

Approved: 1-22-96
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on January 22, 1996 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jennifer Bishop, Committee Secretary

Conferees appearing before the committee: Mark Tallman, KASB
Maureen Weiss, Board Member, U.S.D. 437
Scott Brown, KASB President-Elect
Jim Edwards, KCCI
Gerry Henderson, USA
Jacque Oakes, Schools for Quality Education
Craig Grant, KNEA

Others attending: See attached list

Senator Lawrence informed the committee that action would be taken on **SB 404**.

SB 404: Establishing the Kansas distinguished scholarship program

Senator Emert made a motion for the passage of SB 404. Senator Harrington seconded the motion. The motion carried.

SB 481: Boards of education of school districts conferring the power of local control thereon; imposing limitations

Mark Tallman addressed the committee as a proponent for **SB 481**. He stated that the purpose for this legislation is to encourage innovation, experimentation and efficiency by truly giving elected local school boards the power of local control. He also stated that it is important to stress that districts would not be allowed to "charter out" of any current laws or regulations. But it would mean that local school boards, elected by and accountable to the voters every other year, develop new ideas for services and operations in their own communities that are not prohibited by law, they would not have to wait for the entire legislature to consider whether to authorize such action (Attachment 1).

Maureen Weiss addressed the committee as a proponent of **SB 481**. She stated that the current fiscal climate demands that boards of education create maximum efficiency in the use of fiscal and human resources. The boards of education are trying to elevate the performance of every child to meet a standard of excellence. There must be available to the boards and communities every avenue needed to insure their success (Attachment 2).

Scott Brown addressed the committee as a proponent of **SB 481**. He stated that he believed that this legislation offers greater opportunity for unified school districts across the state to control their own destinies and help make very positive steps in the direction of a seemingly elusive concept of local control. **SB 481** would allow locally elected school boards working with patrons, parents and educators greater flexibility as they work together to meet the diverse and rapidly changing needs of the children in their communities (Attachment 3).

Jim Edwards addressed the committee as a proponent of **SB 481**. He stated that in times of rapid change, local boards of education are closest to the opportunities present and most often are best equipped to deal with issues as they arise. It makes sense that the local boards be granted the authority necessary to address these

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on January 22, 1996.

issues in a timely manner. He also stated that KCCI is asking that the legislature delegate the authority necessary which will permit local boards of education to address new and innovative programs without having to ask the legislature for specific authorization on individual issues (Attachment 4).

Gerry Henderson addressed the committee as a proponent of SB 481. He stated that at a time when schools and school districts are being asked to search for new and innovative ways to provide quality educational opportunities for Kansas children that this is the right time to remove potential hurdles and correct the existing governance inequity (Attachment 5).

Jaque Oakes addressed the committee as a proponent of SB 481. She stated that 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. It would also return a measure of self-government and local control to elected people in the school districts who manage school business (Attachment 6).

Craig Grant addressed the committee as an opponent of SB 481. He stated that KNEA has a problem trying to figure out what local boards really want which they are not now allowed by the Legislature or State Board of Education. He continued to state that the Kansas Constitution puts the responsibility of education squarely on the shoulders of the state government through the legislature and the board of education. Both groups turn over a great deal of control to local boards. Further local autonomy should be dealt with on a case by case basis (Attachment 7).

The meeting adjourned at 2:30 p.m.

The next meeting is scheduled for January 23, 1996.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: January 22, 1996

NAME	REPRESENTING
Jim Allen	KEC
Margaret Weiss	KASB - USD 437
Mark Tallman	KASB
Scott Brown	KASB - USD 347
Helen Stephens	BV USD 229
Jim Youally	USD # 512
Chris Burnett	USD 507A
Diane Gjerstad	USD 259
Kristen Hays	capital journal
Kathie Sparks	DOB
Chava McKeel	intern for Senator Downey
Ken R Cole	Visitor
Robin Lyhmer	Oliver USD 233
Karen Fuller	KASB
Susan Chase	KNEA
Craig Grant	KNEA
Jim Edwards	KOCT
Herschel Rose	Cit.
Kathleen Lavend	Visitor

Judy Altom Visitor
 Mary Jane Whelan Visitor
 Jake Adams Key for Networking
 Jim Clark KASB



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: January 22, 1996

RE: Testimony on S.B. 481 (School Board Local Control)

Madam Chair, Members of the Committee:

We appreciate the opportunity to appear in support of S.B. 481, which you introduced at our request. The purpose of this legislation is very simple: to encourage innovation, experimentation and efficiency by truly giving elected local school boards the power of local control.

