

Approved: April 25, 1996
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on February 15, 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
Kathleen White, KSBE
Sue Chase, KNEA
Gerry Henderson, USA
Jacque Oakes, Schools for Quality Education

Others attending: See attached list

HCR 5021: Amend section 2 of article 6 of the constitution of the state of Kansas, relating to the State Board of Education

Representative Powell appeared before the committee again for further questions and discussion.

Mark Tallman addressed the committee as a proponent of **HCR 5021**. KASB has long supported the removal of the State Board's self-executing powers, powers that we do not believe were intended by either the framers of Article 6 or the voters who approved it in 1996. KASB believes that the State Board should not exist outside the traditional framework of checks and balances reflected in the rest of the state and federal constitutions. KASB therefore supports **HCR 5021** in its present form, as amended by the House Education Committee (Attachment 1).

Kathleen White addressed the committee as an opponent of **HCR 5021**. She stated that the State Board of Education has made a concerted effort during the past several years to increase school standards, to restructure Kansas school systems to meet the needs of students, the communities, higher education, and business and industry. Many new programs have been developed, in cooperation with the Governor and Legislature, to restructure Kansas schools (see list). In the light of the programs and accomplishments, it is KSBE's opinion that the general supervisory powers of the State Board of Education has been used wisely to respond to the educational needs of the state and maintain a state education system which is among the top five of the United States. The removal of the State Board's constitutional authority has been presented to the voters on several occasions and defeated each time. KSBE believes that this is a strong indication by the people for the State Board to continue under the current constitutional provisions. The State Board of Education has not abused its constitutional authority. KSBE has tried to work cooperatively with the Governor and Legislature as a team. The current system of the State Board of Education's accountability to the citizens of Kansas appear to work well. KSBE believes that amending the Constitution is unnecessary and not in the best interest of education for the state (Attachment 2).

Sue Chase addressed the committee as an opponent of **HCR 5021**. KNEA believes that making changes such as proposed in the bill would be premature. It is the understanding that the Council on the Future of Post-Secondary Education is just beginning to develop their recommendations regarding the structure and coordination of post-secondary governance. KNEA also believes that there are legitimate concerns around the "self-executing" powers of the state board and the lack of representation of education on the Governor's cabinet. It is the understanding that the issue has far-reaching ramifications. It is important to take time to examine all possible structures to address the concerns. From KNEA's observations, the State Board of Education and the Board of Regents have been highly responsive to the wishes of the legislature. In light of

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on February 15, 1996.

this, KNEA does not see the need to immediately address the "self-executing" issue. Therefore, it seems reasonable to postpone any decisions on the bill at the time being (Attachment3).

Gerry Henderson stated that USA has no specific position concerning the "Self-executing Powers" of the Kansas State Board of Education, HCR 5021. USA asked when it the State Board's history have they abused the powers it has on the education system. The State Board is currently in the process of naming a new commissioner. The passage of the resolution would have devastating effects on the process. Subjecting the position of commissioner of education to the political uncertainties of gubernational appointment sends the wrong message. USA believes that the Kansas educational system is doing well and should be left alone (Attachment4).

Jacque Oakes addressed the committee as an opponent of HCR 5021. Schools for Quality Education believe that the members of the state board are experts in the field of public education. They meet monthly as a board as well as give freely of their time throughout the year on other education issues and school related business and seminars. They are elected by the public to give general supervision to public schools. This bill would give the legislature full authority to make suitable provision for the governance of public schools managed under state supervision. Schools for Quality Education agree with one part of the proposed amendment that would make the Commissioner of Education a member of the Governor's Cabinet. They do not agree with the Commissioner becoming an appointee of the Governor. Schools for Quality Education has confidence in the State Board appointing the Commissioner to serve at their pleasure. Schools for Quality Education believes that legislators do a great job of legislating laws for the state, and believe that the state board does find work in providing general supervision of public schools. The state board should continue with self-executing powers to maintain the best operation of schools and that the balance serves the state of Kansas very well (Attachment5).

Representative Bill Mason was present to express his support on HCR 5021.

