

Approved: 4-4-97
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 6, 1997 in Room 519-S of the Capitol.

All members were present except:

Representative John Ballou - Excused
Representative Cindy Empson - Excused
Representative Cliff Franklin - Excused
Representative Lloyd Stone - Excused

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

Conferees appearing before the committee:

Mark Tallman, Kansas Association of School Boards
Gerry Henderson, United School Administrators
Jackie Oakes, Schools for Quality Education
Jim Edwards, Kansas Chamber of Commerce & Industry

Others attending: See attached list

Hearings on **SB 37 - School districts boards of education, power of local control**, were opened.

Mark Tallman, Kansas Association of School Boards, appeared before the committee as a proponent of the bill. He explained that the proposed bill would allow local boards to adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools. It would also clarify that local boards may not use home rule authority to adopt policies which modify, diminish or reinterpret state or federal laws which affect school district employees. (Attachment 1)

Gerry Henderson, United School Administrators, appeared before the committee in support of the bill. He believes that it would allow the school boards to be flexible. (Attachment 2)

Jackie Oakes, Schools for Quality Education, appeared before the committee in support of the bill. She provided the committee with a list of legislative bills that probably could have been taken care of by this bill had it been in effect. (Attachment 3)

Jim Edwards, KCCI, appeared before the committee as a proponent of the bill. He explained that with the passage of this bill it would allow school boards to join area Chamber of Commerce. Currently, the only dues that statutes authorizes being paid is those to join the Kansas Association of School Boards. (Attachment 4)

Hearings on **SB 37** were closed.

Chairman O'Neal provided the committee with a copy of a proposed house resolution regarding the State Board of Education defining the components of an essential core curriculum. (Attachment 5)

Representative Shore made a motion to have this introduced as a House Concurrent Resolution. Representative Tanner seconded the motion. The motion carried.

The committee meeting adjourned at 5:00 p.m. The next meeting is scheduled for March 10, 1997.



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 6, 1997

RE: Testimony on S.B. 37 - School Board Local Control

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to appear in support of S.B. 37, which was introduced at our request.

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. 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.

Because school boards do not have something like "home rule" powers, they must go before the Legislature whenever they need authority that has not been statutorily granted. This hinders the ability of school boards to adopt innovative programs and policies to reflect local circumstances.

KASB adopted a position in support of school board "home rule" several years ago, and has requested the introduction of legislation in previous sessions. However, I want to stress that the bill has changed in several important ways to address concerns it has generated.

First, this bill contains language drafted last session by a subcommittee of the Senate Education Committee to address concerns that this measure would be too expansive or open-ended. It allows local boards to "adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools." This new language is taken directly from the Kansas constitution. It also clarifies that school districts are subject to all rules and regulations of the State Board of Education. As a result, the scope of authority provided by this bill is limited to the operation of public schools.

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Attachment 1

Second, this bill contains a new provision developed jointly by KASB and the Kansas-NEA, which clarifies that boards may not use home rule authority to adopt policies which modify, diminish, or reinterpret state or federal laws which affect school district employees. (Page 2, lines 41-43.)

The bill contains a list of additional prohibitions on board authority under "home rule."

- Districts remain subject to all state and federal laws, including regulations of state and federal agencies.
- 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.

In addition, the Senate Committee of the Whole added a provision stating that school districts may not adopt policies which interfere with state policy in K.S.A. 1996 Supp. 38-141(b), i.e. that parents retain the fundamental right to exercise primary control over the care and upbringing of their children.

It is also important to stress that districts would not be allowed to "charter out" of any current laws or regulations. But this bill means 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.

Under this bill, school boards would have the freedom to determine the best course of action for their district as long as that action is not prohibited by, or contrary to, state or federal law. This change would not require boards to do anything different from what they are doing now, but it would open up new possibilities for school improvement. Shouldn't that be our goal?

Thank you for your consideration.



SB 37

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
March 6, 1997

Mister Chairman and Members of the Committee:

Having had the opportunity to know the content of Mr. Tallman's testimony, I will not repeat our shared rationale for supporting **SB 37**. Neither will I attempt to match Mark's eloquence. As in past sessions when we have spoken in behalf of local control or home rule powers for boards of education, we would continue to observe that the entity of local government most often asked to be creative, innovative, and responsive is allowed the least flexibility to do so.

We urge favorable consideration of **SB 37**.

LEG/SB37

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Attachment 2



Schools for Quality Education

Bluemont Hall Manhattan, KS 66508 (913) 532-5886

March 6, 1997

To: HOUSE EDUCATION COMMITTEE

Subject: SB 37 SCHOOL DISTRICT BOARDS OF EDUCATION, POWER OF LOCAL CONTROL

From: SCHOOLS FOR QUALITY EDUCATION

Mr. Chair and Members of the Committee:

I am Jacque Oakes representing Schools for Quality Education, an organization of 111 small school districts.

We appear before you in favor of SB 37 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 legislators to better spend their time and talents on the major issues of the state, rather than the minor issues of the districts. As I checked back to 1991, it seems each year there are several bills needed during a Session which take care of all districts in a general way or particular districts 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.

We believe that school boards would be extremely careful in their utilization of this new authority and that sufficient safeguards have been built into SB 37. Please trust your elected, local school boards.

Thank you for your time and positive consideration of SB 37.