Although the Kansas Constitution is designed to encourage local control by requiring that public schools must be maintained, developed and operated by locally elected boards, school boards only have authority which is granted by state law. In other words, to take any action, school boards must find specific authorization. This differs from Kansas cities and counties, which have home rule powers. The general principle of home rule is that local units may take actions which they believe are appropriate unless those actions are prohibited by law, rather than only those actions permitted by law.

For decades, Kansas and many other states have tried to achieve a better system of public education through mandates, regulations and restrictions. Inevitably, this assumes that all schools and communities are pretty much alike and that the state (or federal government) knows better than local school boards and educators what is in the best interest of students, families and taxpayers. Inevitably the vitality of local control is reduced.

Five years ago, the Kansas Association of School Boards endorsed Quality Performance Accreditation on one great principle: school boards are willing to be held accountable for results if you (the state) let us decide how to achieve those results.

We've come a long way on accountability. Under QPA, schools will be held accountable for

- Improving or maintaining high graduation rates and attendance rates;
- Declining or maintaining low drop-out rates;
- Student achievement in math, science, communications and social studies, measured on both state assessments and local assessment;

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- Increasing the number of students mastering higher math concepts and completing advanced math and science courses; and
- Reducing violent acts against teachers and students.

Unfortunately, we have not made as much progress on the other end of the bargain. Giving local school districts the ability to decide how to achieve the outcomes listed above means three things: (1) repealing existing regulations and mandates that prescribe how to do things rather than what results should be; (2) stop adding new regulations and mandates; and (3) entrusting local districts with more authority to make decisions. The third point is the focus of S.B. 481.

The key provisions of S.B. 481 are found on page two, beginning with subsection (e) in the middle of the page. It would allow school boards to "transact all school district business and perform all powers of local legislation the board deems appropriate, subject only to the following legislation." The bill then lists specific things boards cannot do under this legislation, including:

Districts remain subject to all state and federal laws, including regulations of state and federal agencies. For examples, this bill would not allow districts to circumvent student or teacher due process rights or negotiations procedures.

Districts cannot alter boundaries except as provided by law.

Districts cannot affect the courts.

Districts remain subject to debt limitations.

Districts remain subject to election laws.

Districts do not receive any new tax or spending authority.

Districts cannot assume the responsibilities of other units of government.

It is also important to stress that districts would not be allowed to "charter out" of any current laws or regulations. But it would mean that when local school boards, elected by and accountable to the voters every other year, develop new ideas for services and operations in their own communities that are not prohibited by law, they will not have to wait for the entire legislature to consider whether to authorize such action. If "local control" is to have any real meaning, this seems to us the minimum level of local authority school boards should enjoy.

We have two officers from our association here today who would also like to make a few remarks. They are President Maureen Weiss, USD 437 (Auburn-Washburn) and President-elect Scott Brown, USD 347 (Kinsley-Offerle). I would be happy to answer questions either now or after they speak. Thank you for your consideration.

TO: Senate Committee on Education
FROM: Maureen Weiss, Board Member, U.S.D. 437 (Auburn-Washburn)
DATE: January 22, 1996

Remarks on S.B. 481

Thank you for the opportunity to appear before you this afternoon in support of Senate Bill 481. As a member of the Auburn-Washburn Board of Education for the past eleven years I have served my local community as president and vice-president, chairperson of Strategic Planning, Technology and Employee Compensation Committees. Currently I am vice-president of the Shawnee County Special Education Cooperative. My involvement at the state level includes representing all Kansas Boards of Education members as president of the Kansas Association of School Boards. For two years I have served on the Quality Performance Accreditation Advisory Committee helping the State Board of Education refine the accreditation process for Kansas schools. In 1995, I was appointed to Governor Bill Graves Educational Advisory Committee.

After having worked with Boards of Education all across this state, I know their members to be sincerely interested in doing what is best for children. After seeking an elected position on your local board, which is unpaid and demands many hours each month, most of us are sustained only by a genuine desire to improve the educational performance of all children.

The current fiscal climate demands that boards of education create maximum efficiency in the use of fiscal and human resources. At the same time, we are trying to elevate the performance of every child to meet a standard of excellence. We must have available to us and our communities every avenue needed to insure our success.

With the institution of site-councils for every school building, and the pervasive belief that parent involvement is critical to success, our work is more closely scrutinized than at any time in history. I know that parents and patrons, together with boards of education and their professional staff members, are capable of making prudent decisions to attain educational excellence.

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Testimony on S.B. 481
before the
Committee on Education

by

Scott C. Brown
President-Elect
Kansas Association of School Boards
January 22, 1996

Madam Chair, Members of the Committee:

Good afternoon, my name is Scott Brown. I am from Kinsley which is the county seat of Edwards County. My state legislators are Representative Melvin Minor of Stafford and Senator Jerry Moran of Hays. I am self-employed in the heating/cooling and refrigeration industry. I am a member of the USD 347 Board of Education and was elected in December as President Elect of the Kansas Association of School Boards

I would like to thank the committee for this opportunity to speak on behalf of Senate Bill 481. I respectfully ask for your favorable support for this bill. It is my belief that this legislation offers greater opportunity for unified school districts across the state to control their own destinies and makes a very positive step in the direction of that seemingly elusive concept of local control.

