

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 12, 1997 in Room 519-S of the Capitol.

All members were present except:

Representative Gene Shore - Excused

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

Conferees appearing before the committee:

Senator Laurie Bleeker
Representative Andrew Howell
Mark Tallman - Kansas School Board Association
Charlie Smithson - Attorney for Governmental Standards & Conduct

Others attending: See attached list

Hearings on **SB 314 - Campaign finance; use of public money**, were opened.

Senator Laurie Bleeker appeared before the committee as the sponsor of the proposed bill. She explained that the bill would prohibit any state or local unified school district officer or employee from using or authorizing the use of public funds or any school property or time of any officer or employee compensated by a school district to promote or not promote any candidate for an elective office. Existing law currently applies only to school districts having 35,000 or more students enrolled. (Attachment 1)

Representative Andrew Howell appeared before the committee as a proponent of the bill. He stated that this bill would simply treat all school districts the same regarding use of public money going to campaigns. (Attachment 2)

Mark Tallman, Kansas School Board Association, appeared before the committee as a proponent of the bill. He believes that the use of public funds to support or oppose candidates is an inappropriate use of those funds and suggested that school districts should be placed under the state campaign finance act, rather than the local act. (Attachment 3)

Charlie Smithson, Attorney for Governmental Standards & Conduct, appeared before the committee to help clear-up any misunderstandings that the committee had.

The committee meeting adjourned at 5:00 p.m. The next committee meeting is scheduled for March 17, 1997.

HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: March 12, 1997

NAME	REPRESENTING
Diane Gjerstad	Wichita Public Schools
Craig Grant	HWFA
Bruce Dimmitt	Independent
Deborah Kabejellou	LOWV
Karen Kelly	KFB
Pat Lehman	Alameda USD 222
Mark L.	KFB
Rita Goering	KFB
Ron W. Johnson	KFB,
Colette Thomas	
Mark Tallman	KASB
Jim Yonally	USD #512
Nurse Ayl	USA
Jim Baker	KACC
SEN L. BUEWER	



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LAURIE BLEEKER

SENATOR, 33RD DISTRICT

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EDUCATION

FEDERAL & STATE AFFAIRS

JOINT COMMITTEE ON ARTS
& CULTURAL RESOURCES

PUBLIC HEALTH AND WELFARE

Testimony Before the House Education Committee
March 12, 1997

Re: Senate Bill 314

Submitted by:
Senator Laurie Bleeker

Thank you for the opportunity to appear before you and present the case in support of Senate Bill 314. The purpose of SB 314 is to address a gap in legislation not covered by Kansas statute. Currently, it is illegal to utilize public money, property, or compensated time for the purpose of endorsing a political candidate or influencing that candidate's race. Existing statute K.S.A. 25-4169A speaks to this issue with the exception that school districts having less than 35,000 pupils are exempted from this campaign law. So the part of this statute addressing school districts 35,000 and larger applies only to the Wichita school districts where it has been illegal to campaign through the schools.

SB 314 simply sets out language that makes this kind of unethical campaign activity unlawful in school districts having less than 35,000 students as well. There is no valid reason to allow in the smaller school districts campaign practices that have not been tolerated in larger public schools and other public places. The use of taxpayer dollars to support candidates for elected office assumes every taxpayer agrees with the government entity who would be promoting a given candidate, which negates the fairness and accuracy of the electoral process. For that reason this kind of questionable practice has been rejected at every other level of government and should be rejected in our smaller school districts as well.

House Education
3-12-97
Attachment 1

FRIDAY,
March 19, 1993

Johnson County/Metro

THE KANSAS CITY STAR

Olathe candidate alleges election bias



O'Hara



Marriott

**Memo to teachers
was improper, she says.**

By MIKE KENNEDY
Education Writer

An Olathe school administrator improperly encouraged teachers to take sides this week in the school board election, a candidate alleged Thursday.

Candidate Charlotte O'Hara said a memo written Monday by Paige May, assistant principal at Pioneer Trail Junior High School, was offensive and showed poor judgment.

The memo recounted the fears of some parents about O'Hara and their support for the candidacy of Rick Marriott. It urged attendance at a forum where both candidates would appear.

"I want the district to condemn this type of action and take steps so that it does not happen again," O'Hara said.

Olathe Superintendent Ron Wimmer said Thursday that the memo should not have been written and expressed his regret to O'Hara. Wimmer did not see the memo before its distribution.

"If they had asked my advice, I See **ELECTION, C-2, Col. 3**

Election bias alleged in Olathe race

Continued from C-1

would have told them not to do it," Wimmer said. "Sometimes people get caught up in a situation and make mistakes in judgment."

Marriott and O'Hara are two of six candidates vying for three at-large seats on the board. O'Hara has been a frequent critic of the board.

The memo May wrote to faculty and staff members Monday discusses a candidate forum that was to take place the next day:

"Rumor has it" that Mrs. O'Hara and her followers are realizing that the race will be between her and Rick Marriott. Mrs. O'Hara is packing the place (an hour early) so that people can

all be seated up front to give Mr. Marriott a hard time. Some of our PTO parents called today asking us to get people to that forum to support Mr. Marriott! Please attend if you are able."

