

Approved: 3-16-95
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairman Rochelle Chronister at 3:30 p.m. on February 20, 1995 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Dale Dennis, Department of Education
Avis Swartzman, Revisor of Statutes
Lois Thompson, Committee Secretary

Conferees appearing before the committee: Representative John M. Toplikar
Jim Edwards, Kansas Chamber of Commerce and Industry
Mark Tallman, Kansas Association of School Boards
Gerald W. Henderson, United School Administrators
Jacque Oakes, Schools for Quality Education
Sue Chase, Kansas National Education Association
Craig Grant, Kansas National Education Association

Others attending: See attached list

Hearings opened on **HB 2288 concerning Kansas mastery of basic skills program.**

Representative John M. Toplikar, sponsor of **HB 2288** testified in support of this bill. He stated the concept of **HB 2288** passed both houses of the legislature in 1993 because of the serious need for improvement in academics in the work place and to better prepare students for college, reducing the need to repeat remedial courses. This bill was vetoed by Governor Finney who said it was a duplication of QPA processes. The bill has been changed in two areas: 1) requires the mastery of basics to be attained before graduating with a diploma, and 2) allow students at the ninth grade level to participate in the program to give more time to attain the necessary skills. (Attachment 1)

Jim Edwards, Director, Chamber and Association Relations, Kansas Chamber of Commerce and Industry, appeared in support of **HB 2288**. "Some businesspersons often comment that 'they would hire someone with a GED before someone with a high school diploma because a GED denotes a mastery of certain skills.' A high school diploma should be a valuable piece of hiring criteria but for a variety of reasons it has not kept place with the times." (Attachment 2)

Mark Tallman, representing Kansas Association of School Boards, appeared in opposition to **HB 2288**. "KASB is not aware of any evidence that requiring students to 'pass a test' in order to graduate will improve student performance. If a significant number of students are currently graduating from high school without a mastery of basic skills, such a test may do nothing more than reduce the number of high school graduates. Moreover, in addition to those students who are 'weeded out' because they really do lack basic skills, such a requirement may also catch students who are actually proficient in these skills but simply do not perform well on the type of test that is required." (Attachment 3)

Gerald W. Henderson, representing United School Administrators of Kansas, spoke in opposition to **HB 2288**. ". . .we believe the accreditation system now operating in Kansas schools calls for learning basic academic skills at a high level of mastery, and furthermore is being responsive to Kansas business in reaching beyond the basics." (Attachment 4)

Sue Chase, representing Kansas NEA, appeared in opposition to **HB 2288**. "By requiring a statewide test of basic skills for graduation, we are sending conflicting messages to students. We are telling them we expect them to achieve high standards, but we only require them to master the basic skills." (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on February 20, 1995.

Jacque Oakes, representing Schools for Quality Education, provided written testimony in opposition to **HB 2288**. (Attachment 6)

The floor was opened to questions by the committee.

This concluded hearings on **HB 2288**.

Hearings opened on **HB 2283 pertaining to school district boards of education, power of local control**.

Mark Tallman, Director of Governmental Relations, Kansas Association of School Boards, spoke in support of **HB 2283**. "**HB 2283** would provide local school districts with greater authority to meet the challenge of school improvement, while responding to local needs and circumstances." This bill represents one of the highest priorities of KASB. (Attachment 7)

Jacque Oakes, representing Schools For Quality Education, appeared in favor of **HB 2283**. "We believe this bill would allow districts to cut red tape and free them to do their job in a more expeditious manner. . . We have heard many, many times local control. This would return a measure of self-government and local control to elected people in the school diistricts who manage school business." (Attachment 8)

Gerald W. Henderson, representing United School Administrators, appeared in support of **HB 2283**. They believe local boards of education need the same flexibility enjoyed by other local units of government. They surveyed Superintendents to obtain a list of items for which school districts do not have authority. (Attachment 9)

Craig Grant, representing KNEA, spoke in opposition to **HB 2283**. He stated, "If **HB 2283** would pass, we would have 304 boards of education with self-executing authority--all moving in possible different directions. . . The Kansas Legislature and State Board of Education has provided wide authority and latitude for school districts to operate. Opening the door wide to give local boards self-executing authority does not seem the best public policy." (Attachment 10)

The floor was opened to questions by the committee.