The meeting adjourned at 2:27 p.m.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: February 15, 1996
(HCR5021)

NAME	REPRESENTING
Diane Gjerstad	U.S.D. 259
Bill Meek	USD #230 Spring Hill
Mark Tallman	RASK
Birkley A. Barnes	KNEA
Annasteen Blackum	KNEA
Sandi Jones	KNEA
Chris Cordes	KNEA
Dawna Sublett	KNEA
Danny Hopkins	KNEA
Herchel Rose	Cit.
Bernie Koch	Wichita Chamber of Commerce
Richard Stump	Lansing USD # 469
Bob A. Kite	USD 469 Lansing
Tom Smith	USD 469 LANSING
Mrs. B. McMillan	St. Bd. of Ed.
Kathleen White	KSBE
Aran McClune	KNEA
WANDA MORRISON	KS STATE Bd of Education
Christy Lewing	KNEA

Herchel Martin KNEA
 Ollie Carroll KNEA
 Lisa Gilpin KNEA
 Mychal Bangham KNEA

(over)

Harold Housy
Chris Housy
TED Aynes

State Bd of Educ
Cit.
Regents Staff



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 14, 1996

RE: Testimony on H.C.R. 5021

Madam Chairman, Members of the Committee:

Thank you for the opportunity to present our association's views on the structure of educational governance in Kansas. Our Delegate Assembly has adopted a very clear and specific statement on the state structure for supervising education that reads as follows:

"KASB believes the following constitutional provisions are critical:

"(1) The State Board of Education shall be elected.

"(2) The State Commissioner of Education should be appointed by the State Board of Education.

"(3) The supervision of all schools - preschool, elementary, secondary and area vocational-technical schools - should be vested in the State Board of Education. (The board shall have such authority as the legislature provides.)"

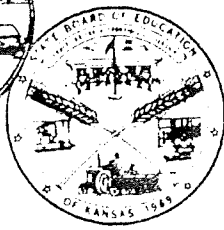
The last sentence is the basis of our support for H.C.R. 5021. (We have long supported the removal of the State Board's self-executing powers - powers that we do not believe were intended by either the framers of Article 6 or the voters who approved it in 1966. We believe that the State Board should not exist outside the traditional framework of checks and balances reflected in the rest of our state and federal constitutions. We therefore support H.C.R. 5021 in its present form, as amended by the House Education Committee.)

Regarding the proposed amendment to this concurrent resolution, the second policy statement cited above would force us to oppose appointment of the commissioner of education by the Governor, rather than the State Board. Frankly, we believe that removing the self-executing powers would provide the State Board with the right amount of authority, but removing its ability to select and supervise the commissioner would go too far in reducing its authority.

We have no specific position on having the commissioner serve as a member of the Governor's cabinet. But as long as the commissioner is appointed by the State Board, I do not believe we would have any objection to placing him or her in the cabinet. If such a move strengthened the visibility of education and resulted in a more effective delivery of services, we believe our members would be supportive.

Thank you for your consideration. I will be happy to respond to questions.

SENATE EDUCATION
2-15-96
ATTACHMENT 1



Kansas State Board of Education

Kansas State Education Building
120 S.E. 10th Avenue
Topeka, Kansas 66612-1182

(913) 296-3203
FAX (913) 296-7933

Mildred McMillon
District 1

Harold R. Hosey
District 4

Bill Musick
District 6

Michael D. Gragert
District 8

Kathleen White
District 2

I. B. "Sonny" Rundell
District 5

Wanda Morrison
District 7

Mandy Specht
District 9

Kevin P. Gillmore
District 3

Steve E. Abrams
District 10

February 15, 1996

TO: Senate Education Committee
FROM: State Board of Education
SUBJECT: 1995 House Concurrent Resolution 5021

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

The State Board of Education has made a concerted effort during the past several years to increase school standards, to restructure Kansas school systems to meet the needs of students, our communities, higher education, and business and industry.

Many new programs have been developed, in cooperation with the Governor and Legislature, to restructure Kansas schools, including but not limited to, the following.

1. Development of a precertification testing program for Kansas teachers.
2. Implementation of an alternative certification program.
3. Establishment of school district inservice education programs.
4. Development of a new accreditation system that is premised upon student learning.
5. Implementation of a parents as teachers program.
6. Implementation of an educational enhancement grant program.
7. Implementation of statewide assessment programs.
8. Implementation of competency based programs in vocational education.
9. Implementation of a tech-prep program.
10. Integration of academic and vocational education programs.
11. Implementation of the Kansas Governor's Academy.