"Rural is Quality"

House Education
3-26-97
Attachment 3

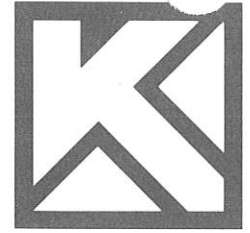
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The following Bills have been passed since 1991 that probably could have been taken care of by home rule:

- 1991 -- SB 47 - Authorized school boards to adopt trimester or quarterly calendars.
 - 1991 -- HB 2070 - Authorized school boards to make the determination when mail ballots would be used in question submitted elections.
 - 1992 -- SB 512 - Permits school districts to self insure employees for life insurance.
 - 1993 -- HB 2036 - Authorized school based child care programs.
 - 1993 -- HB 2236 - Authorized school boards to remove their appointees to recreation commissions.
 - 1994 -- HB 2514 - Would permit non-public schools to participate in public school textbook rental programs.
 - 1994 -- HB 2553 - Authorized school districts to establish "extraordinary school programs".
 - 1996 -- SB 521 - Extend the twelve month payment method to non-certified employees.
 - 1996 -- HB 2913 - Authorized boards to enter into meal service contracts with non-public schools and child care institutions.
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- 1997 -- SB 131 - Allow districts to contract with a governing body of any township, city, or county for transportation of individuals, groups, or organizations. House Transportation Committee.
 - 1997 -- HB 2317 - Authorizing boards to provide bus transportation of certain persons to or from class attendance at certain educational institutions. Introduced.

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry



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

SB 37

March 6, 1997

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the
House Education Committee

by
Jim Edwards
Director, Chamber & Association Relations

Rep. O'Neal and members of the committee:

Thank you for allowing me the opportunity to lend KCCI's support to the concept of providing local boards of education with the broader local control and self-governance. This is the primary goal of SB 37.

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.

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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Attachment 4

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 each
individual issue. Allowing them this operational freedom gives them the opportunity to function
efficiently and expediently.

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

A CONCURRENT RESOLUTION directing the State Board of Education to define the components of an essential core curriculum that should be offered to every elementary and secondary public school student, respectively, regardless of school size and location, to determine the probable costs of providing that curriculum, and to make a report thereon to the Education Committees of the Senate and House of Representatives.

WHEREAS, A public education, consisting of adequate instructional programs, is considered as essential to the development and well-being of our children, and the State of Kansas, since statehood, has provided for the financing of public schools through state taxes and other mechanisms provided by the Legislature, including local effort; and

WHEREAS, The Legislature is charged by the Kansas Constitution with the responsibility of providing for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law ; and

WHEREAS, The Legislature is charged by the Kansas Constitution to make suitable provision for finance of the educational interests of the state; and

WHEREAS, The Kansas Constitution requires that local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards, which may, when authorized by law, make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state board of education, subject to limitation, change or termination by the Legislature; and

WHEREAS, The State Board of Education is charged by the Kansas Constitution with general supervision of the public schools and other educational interests of the state and shall perform such other duties as may be provided by law; and

WHEREAS, The Supreme Court of Kansas has held that the basic mission of the State Board of Education is to equalize and promote the quality of education for the students of this state and that the Legislature may enact legislation to facilitate or assist the State Board in carrying out its constitutional mission; and

WHEREAS, The Legislature, in addressing its constitutional charge to provide suitable funding for public education, has an interest in determining the components of an essential core curriculum, consisting of adequate instructional programs, that should be offered in elementary and secondary public schools in the state, respectively, and determining a suitable State funding base, meeting the requirements of the Kansas Constitution, for that essential core curriculum; and

WHEREAS, The Legislature acknowledges that a quality education encompasses a variety of instructional programs in addition to those that may be required at a minimum in order to satisfy the charge in the Kansas Constitution, and that the funding of those additional programs will continue to be provided by traditional funding sources, but desires to define the constitutional boundaries of the funding required by the Kansas Constitution in order to avoid unnecessary litigation over the funding of public schools in the state; and

WHEREAS, The Legislature believes that local school boards should continue to be authorized to help develop their own additional instructional offerings and that local effort, consisting of various options, should continue to play a role in the funding of the variety of educational offerings developed by the state and local boards; Now, therefore,

***Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature, in recognition of the facts contained in the preamble of this resolution and being aware of the necessity of having a definition of an essential core curriculum in order to make suitable provision for the State funding of public educational interests contemplated by the Kansas Constitution, hereby directs the State Board of Education to define the components of an essential core curriculum, consisting of adequate instructional programs, to be available in every school district in the state; and**

***Be it further resolved:* That upon adoption of its definition of an essential core curriculum and specification of the academic components thereof, the State Board of Education is hereby directed to collect and record the costs, sufficiently itemized and with supporting documentation, that would be incurred, at elementary and secondary school sites of all sizes and from all parts of the state, in providing that essential core curriculum; and**

***Be it further resolved:* That the State Board of Education is hereby directed, upon collecting the costs associated with providing the essential core curriculum, to cause a report thereof, including the identity of the schools involved in the report, to be delivered to the Education Committees of the Senate and the House of Representatives at the commencement of the 1998 Session of the Legislature; and**

***Be it further resolved:* That the Secretary of State is hereby directed to transmit enrolled copies of this resolution to the State Board of Education and to the Commissioner of Education, 120 S.E. 10th Avenue, Topeka, Kansas 66612-1182.**