This closed hearings on **HB 2283**.

A report from the sub committee on QPA stated they had preliminary language for a Resolution and would meet again on the following day.

A letter from Dr. Michael O. Rooney, Superintendent of Rose Hill USD 294 was provided committee members. Superintendent Rooney states there are elements of the testimony of Tony White on February 15, 1995, which "are misleading and deserve to be clarified." (Attachment 11)

The meeting adjourned at 5:15 p.m.

The next meeting is scheduled for February 21, 1995.

GUEST LIST

Committee: Education

Date: 2-20-95

NAME: (Please print)	Address:	Company/Organization:
Sue Chase	Topeka	KNEA
Craig Grant	Topeka	KNEA
Jim Edwards	Topeka	KCCI
OMAN BARNETT	Topeka	US 2501#
Bob Johnson	LAWRENCE	WU LAW SCHOOL
MARK JOHNSON	TECUMSEH	USD 4 ⁵⁰
Jacqueline Dallas	Topeka	SQE
Wes Esping	Olsburg	USD 384
Amanda Esping	"	student, Wood 384
Dave DeLue	Topeka	KCOVE
Jim McDAVITT	Wichita	K3 Ed Wafa
HAROLD FITZ	Topeka	CITIZEN
Trael Carl	Topeka	A.P.
Phil Johnston	Excelsior	KAESP
John Rogas	Lawrence	KU
Karen Doney	Topeka	KASB
Mark Tallmadge	Topeka	KASB
Gerald Henderson	Topeka	USAPKS
Chuck Stuart	Clay Center	-
Don Thumsh	Rep	Rep
Don Rye	Emmett	450 321

JOHN M. TOPLIKAR

REPRESENTATIVE, 15TH DISTRICT

507 E. SPRUCE
OLATHE, KS 66061

HOUSE OF REPRESENTATIVES

OFFICE: 155 EAST
TOPEKA, KS 66612
(913) 296-7683

February 20, 1995
Testimony on HB -2288
"Mastery of Basic Skills"

Madam Chairman & members of the House Education Committee

This bill is an attempt to put meaning into a high school diploma. The diploma now is seen as a piece of paper that represents having reached a certain number of hours of "chair time" in school.

As a member of the Economic Development Committee & Joint Committee over the last two years, I have heard much discussion about high school students who attempt to enter the workforce but are unable to read or follow instructions and cannot use basic math on the job. This is frustrating to employers.

In a March 15, 1993 report to this committee in support of the Mastery of Basic Skills program, Charles E. Krider, Professor of Business and Director of Business Research at the Institute for Public Policy and Business Research at KU reminded us that Goal #2 of the Kansas strategy for economic development is to ensure that Kansas has a high skilled work force that is internationally competitive. He said that the mastery of basic skills program is "consistent with this objective in that it would establish a program to assess Kansas high school students on basic skills and competencies." He also cited a survey by the Institute (Attachment I & 2) in which Kansas firms indicate the types of employee skills needing improvement. As you can see, basic academic skills such as reading and writing are a major concern in improving general work skills. Dr. Krider defined the results as a "moderate to severe skill gap" and projected the problems to become more severe in the future.

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Attachment 1
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The concept of HB-2288 passed both houses of the legislature in 1993 because of the serious need for improvement in academics in the work place and to better prepare students for college, reducing the need to repeat remedial courses. The bill was then vetoed by Governor Finney, who said it was a duplication of QPA processes.

The bill has been changed in two areas. One change requires the mastery of basics to be attained before graduating with a diploma, the other change allows students at the ninth grade level to participate in the program to give more time to attain the necessary skills.

I ask the committee to again consider the need to graduate students from high school with a higher level of academics. I don't believe that a basic skills program is a duplication of programs we now have. It is a program that would ensure that a student at least attain a mastery of the basic skills needed to function as a productive worker.

I ask for your support of HB-2288. Thank you.