12. Implementation of two-way interactive video instruction in cooperation with local boards of education.
13. Implementation of at-risk programs as provided by the School District Finance and Quality Performance Act.
14. Formation of the Kansas Business-Education Partnership comprised of representatives of business, industry, and education to enhance the importance of cooperation between these areas. This committee is chaired by Jeff Russell, Director of Governmental and Public Affairs, Sprint/United Telephone.
15. Implementation of a streamlined approval process for training and retraining for business and industry in community colleges and area vocational-technical schools.
16. Development of state standards in early childhood, mathematics, reading, science, social science, and writing.
17. Use of school site councils to ensure community-family input in schools.
18. Establishment of two technical colleges in Kansas.
19. Development of a Report Card which includes information about all schools in Kansas.
20. Publication of Education Matters, which provides information about educational issues, in layman terms.

We believe the goals and objectives of quality performance accreditation are far reaching and one of the best accreditation programs in the nation. We also recognize there may be changes which need to be made and we are willing to review and make necessary changes.

The State Board believes that education should be a cooperative effort involving the Governor, Legislature, State Board of Education, parents, students, patrons, higher education, and business and industry. Every effort has been made to follow this concept. Cooperation is required if we are to be successful.

The State Board of Education and State Board of Regents have been working cooperatively on mutual issues of concern. The two boards were meeting on a regular basis until the 1995 Kansas Legislature approved the use of a Kansas Council on the Future of Postsecondary Education. Since the formation of this council, the boards have been planning for postsecondary education. This committee has involved not only the State Board of Regents but representatives from the Legislature, community colleges, area vocational-technical schools, and private colleges/universities. The Council is currently in the process of reviewing an environmental scan of Kansas data to determine future focus of postsecondary education.

In light of these programs and accomplishments, it is our opinion that the general supervisory powers of the State Board of Education have been used wisely to respond to the educational needs of our state and maintain a state education system which is among the top five of the United States.

The State Board has made every effort to obtain input through two-day monthly meetings and public hearings on any major issue being considered for implementation. We have also provided opportunities to any legislator who desires to submit written or oral comments regarding various proposals.

The removal of the State Board's constitutional authority has been presented to the voters on several occasions (1974, 1986, and 1990) and defeated each time. We believe this is a strong indication by the people for the State Board to continue under the current constitutional provisions.

The State Board of Education has not abused its constitutional authority. We have tried to work cooperatively with the Governor and Legislature as a team.

The current system of the State Board of Education's accountability to the citizens of Kansas appears to work well. We believe it would be a mistake to transfer the selection of the chief executive officer of the State Board of Education to the Governor. It would be extremely difficult for the CEO to be appointed and report to the Governor while at the same time serving as the chief executive officer of the State Board of Education. This change will result in less continuity of department services than we provided in the past. The State Board adamantly opposes this change.

We believe amending the Constitution is unnecessary and not in the best interest of education for our state.

The State Board of Education opposes House Concurrent Resolution 5021 which would have the effect of eliminating the State Board's constitutional powers unless authorized by law.



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

Susan Chase Testimony Before
Senate Education Committee
On HCR 5021
Thursday, February 15, 1996

Thank you Madam Chair and members of the committee for allowing me to speak on HCR 5021. I am Susan Chase and I represent the Kansas National Education Association.

Our concern on this bill is more with the timing and less with the content of this bill. We have a number of reasons for our belief that making changes such as those outlined in this bill are premature.

To begin with, it is my understanding that the Council on the Future of Post-Secondary Education is just beginning to develop their recommendations regarding the structure and coordination of post-secondary governance. This committee is comprised of representatives from the State Board of Education, the Board of Regents, and the Legislature. This bill continues to recognize the Regents University as separate and apart from other post-secondary institutions. If the Committee develops some other organizational structure for the governance of higher education, the actions of this bill could complicate the issue.