Wimmer would not release the memo Thursday, but he allowed O'Hara to read it and copy it by hand.

May did not return phone calls Thursday. Stan Laird, principal at Pioneer Trail, said he was unaware of the memo before its distribution. However, he said he would not have stopped it.

"Some of our parents asked us to get some information out to the staff," Laird said. "We were not

taking a position for a particular candidate, we were supporting our parents."

In light of the controversy over the memo, Laird said now he would stop distribution of such a memo.

"We didn't realize it was going to cause such a backlash," he said.

The candidate forum that took place Tuesday night drew about 500 people. There was no large, identifiable group of O'Hara supporters, and no one in the crowd harassed Marriott during the two-hour discussion.

O'Hara said she never had any plan to pack the audience.

O'Hara said the scenario pro-

posed in the memo — that the race was between her and Marriott — was far-fetched. All six candidates — O'Hara, Marriott, Peter Gutowski, Steve Hougland, Janet Simpson and John Wilcox — are running for three at-large seats. In the March 2 primary, O'Hara finished second and Marriott finished fourth.

O'Hara contended the memo indicated that the school administration was working to defeat her.

"The administration and board are very fearful of me," O'Hara said. "They don't want someone who will ask questions and demand fiscal responsibility."

1-2

Hand copy of ... they wouldn't give copy of theirs



Olathe District Schools

Date: March 15, 1993
To: Faculty + Staff
From: Paige May
RE: Board Candidate Forum
Tues., March 16, 1993

Tomorrow evening at 7:00 p.m. at Mid-America in Smith Hall, room 200, there will be a forum for the board members candidates.

"Rumor has it" that Mrs. O'Hara and her followers are realizing that the race will be between her and Rick Marriott. Mrs. O'Hara is packing the place (an hour early) so that her people can all be seated up front to give Mr. Marriotta hard time. Some of our PTO parents called today asking us to get people to that forum to support Mr. Marriott!

Please attend if you are able.

Take an active role in your schools and cast vote today

Ron Wimmer

Olathe Superintendent of Schools

4-4-95

A few weeks ago I attended a meeting with respected legislative leaders in Topeka. The legislators spoke about concerns for our future. Questions arose if officials elected by a minority could achieve the will of Kansans. The legislators encouraged us to take an active role in our local communities. As the meeting included educational leaders from around the state, we left motivated to have a voice in matters affecting children and the public schools. This column serves to fulfill a responsibility for children, your children and the excellent Olathe District Schools.

Today will be a most important date in continuing the excellence we have worked hard to achieve over the past many years. My four-year tenure as superintendent of schools follows 25 previous years of teaching and administrative work in this district. Most know I have not worked in any other district during my professional career. I have an understanding of the communities we serve and the struggles we have to maintain the quality of our schools. We have fought hard against the negative elements to provide what we have today. Do not take the excellence of

our schools for granted. Yes, we have room for improvement; however, we are ahead of most. Just ask new residents what they think of our schools or why they moved to Olathe.

At this critical election time, I have confidence in your wisdom to make wise choices for the Board of Education. Do not be misled by allegations from those who might place at risk all we have worked to accomplish. As always, we want continued citizen input on our budget and other matters; and, we welcome ways to reduce costs. We want those who know the quality of a community depends significantly on the quality of the schools.

Yes, the future for Olathe appears bright. The schools have a critical role in the future just as they have in the past. Please consider the candidates seriously in regard to those who will guarantee the best future for you, your children, or your community. Do not leave this important decision to others. Our country, our city, and our school district deserve leaders selected wisely by a majority in the election process. Help select our leaders to the Board of Education by your Vote on Tuesday, April 4.



MICHAEL K. NELSON
Managing Editor/Johnson County

Superintendent should bypass endorsements

Ron Wimmer and other chief administrators of the Olathe School District should get out of the limelight of politics and the school board needs to tell them that in no uncertain terms.

In the closing days of the campaign Wimmer endorsed Frank Taylor for re-election to that board by signing onto a newspaper ad that was pub-

lished in the *Olathe Star* and *The Olathe Daily News*. Wimmer was joined in this ill-advised political foray by his chief lieutenants, Alison Banikowski and Bob Hull, who are assistant superintendents.

In addition, Wimmer allowed campaign signs for Taylor and veteran board member O.M. "Doc" El-
See **ENDORSEMENT, Page 8**

8 Wednesday, April 5, 1995
OLA The Kansas City Star

Endorsement by Wimmer was unwise

Continued from Page 1

liott to be posted in his yard.

Such actions by a superintendent are highly irregular. The superintendent works for the board members, who can dismiss, evaluate and set the pay for him and his top staff.

To campaign for your boss raises all sorts of questions. It smacks of the cozy accommodation, the insider's game of "I'll scratch your back if you scratch mine." Imagine what deals another, less ethical superintendent might make in return for an endorsement

This shortsighted political foray also raises a series of secondary issues:

■ Political activity can imperil the relationship between the superintendent and board members. After all, what do these administrators' endorsements say to board members who competed in the public arena for the same votes Taylor sought?