Rep. John Toplikar

Attachment 1

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TABLE 18

SKILL IMPROVEMENTS NEEDED BY NEWLY HIRED EMPLOYEES

Area Needing Improvement:	Total Group Percentage:	Percentage of Subgroups:		
		Manuf.	Non-manuf.	Technol. Driven*
Goal setting and personal motivation	79%	77%	82%	84%
Proper attitudes toward work & work habits	77	79	75	81
Organizational effectiveness & leadership	75	73	77	79
Listening & oral communication	72	70	74	78
Problem solving	70	73	68	76
Teamwork	70	71	70	75
Adaptability/flexibility	66	63	69	71
Interpersonal relations	60	57	63	63
Comprehension/understanding	60	60	60	68
Writing	60	55	66	63
Business/management	57	53	61	62
Computation	52	54	49	58
Microcomputer	47	47	48	54
Reading	43	45	42	46
Technical	42	50	32	51
Skilled trades/crafts	40	50	30	46
Mechanical	38	46	28	43
Machine operation	37	50	22	40
General labor	31	34	27	35
Clerical	29	25	33	32
Electrical	25	32	18	31
Mainframe computer	22	21	24	27
Other	8	9	7	5

Source: Institute for Public Policy and Business Research, Business Survey, 1989.

*Technology driven firms are those firms that responded that technology changes will increase the level of technical or vocational skills needed by their employees over the next five years.

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Attachment 2

TABLE 19
 SKILL IMPROVEMENTS NEEDED BY CURRENT EMPLOYEES
 TO COPE WITH TECHNOLOGICAL CHANGE OVER THE NEXT FIVE YEARS

Area Needing Improvement:	Total Group Percentage:	Percentage of Subgroups:		
		Manuf.	Non-manuf.	Technol. Driven
Problem solving	72%	72%	71%	80%
Adaptability/flexibility	72	70	75	79
Teamwork	71	72	70	77
Goal setting and personal motivation	71	69	72	77
Proper attitudes toward work & work habits	70	71	69	76
Organizational effectiveness & leadership	68	67	70	75
Comprehension/understanding	68	67	68	75
Microcomputer	67	66	63	75
Listening & oral communication	65	64	66	70
Business/management	58	53	65	65
Interpersonal relations	56	53	60	62
Technical	56	63	48	66
Computation	56	59	54	64
Reading	51	52	45	57
Writing	49	45	54	53
Machine operation	44	56	30	49
Skilled trades/crafts	41	46	34	48
Mechanical	40	47	33	46
Clerical	35	31	40	39
Mainframe computer	35	34	36	36
Electrical	33	39	25	38
General labor	30	33	27	33
Other	8	9	7	9

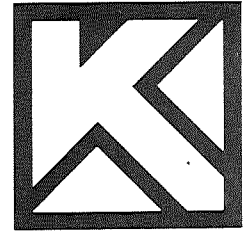
Source: Institute for Public Policy and Business Research, Business Survey, 1989.

HC
 Attachment 2-5
 3-15-93

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LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry



835 SW Topeka Blvd. Topeka, Kansas 66612-1671 (913) 357-6321 FAX (913) 357-4732
HB 2288

February 20, 1995

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the
House Education Committee

by
Jim Edwards
Director, Chamber and Association Relations

Madam Chair and members of the Committee:

I am pleased to appear before you today to lend KCCI's support to the concept of having students master a variety of pre-selected skills before graduating from high school. This concept is embodied in HB 2288, a measure which would provide for a mastery of basic skills program in Kansas public schools.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

Some businesspersons often comment that "they would hire someone with a GED before someone with a high school diploma because a GED denotes a mastery of certain skills." A high school diploma should be a valuable piece of hiring criteria but for a variety of reasons it has not kept pace with the times.

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While we would admit that the current system of Quality Performance Accreditation will help in solving this problem, most admit that it will be a number of years before we will see it. We have and once again reiterate our support for QPA.

If this body passes HB 2288, KCCI would ask you to take it one step further and have it apply to all persons receiving a diploma. By doing this, you have all graduates possessing the needed skills for the workplace yet you end up with only one piece of paper upon graduation, and that would be the high school diploma.

Thank you for the opportunity to present this testimony. I would be pleased to answer any questions you might have for me.



TO House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 20, 1995

RE: Testimony on H.B. 2288

Madam Chair, Members of the Committee:

This is the third session in a row that the concept of a basic skills mastery program has been introduced. The Kansas Association of School Boards continues to oppose this concept.

