soon became clear that I was a "lame duck". Once the public has decided who their elected representative will be, then that person should assume that role. I know that negotiations may be on-going, but the budget isn't approved until after July 1 any way-- so let the new person get involved immediately. Also, with multiple year contracts, this issue of on-going negotiations is diminished as a reason for delaying the taking of office until July 1. In truth, there probably is no one good time because there are always matters to be decided. The point is, the public wanted to make a change...don't defeat their will by delay.

Thank you.

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Testimony on HB 2808  
before the  
Senate Education Committee

by

John W. Koepke, Executive Director  
Kansas Association of School Boards

March 21, 1990

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the 302 member boards of education of the Kansas Association of School Boards with regard to HB 2808. This measure would change the date when school board members take office from July 1 to May 1. Our members have consistently opposed any change in the date of school board members taking office through a formal policy adopted by our Delegate Assembly.

We believe there is a sound rationale for having the date school board members take office coincide with the budget year for unified school districts. It avoids having the changeover in office holders take place during the middle of professional negotiations and allows them to see through the completion of the school year and the budget year which they are responsible for adopting.

We would urge the Committee to give serious consideration to the expressed wishes of the people most directly affected by this proposal and reject the change proposed in HB 2808. We believe that would be in the best interest of good government. Thank you for your time and attention on this matter and I would be happy to attempt to answer any questions.

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