Senate Bill 481 will allow locally elected school boards working with patrons, parents and educators greater flexibility as they work together to meet the diverse and rapidly changing needs of the children in their communities. It will also allow them to think outside the box. Instead of problem solving that starts with "here is the list of things we may do and here is the problem", we will be able to say to our patrons, parents and educators "here is the problem so let's work together to find our solution." This paradigm shift is consistent with what I believe is the hinge pin of the school reform, that being, decisions made based on what is best and appropriate for each individual child rather than "here is the mold--make each child fit it."

Senate Bill 481, if nothing else, allows the state to move away from the idea that here are the things you may do, now make your district fit.

Thank you again for the opportunity to speak with you about this bill and I will be happy to try to answer any of your questions.

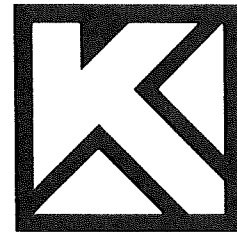
Respectfully submitted,

Scott C. Brown

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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
SB 481

January 22, 1996

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

Senate Education Committee

by

Jim Edwards

Director, Chamber and Association Relations

Senator Lawrence and members of the Committee:

I am here to lend KCCI's support to the concept of providing local boards of education with the broader local control and self-governance. This concept is embodied in SB 481.

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 46% of KCCI's members having less than 25 employees, and 77% 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.

In these times of rapid change, local boards of education, since they are those closest to the opportunities present, are most often the best equipped to deal with issues as they arise. With this in mind, it makes sense that these local boards be granted the authority necessary to address these issues in a timely manner.

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We are not asking for a wholesale abdication of power to local boards of education. As
as the state funds education, the legislature must stay involved. We are, however, asking that the
legislature delegate the authority necessary which will permit local boards of education to address
new and innovative programs without having to ask the legislature for specific authorization on
individual issues.

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



SB 481

Testimony presented before the Senate Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
January 22, 1996

Madam Chairman and Members of the Committee:

United School Administrators of Kansas appreciates this opportunity to speak in support of this proposal which would grant to local boards of education the home rule powers extended to every other local governmental entity. At a time when schools and school districts are being asked to search for new and innovative ways to provide quality educational opportunities for Kansas children is the right time to remove potential hurdles and correct the existing governance inequity.

I will be happy to stand for questions.

LEG/SB481.96

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Schools for Quality Education

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

January 22, 1996

To: SENATE EDUCATION COMMITTEE

Subject: SB 481 -- Boards of Education of school districts, conferring the power of local control thereon, imposing limitations, amending

From: SCHOOLS FOR QUALITY EDUCATION

Madam Chair and Members of the Committee:

I am Jacque Oakes representing Schools for Quality Education, an organization of 102 small school districts.

We appear before you in favor of SB 481 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 SB 481.

"Rural is Quality"

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These are a few of the issues mentioned which have resulted in legislation, but at the time the idea was proposed, no authority existed.

1. Charging tuition for summer school.
2. Charging tuition for night school.
3. Using school transportation for senior citizen activities.
4. In emergencies (recent flood), use 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.
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 dinners, etc., paid for by the district.

Several superintendents identified issues for which authority now exists which were not legal initially. Among them were:

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



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

Craig Grant Testimony Before
Senate Education Committee
Monday, January 22, 1996

Thank you, Madam Chair. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee about SB 481, the "home rule" bill for local school boards.

This is basically the same bill which has been introduced previously by the KASB and last year heard by the House Education Committee. The problem we have had with this proposal is trying to figure out what local boards really do want which they are not now allowed by the legislature or State Board of Education. It appears that you and the State Board have been more than willing to grant authority to local schools. In fact, we remember when the State Board offered to waive any rule or regulation and no local board took advantage of the offer.

So is this just philosophical? Did some staff person or an attorney think this would be a status symbol for local boards? What do we really want? Do boards want to be able to do something not authorized without taking the time to ask the legislature for permission? If that is the case, then this legislature will have to spend its time trying to anticipate every questionable or extraordinary motion a board in any district could do--like granting super retirement deals to the top administrators--and pass a law prohibiting such action.

The Kansas Constitution puts the responsibility of education squarely on the shoulders of the state government through the legislature and the board of education. Both groups turn over a great deal of control to local boards. Further local autonomy should be dealt with on a case by case basis.

We believe we should rethink this concept and not adopt SB 481. Thank you for listening to our concerns.

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