

Approved: 3-4-97
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 10, 1997 in Room 519-S of the Capitol.

All members were present.

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

Conferees appearing before the committee:
Representative Doug Mays
Craig Grant - Kansas National Education Association
Mark Tallman - Kansas Association of School Boards
Diane Gjerstad - Wichita Public Schools

Others attending: See attached list

Hearings on **HB 2494 - Elections; boards of education; commencement of terms**, were opened.

Representative Doug Mays appeared before the committee as the sponsor of the bill. He explained that this bill would allow for a shorter time period between when a board member is elected and when that person actually takes office. He believes that newly elected board members need to take office sooner because between the time of the election and when they actually take office decisions on budgets are taking place. (Attachment 1)

Craig Grant, Kansas National Education Association, appeared before the committee as a proponent of the bill. He believes that sometimes when an incumbent gets beat they don't have the districts needs as a top priority anymore, but still makes decisions on the budgets. (Attachment 2)

Mark Tallman, Kansas Association of School Boards, appeared before the committee as an opponent of the bill. He stated that the current process allows a newly elected board member to be trained and oriented before he actually takes office. (Attachment 3)

Hearings on **HB 2494** were closed.

Hearings on **SB 222 - School Districts, leases and lease-purchase agreements**, were opened.

Diane Gjerstad, Wichita Public Schools, appeared before the committee as a proponent of the bill. She explained that the Wichita School Board had authorized a \$17.0 million telecommunications and technology equipment upgrade. The district intended to bond its purchase under current law until the bond rating services determined that if an agreement was subject to termination by the Legislature a higher debt instrument interest rate would be required. The proposed bill would allow a more favorable debt financing interest rating for school district lease or lease-purchase arrangements. (Attachment 4)

Committee members questioned whether the bill would allow a district to avoid a referendum by district patrons. Staff advised that prior legislation provides that expenditures of over \$100,000 are subject to voter approval.

Hearings on **SB 222** were closed.

Representative Shore made a motion to approve the committee minutes of February 11, 12, 13, 17 & 18. Representative Franklin seconded the motion. The motion carried.

The committee meeting adjourned at 4:45 p.m. The next meeting is scheduled for March 11, 1997.



TOPEKA

HOUSE OF
REPRESENTATIVES

ASSISTANT MAJORITY LEADER

House Bill 2494

**Testimony of Representative Doug Mays
March 10, 1997**

Mr. Chairman, members of the committee. House Bill 2494 changes the interim between election and assumption of office for local school board members. Currently, board members are elected the first Tuesday in April, but do not commence their terms of office until nearly three months later on July 1st. I have made inquiries including existing board members as to why this is the case and while I have received feeble justifications, thus far I have received no logical answers.

I do know this: the of the most dangerous animal in the political world is the Lame Duck. In virtually every other level of government this particular species is put harmlessly out to pasture for the short period between the election and swearing in of a successor. In city elections, for example, after which this bill is patterned, the interim is one week with no intervening meeting of the governing body.

I suppose one might argue that there needs to be some sort of breaking in period, to show the new members the ropes. My own experience has convinced me that a three month orientation is far from necessary. In November of 1984, the city of Topeka voted to change its form of government from commissioners to strong-mayor/city council. The result was that one week after the municipal elections of April 2, 1995, eight of the ten new governing body members had no experience in city government. There was no resulting disaster. Instead, we hit the deck running and city government in Topeka was rejuvenated. A lengthy period of indoctrination by outgoing commissioners, while well meaning and all in the name of continuity, would likely have served to hinder any inclination to seek new answers to old problems.

With regard to school board elections, the present system does not foster any such innovation. Rather, it clings to cohesion over conversion, uniformity over divergence. It is a benevolent oddity grounded in an era of solicitous "don't rock the boat", go-slow government. It is an anachronistic, paternalistic, anomaly. And it is time for a change.

Members of the committee, I urge your favorable consideration of this bill.

House Education
3-10-97
Attachment 1

DOUG MAYS
REPRESENTATIVE, FIFTY-FOURTH DISTRICT
SHAWNEE COUNTY
1920 SW DAMON CT.
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COMMITTEE ASSIGNMENTS
VICE CHAIRMAN - SHAWNEE COUNTY DELEGATION
MEMBER - TAXATION
FEDERAL & STATE AFFAIRS
JUDICIARY
LEGISLATIVE POST AUDIT
RULES AND JOURNAL



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

Craig Grant Testimony
Before House Education Committee
Monday, March 10, 1997

Thank you Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to testify on HB 2494.

This topic has been before this Legislature a number of times. Our organization at first did not take a position; however, we have seen examples of what "lame duck" boards of education can do in the time between an election and July 1 when the new board takes office. This especially is a problem when the election was a contentious one and incumbents have been defeated. The chances are certainly there that the old board could extend a Superintendent's contract (if that was an issue) or enter the district into a long-term arrangement which the new board could not negate easily. These things do not often happen; but the opportunity is certainly there and have happened in the past.

Kansas NEA believes that school board terms could very easily be parallel to those of city officials--taking effect closely after the election occurs. For that reason KNEA supports the concept of HB 2494 and hopes the committee considers it favorably.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 S.W. Arrowhead Rd, Topeka, Kansas 66604
913-273-3600

TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 10, 1997

RE: Testimony on H.B. 2494 - Term of Office for School Board Members

Mr. Chairman, Members of the Committee:

KASB appears today as opponents of H.B. 2494, which would change the date when newly elected school board members take office. Currently, board members are elected in April and take office on July 1. Under this bill, they would take office at the first regularly scheduled board meeting after the election is certified.

Our members believe that current law provides a valuable period for training and orientation before new board members take office. A number of districts have formal training programs in May and June for new members. A space of several months between election and taking office is not uncommon: both Legislators and county commissioners are elected in early November and take office in January.

The major argument in favor of a change is the concern that "lame duck" school boards can take unpopular actions between the election and July 1. However, it is virtually impossible to prohibit the possibility of such action. Even under this bill, a board could simply call a special session prior to the regular session. Under this bill, board members can be defeated in primary elections and continue to vote for many weeks.

We oppose this bill because it does not cure the problem it seems intended to address, but it will eliminate a valuable period of time before board members begin their public service. Thank you for your consideration.

House Education
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Attachment 3



Larry R. Vaughn
Superintendent

**House Education Committee
Representative Mike O'Neal, chairman**

Testimony on SB 222

March 10, 1997

*Diane Gjerstad
Wichita Public Schools*

Mr. Chairman, members of the committee:

Senate bill 222 was introduced at the request of Wichita Public Schools has a result of recent experience attempting to bond under the provisions of KSA 72-8225.

This past year the Wichita Public Schools sought a bond rating from several national houses. During the process of full disclosure the rating services became aware of a clause within KSA 72-8225 reads, in part,

... Any contract made under authority of this section shall be subject to change or termination at any time by the legislature. Any assignment of rights in any contract made under this section shall contain a citation of this section and a recitation that the contract and assignment thereof are subject to change or termination by the legislature.

The district was notified that this language would result in either a lower bond rating or no rating.

USD 259 pursued the issue through much correspondence. The district argued that each house had issued hundreds of ratings to Kansas school districts, with excellent repayment history. Ultimately both rating agencies feigned lack of knowledge of this provision in statute.

The district believes that lease purchase agreements authorized under KSA 72-8225 will not be rated because of these two sentences.

We would urge your favorable consideration of this bill.

Thank you, Mr. Chairman.

*House Education
3-10-97
Attachment 4*