■ It could complicate the working relationship of board members themselves. Olathe's schools face many challenges, the sorts of questions that will naturally separate board members. Why risk dividing them unnecessarily?

■ Endorsements also could shift the focus of a campaign away from the candidates and make it into a plebiscite on Wimmer and his performance. Even now, campaigners are asking what does Taylor's third-place finish-by-a-whisker say about Wimmer's credibility with voters?

Professional educators' organizations take a dim view of partisan activity. Other superintendents in Johnson County maintain at least the appearance of neutrality. You never see a city manager hustling votes like a common ward heeler on behalf of a council candidate.

Wimmer says, correctly, that "being a public employee does not remove one's rights as a citizen."

Indeed, the superintendent needs to dabble in politics. He should be free to seek out responsible citizens and encourage them to take an active role in school affairs. He must lobby officeholders. He must campaign quietly for proposals that will benefit our children's education.

All these can serve the interests of the district, and Wimmer's wise use of political contacts so far has boosted his reputation as he has molded the Olathe school district into one of the most respected in Kansas.

But he needs to know where to draw the line and the board has no written policy on political activity.

It is the board's job to draft a rule, debate it and see that it is followed—now.

the eyrie

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PHOTOGRAPHY Photojournalism

Letters should be typed, double-spaced, fewer than 200 words and include the writer's signature and class. They should be taken to Rm. 402.

the eyrie is published 12 a times a year by the Journalism II students of Olathe South High School, 1640 E. 151st St., Olathe, Ks. 66062. Dr. Ron Wimmer, superintendent; Dr. Lowell Ghosey, principal; Ms. Vicki Kohl, advisor. Advertising rates available upon request.

the eyrie endorses board candidates

Tuesday, April 6, Olatheans must make a decision concerning the fate of their city's schools. Three of the seven Olathe Board of Education positions are up for election. The six candidates for these positions are Peter Gutowski, Steve Houghland, Rick Marriott, Charlotte O'Hara, Janet Simpson and John Wilcox.

The choice for voters is clear. Olathe needs Houghland, Marriott and Simpson on the Board of Education. These three candidates have been supportive of the work of both the school district and the school board. Gutowski, O'Hara and Wilcox have been critical of the Olathe school board throughout.

Houghland, Marriott and Simpson have spoken often in favor the Local Option Budget (LOB), the budget authority question in front of Olathe voters. If the LOB does not pass, the Olathe School District will lose 16 percent of its current funding, which will severely damage the quality of education in Olathe.

Gutowski has come out against the LOB. Wilcox says he would have serious reservations about giving the district the money. O'Hara has said she supported quality education in Olathe, but has never spoken specifically for the LOB. These three candidates' stances show their ignorance of the education process. They want the district to "cut the fat" from the budget, but no such "fat" exists. Olathe currently spends less per student than either the Shawnee Mission or Blue Valley districts. If our spending per student drops any further, Olathe will no longer provide the quality of education it is known for, and it will cease to be an attractive location to move to.

Houghland and Marriott are incumbent board members, knowledgeable in the workings of the district. Marriott is a former teacher. Simpson is an educator at Mid America Nazarene College, a job which has given her a comprehensive understanding of the education process and its needs. On the other hand, no one from the Gutowski, O'Hara and Wilcox "ticket" has any true foundation in education.

The choice is simple: quality education or a second-rate city.

(Brian Wilhite for the eyrie staff)



TOPEKA

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March 12, 1997

Chairman O'Neal and members of the Committee:

My testimony on Senate Bill 314 will be brief and to the point. I am supportive of this bill and simply wish to bring to the attention of this committee that similar language to that which we are considering here today has previously been included in House Bill 2123, which passed the House in 1995 on a vote of 113-11. It is my hope that once again we will simply clarify the law and ensure that all entities are covered by this legislation, not just Wichita. While I do not have a specific horror story, and while I believe that most districts are not a part of the problem, it still seems to me that prudence would guide us to clarify this law. Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink that reads "Andrew Howell". The signature is written in a cursive style with a large initial "A".

Andrew Howell

House Education
3-12-97
Attachment 2

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 12, 1997

RE: Testimony on S.B. 314

Mr. Chairman, Members of the Committee:

KASB appears in support of S.B. 314, which explicitly prohibits any local school district officer or employee from using or authorizing the use of public funds or school property or employee compensated by the district to promote or oppose a candidate.

We believe that the use of public funds to support or oppose individual candidates for office is an inappropriate and illegal use of those funds. That has been our legal advice to our members. S.B. 314 would simply place that prohibition in statute.

We also support the provisions of the bill which make clear that school resources can be used for debates, public forums and other events which are open to all candidates.

Finally, we would like to note that KASB supports placing all school districts under the state campaign finance act, rather than the local act, as long as candidates can continue to file simplified reports if they have very low campaign expenditures.

Thank you for your consideration.

House Education
3-12-97
Attachment 3