Secondly, we recognize there are legitimate concerns around the "self-executing" powers of the state board and the lack of representation of education on the Governor's cabinet. We also understand that this issue has far-reaching ramifications. It is important to take time to examine all possible structures to address these concerns.

Finally, from our observations, the State Board of Education and the Board of Regents have been highly responsive to the wishes of the legislature. In light of this we do not see the need to immediately address this issue. Therefore, it seems reasonable to postpone any decisions on this bill at this time.

We appreciate the committee taking time to listen to our concerns and hope you will consider them prior to any action on this bill.

SENATE EDUCATION
2-15-96
ATTACHMENT 3



HCR 5021

Testimony presented before the Senate Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
February 14, 1996

Madam Chairman and Members of the Committee:

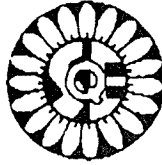
United School Administrators of Kansas has no specific position concerning the "Self-executing Powers" of the Kansas State Board of Education. We frankly do not understand all the fuss. When in its history has the state board abused whatever powers it has? When in its history has the state board been less than responsive to the Kansas Legislature, as are all state agencies. Why now when the state board is providing significant leadership in school reform, are we proposing constitution amendments to alter the governance of Kansas public education? Quality Performance Accreditation has stimulated changes in our schools which are resulting in the demonstrated improvements in student performance that Kansas people have been calling for. Why at a time when Kansas education has, under the leadership of the state board, "turned the corner" are we considering this measure?

A second circumstance likewise causes us to question the wisdom of **HCR 5021**. The State Board of Education is currently engaged in a process leading to the naming of a new commissioner. The commissioner screening committee, on which I was privileged to serve, submitted the names of six highly qualified people to the board for their consideration. The state board has selected four finalists. Passage of this resolution would have devastating effects on this process. What thinking person would remain in consideration for the commissioner's position while the state was preparing to vote on whether or not that position would continue to exist. Many of my members are frankly excited about the possibilities for Kansas education under the potential leadership of a number of commissioner candidates. Subjecting the position of commissioner of education to the political uncertainties of gubernatorial appointment sends the wrong message.

We would encourage the committee to report **HCR 5021** unfavorably.

LEG/HCR5021

SENATE EDUCATION
2-15-96
ATTACHMENT 4



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (813) 532-5886

February 14, 1996

TO: Senate Education Committee

Subject: HCR 5021 -- Proposition to revise Article 6 of the Constitution of the State of Kansas

From: Schools for Quality Education

Madam Chair and Members of the Committee:

I am Jacque Oakes representing Schools for Quality Education, an organization of 105 small school districts.

We are submitting written testimony in opposition to HCR 5021 which would eliminate the self-executing powers of the state board of education which provides general supervision of public schools.

We believe that the members of the state board are experts in the field of public education. They meet monthly as a board as well as give freely of their time throughout the year on other education issues and school related business and seminars. They are elected by the public to give general supervision to public schools. This bill would give the legislature full authority to make suitable provision for the governance of public schools managed under state supervision. The legislature is elected by the public as a citizen legislature to return home to their communities and professions after the legislative session.

When you look at the monthly agenda meeting for the state board of education, it is a very obvious list of their many achievements as well as an assurance that they are, indeed, accomplishing their obligation of supervising public schools. The state board, most importantly, established a statewide school improvement program in hand with an accreditation system, initiated statewide assessments, started a parents as teachers program, organized the teachers' inservice, created the at-risk academy as well as the valuable at-risk coalition on improving standards. There are many other accomplishments, but this is a short list compared to all of the many business items that they manage during their appointed meetings.

"Rural is Quality"

SENATE EDUCATION
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ATTACHMENT 5

February 14, 1996

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HCR -- Proposition to revise Article 6 of the Constitution of the State of Kansas

We do agree with one part of the proposed amendment that would make the Commissioner of Education a member of the Governor's Cabinet. We do not agree with the Commissioner becoming an appointee of the Governor. We have confidence in the State Board appointing the Commissioner to serve at their pleasure.

We believe that legislators do a great job of legislating laws for the state, and we believe that the state board does find work in providing general supervision of public schools. We believe that the state board should continue with self-executing powers to maintain the best operation of schools and that this balance serves the state of Kansas very well.

Thank you for your time and consideration. Please vote against HCR 5021.