As proposed in H.B. 2288, the Kansas mastery of basic skills program would require students to demonstrate a mastery of basic skills on the state assessments required by the School District Finance and Quality Performance Act (the same assessments used in the Quality Performance Accreditation system). Beginning in 1998-99, students could not receive a high school diploma from an public school district or an accredited non-public school unless they scored high enough on these assessments. KASB has a number of concerns about this concept in general and this bill in particular.

1. The current state assessment program was designed to provide the public with a "snapshot" of the performance of groups of students, and to help teachers identify the needs of particular students. It was not designed as a tool to "certify" the performance of individual students as a "high stakes" test upon which graduation from high school depends.
2. The state assessment program has been subject to fluctuating appropriations and alternating cycles of administration. Not every test is given every year. For example, suppose a student scores below the threshold level in a certain area as a freshman or sophomore. If that test is only administered every other year, the student would have only one more chance to take the test. Some tests are not even expected to be given until the student's junior or even senior year. We cannot reconcile the current testing cycle with the bill's requirement in Section 3 (b) that students must be given "numerous opportunities to demonstrate mastery of basic skills."
3. We would suggest that these problems are true of any standardized test. KASB is not prepared to support the idea that, as statewide policy, a student's progress through school should be determined by any single test. We believe that school districts should be free to use multiple measures of academic progress. We would also point out that school districts already can require students to pass some kind of assessment as a condition of advancing from grade to grade or receiving a diploma.
4. We are not aware of any evidence that requiring students to "pass a test" in order to graduate will improve student performance. If a significant number of students are currently graduating from high school without a mastery of basic skills, such a test may do nothing more than reduce the number of high school graduates. Moreover, in addition to those students who are "weeded out" because they really do lack basic skills, such a requirement may also catch students who are actually

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proficient in these skills but simply do not perform well on the type of test that is required.

KASB is not arguing that the current system is educating all students to their highest levels. We acknowledge that schools must work to improve student performance. We have supported Quality Performance Accreditation because we believe it should require every school, with the involvement of its teachers, parents and patrons, to develop its own local plan to improve student performance. We believe that a system of local control of school improvement is far more likely to achieve satisfactory results than the approach represented in H.B. 2288.

Thank you for your consideration.



HB 2288

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
February 20, 1995

Madam Chairman and Members of the Committee:

United School Administrators of Kansas is in support of holding Kansas schools accountable for the teaching of basic skills and applauds the provisions of **HB 2288** which call for the recognition of students who master basic skills. However, we believe the accreditation system now operating in Kansas schools calls for learning basic academic skills at a high level of mastery, and furthermore is being responsive to Kansas business in reaching beyond the basics.

Quality Performance Accreditation allows individual schools and school districts to use the basic skills portion of the Kansas assessment program to identify a level of mastery, and to use that information for whatever purpose the school or district deems appropriate. USA would hope that the schools of Kansas are not asked to administer yet another assessment system to Kansas children. As has been said before, "One cannot fatten the lambs simply by weighing them more often."

We appreciate what the author of the **HB 2288** is trying to do, but we believe existing systems can be made to place whatever emphasis on the mastery of basic skills a local community wishes to place on them.

LEG/HB2288

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KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase Testimony Before
House Education Committee
Monday, February 20, 1995

Thank you, Madame Chair. I am Susan Chase and I represent Kansas NEA. I am here in opposition to HB 2288.

Kansas NEA does support the idea that all students must master the basics. Schools, in the current accreditation process, must demonstrate the mastery of basic skills by their students using their own means of assessment. We believe this is the appropriate way to handle mastery of basic skills.

By requiring a statewide test of basic skills for graduation, we are sending conflicting messages to students. We are telling them we expect them to achieve high standards, but we only require them to master the basic skills. We hope this body will continue to expect students to achieve high standards and not just master basic skills. We urge you to not pass this bill out favorably. Thank you for listening to our concerns.



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

February 20, 1995

TO: HOUSE EDUCATION COMMITTEE

SUBJECT: HB 2288--KANSAS MASTERY OF BASIC SKILLS PROGRAM

FROM: SCHOOLS FOR QUALITY EDUCATION

Madam Chair and Members of the Committee:

I am Jacque Oakes representing Schools For Quality Education, an organization of 113 small school districts.

We submit written testimony to the Committee in opposition to HB 2288.

We believe that having a Kansas mastery of basic skills program would be a repetition of what all schools are already starting to accomplish with QPA. We expect to have standards and outcomes that will show mastery through the state based assessments. We already must have strategies, techniques, and procedures to assist students in reaching QPA skills.

QPA is a giant task, and we hear everyday that teachers are overloaded and extended. This would certainly mean one more set of standards and one more test for districts to complete. One of the outcomes of QPA that may be as important as testing is the portfolio. This will be an individualized file that will follow the student giving a true picture of what that student has truly accomplished.

School districts have recommended that there be no more changes in order that they can proceed forward with QPA. We believe, that given some time, districts will be able to prove that their goal, the business communities' goal, and the goal of HB 2288 will be the same.

Please give us time to do our work, and oppose HB 2288. Thank you for your time and interest.

"Rural is Quality"

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Attachment 6
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TO House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 20, 1995

RE: Testimony on H.B. 2283

Madam Chair, Members of the Committee:

KASB appreciates the opportunity to appear today in support of H.B. 2283, which would provide local school districts with greater authority to meet the challenge of school improvement, while responding to local needs and circumstances. This bill represents one of the highest priorities of our association.

Although this bill is of a great importance, it is really quite simple. The Kansas constitution provides that public schools shall be "managed, developed and operated by locally elected boards." However, in carrying out their responsibilities, school boards have only "enumerated powers." They have only those powers that are specifically granted in statute. H.B. 2283 confers a new power, the power of local control. New section (e) (1) states that "The board of education may transact all school district business and perform all powers of local legislation the board deems appropriate, subject only to the following limitations..." The list of limitations makes clear that a school board may not take any action contrary to state law, or infringe upon the powers and duties of other local units of government.

If enacted, this bill would allow school districts to take any action that is not prohibited by state or federal law. It means that districts would not have to search for statutory authority to undertake new and innovative courses of action, or come to the legislature when that authority cannot be found. It essentially means that the Legislature trusts the elected representatives of each community to govern themselves, as long as their actions do not run contrary to the laws of the state as a whole.

The list of limitations on this new power is equally important. This bill would in no way change employee due process or negotiation rights. School districts would continue to operate under the school finance act. There is no provision to "charter out" of any statutes or regulations. In the future, the Legislature may continue to impose further restrictions or requirements on school districts. Considering the fact that Kansas cities and counties have had similar "home rule" powers for decades, this bill hardly seems revolutionary.

In hearings last session before this committee, KASB was asked to identify things that school boards might want to do that current law does not allow. We suggested that the question was somewhat beside the point. The point of this legislation is to encourage creativity and flexibility. We need to change the mindset of our education system from regulation to innovation, from state mandates to local initiatives. But in fact, at least two bills have already been introduced this session, both in the Senate, which we believe demonstrate why this bill makes sense. One would expand the power of local

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boards to contract for the use of school buses when not transporting students. Our question is: who is in the best position to decide how buses should be used, the state or the elected representatives of the local community that owns the buses? The second bill would allow school districts to include computer disks and software in the textbook rental and purchase system. We believe that the ability of districts to keep pace with evolving technology should not be limited by statutes that inevitably fall out of date.

Members of the committee, just about every member of this legislature claims to support local control of public schools. This bill gives you the opportunity to demonstrate that. It does not diminish the power of the Legislature, the State Board of Education, or other units of government. It does not diminish the rights of students, parents, employees or taxpayers. It does open the door to more greater local innovation and flexibility. It sends a message of trust to local school boards and communities. We strongly urge your favorable recommendation.

Thank you for your consideration.



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

February 20, 1995

TO: HOUSE EDUCATION COMMITTEE

SUBJECT: HB 2283--SCHOOL DISTRICT BOARDS OF EDUCATION,
POWER OF LOCAL CONTROL

FROM: SCHOOLS FOR QUALITY EDUCATION

Madam Chair and Members of the Committee:

I am Jacque Oakes representing Schools For Quality Education, an organization of 113 small school districts.

We appear before you in favor of HB 2283 which would give home rule to school districts.

We believe that this bill would allow districts to cut red tape and free them to do their job in a more expeditious manner. It would also allow the Legislators to better spend their time and talents on the major issues of the state, rather than the minor issues of the districts. I do not have a count, but it seems each year there are several bills during a Session where particular districts are named needing statutory permission to take care of an item belonging distinctively to their district.

If school boards had home rule power, they could meet their own responsibilities with less time and expense to themselves, their constituents and to Legislators. We have heard many, many times local control. This would return a measure of self-government and local control to elected people in the school districts who manage school business. Home rule seems to work well within our local government entities.

One Superintendent reminded me of Amendment 10 of the Constitution of the United States--the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Thank you for your time and positive consideration of HB 2283.

"Rural is Quality"

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HB 2283

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
February 20, 1995

Madam Chairman and Members of the Committee:

United School Administrators of Kansas appreciates this opportunity to support the "home rule" authority for local boards of education contained in **HB 2283**. We believe that local boards of education need the same flexibility enjoyed by other local units of government, i.e. the ability to act on issues unless statutes specifically prohibit such action.

One year ago, in response to a similar bill, USA surveyed 303 school district superintendents (one superintendent was serving two districts). The survey asked superintendents to "list instances when your and/or your board of education wanted to do something, only to be advised that you did not have the authority." Some items on the list have resulted in enabling legislation, but many more reflect the creative imagination which could be released under the change proposed by **HB 2283**.

Items included on the survey for which school districts did not have the authority were:

1. Charging tuition for summer school.
2. Charging tuition for night school.
3. Using school transportation for senior citizen activities.
4. In emergencies (the 1993 flood) using school buses to transport community people to jobs across state lines.
5. Join the local Chamber of Commerce.
6. Join local economic development corporation.
7. Use school transportation in cooperative arrangements with pre-school providers, Head Start, alternative private schools, child care providers.

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8. Use of school capital outlay funds to repair/refurbish city owned recreation facilities (tennis courts) used by the schools.
9. Use interest dollars in textbook rental fund.
10. Using board funds to assist staff in gaining added certification endorsements.
11. Purchasing retirement gifts for long term employees.
12. Staff recognition dinner, etc. paid for by the district.

Other issues for which specific statutory authority had to be sought are:

1. School sponsored pre-schools and day care centers.
2. Purchasing cooperatives.
3. School breakfast programs
4. Lease/purchase agreements.

Again, none of the specific statutes enabling any of these activities would have been required if locally elected boards of education enjoyed the same trust and flexibility granted to city and county governments. We think it is time the difference was eliminated.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before
House Education Committee
Monday, February 20, 1995

Thank you, Madame Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to speak in opposition to HB 2283, the bill to grant "home rule" status to local boards of education.

Basically, this bill reverses about 80 years of case law in which courts have declared that school boards are creatures of statute rather than being the local control creatures they appear to want to be. One must also keep in mind that these same proponents desired to avoid the requirement of reporting acts of violence last week because that might infringe on their "local control." I would contend that boards have a great deal of "local control" presently. Some boards use the control wisely while others abuse it profusely.

I had our general counsel read the bill and his response was that this bill would create the "black hole of mischief" for boards of education. Rather than giving specific examples of actions which boards might take under this bill, the response was to let your imagination take over because the local board's imagination would be the only barrier to what they might do.

Think of it this way--right now the State Board of Education has self-executing authority over education policy in Kansas. In fact, this committee and the House of Representatives has voted in the past to submit a constitutional amendment to remove that power. If HB 2283 would pass, we would have 304 boards of education with self-executing authority--all moving in possible different directions. Not much coordination.

Presently, if local boards want to initiate some new program not authorized by the state board or state legislature (and I really cannot think of a program at this time), they must ask for a change in statute or regulation from the bodies who are constitutionally in charge of the funding and regulation of our education system.

If HB 2283 would pass and a single board, or a few boards, would head off to left field on a program not desired by the state, we would have to pass a law to prohibit such action. As difficult as it is to pass legislation about any topic, this does not seem like the proper procedure.

The Kansas Legislature and State Board of Education has provided wide authority and latitude for school districts to operate. Opening the door wide open to give local boards self-executing authority does not seem the best public policy.

Kansas NEA opposes HB 2283. Thank you for listening to our concerns.

To: Members of the House Education Committee
From: Dr. Michael O. Rooney, Superintendent of Rose Hill USD 394
Date: February 17, 1995
Re: Testimony of Tony White on February 15, 1995

MOR

A copy of Mr. White's testimony has been provided to me. Because of the incompleteness and inaccuracy of portions of his testimony, I believe that I am obligated to provide you with more information. I do not write this memorandum to you to negate the testimony of Mr. White; I presume that his concern is quite sincere. However, there are elements of his testimony which are misleading and deserve to be clarified.

Policy JCAC of our district policies specifically states "Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the presence and assistance of law enforcement officers is necessary within their respective jurisdictions."

Regarding this policy and the incident which occurred, the following three points need to be made:

1. The officer was summoned after order had been restored (after the fight had been controlled), not "for the purpose of maintaining or restoring order."
2. The officer involved came to me of his own accord and indicated that, in his estimation, the matter was not a criminal or police matter.
3. The administrator had not been given the opportunity to handle the matter because Mr. White prejudged the administrator's response. ("I didn't ask my principal's permission; I knew it wouldn't occur [sic] nor would he call them himself.")

Mr. White's sweeping statement, "Too many administrators err on the side of public relations rather than student and staff safety....," is made without any supporting data. What is being referred to here, I believe, is a

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difference of judgment as to the severity of schoolyard altercations. No one would disagree that a truly criminal assault needs to be reported to law enforcement; however, all altercations among students, though neither condoned nor left unpunished, are not to be raised to the level of criminal assaults automatically. (As indicated above, the officer who was called to the scene judged the matter to be not criminal in nature and did so without my prompting.)

The comment about "airing our dirty laundry" was indeed made. However, it did not refer to the alleged assault; rather, it referred to the manner in which Mr. White used the incident to dramatize loudly for all to hear his difference in judgment from that of his direct superior, the building administrator. (Again, the officer on the scene has corroborated the dramatic and loud manner in which Mr. White handled this portion of the incident.)

"My principal told me I had violated board policy by reporting a crime," Mr. White claimed on Wednesday, February 15. The officer who was summoned to the school judged that no "crime" had been committed. And, if the administrator had been given an opportunity to exercise his judgment and his responsibility prior to the call to the police, I believe he would have made a similar assessment.

Another sweeping statement, "Many administrators still refuse to protect the kids and the learning environment," lacks substantiation. I will argue this point with facts, at least insofar as the Rose Hill schools are concerned. Indeed, this is painting with a very broad brush. Similar broad-brushed, critical statements about public schools in general routinely create ire in the hearts and minds of most educators. Someone has suggested that whenever public schools are under attack, we educators tend to circle the wagons and begin to shoot at one another. Mr. White's statement smacks of such behavior.

I am the administrator who denied Mr. White professional leave to testify on Wednesday; I take full responsibility for that decision. That refusal was not "to try to muzzle [his] opinions" (another prejudgment which Mr. White has made for me without the benefit of fact). Indeed, it was I who suggested that he may want to use association leave, instead -- an action I would not have taken, if my interest were in "muzzling."

I take exception to the statement, "My district is not working to solve these problems." We have adopted and enforced rigorous policies and procedures toward acts of violence at school. While good men may disagree as to the gravity of certain actions by students, no objective person could accuse the district of being lax or complacent in this area.

I have chaired the district's hearing committee for the past three years and have removed a number of students from the district's schools as a result of behaviors which potentially threaten the safety and well-being of students and staff. Thanks to the action taken by the legislature during the last session, the suspension and expulsion limitations placed on public schools have been relaxed somewhat. That has been quite helpful in our providing safe and orderly learning environment.

What is not needed is either extreme: taking the problem of violence in schools too lightly or over-reacting to it. I sincerely believe that the majority of public school districts in Kansas are already dealing appropriately and successfully with violence in their schools. What is not needed is for the legislature to prescribe a one-size-fits-all solution for problems which are quite varied and which already are being dealt with successfully at the local level. Just as the states do not wish the federal government to impose uniform solutions on the 50 state governments, the 304 public school districts in Kansas already have the authority and the wisdom to address this problem in the varied ways in which it presents itself across the state.

I appreciate your interest in this matter and your patience in reading my written testimony. If, at a future time, personal testimony would be helpful, I would be glad to appear before the committee.