

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on February 4, 1999 in Room 313-S of the Capitol.

All members were present except:

Representative John Ballou - Excused
Representative Cindy Hermes - Excused

Committee staff present:

Carolyn Rampey, Legislative Research department
Avis Swartzman, Revisor of Statutes
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Ruth Ann Hackler - Mainstream Coalition
Brilla Scott - United School Administrators
Mark Tallman - Kansas Association of School Boards
Scott Hill - State School Board

Others attending: See attached list

Hearings on **HCR 5003 - State board of education; membership** were opened.

Ruth Ann Hackler, Mainstream Coalition, appeared before the committee as a proponent of the bill. She did serve on Olathe Board of Education for 22 years and in her years of experience there is a need for tie breaking vote on issues and feels this would resolve the dilemma. The Mainstream Coalition requests that this be a part of the of the proposed amendment of the Kansas Constitution. ([Attachment 1](#))

Brilla Scott, United School Administrators, appeared before the committee as a proponent of the bill. She felt this amendment if approved by the voter, would end the tie votes which have plagued the decision making process of the State Board during the past two years. ([Attachment 2](#))

Mark Tallman, Director of Governmental Relations, Kansas Association of School Boards, has a long standing position of elected members. They support a constitutional amendment that designates an odd-number of members that are not linked to Senate districts, or removes any reference to the number of members and that they should be non-partisan. ([Attachment 3](#))

Hearings on **HCR 5003** were closed.

Hearing on **HCR 5008 - Self-executing power of state board gubernatorial appointment of commissioner** were opened.

Mark Tallman, Kansas Association of School Boards, appeared before the committee as a proponent. Mark Tallman states that the State Board should be elected, the Commissioner of Education should be appointed by the State Board, rather than the Governor and that the supervision of all preschool, elementary and secondary schools should be vested in the State Board. Also that the Board should not have "self-executing" powers. The Kansas Association of School Boards oppose the provision which shift appointment of the Commissioner from the board to the Governor. ([Attachment 3](#))

Brilla Scott, United school Administrators of Kansas, appeared before the committee as an opponent of the amendment. She stated the USA opposes efforts to make any part of the Kansas State Board of Education, including the selection of the Commissioner, subject to political appointment. The USA feels is critical that the leadership provided by the Commissioner be nonpartisan in nature; thus, providing continuity in our school reform efforts. ([Attachment 4](#))

Scott Hill, State Board of Education, appeared before the committee in opposition of the bill. He feels there are many problems that could arise with the Governor appointing the chief executive officer for another elected body. The State Board has numerous responsibilities that have been carried out as a result of their self-executing powers such as the certification of educators and accreditation of schools. ([Attachment 5](#))

Representative Sloan submitted written testimony that if the amendment passed the legislature and approved by the voters, the Governor would appoint a Commissioner of Education from a group of candidates nominated by the State Board of Education. ([Attachment 6](#))

Hearings on **HCR 5008** were closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 313-S Statehouse, at 9:00 a.m. on February 4, 1999.

HB 2046 - School districts, transportation on non resident pupils.

Representative Mason made a motion to sunset the date to July 1, 2001. Representative Showalter seconded the motion. The motion carried.

Representative Empson made a motion to report **HB 2046** favorably for passage, as amended. Representative Benlon seconded the motion. The motion carried.

The next meeting is scheduled for February 5, 1999.

The meeting was adjourned at 10:50 a.m.



MAIN STREAM COALITION

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A 501(c)4 Organization

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Diane Linver
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Penny Stuber
Louise Wallace
Dan Winter

Caroline McKnight
Executive Director

To: The Honorable Representative
Ralph Tanner, Chair and
members of the House Education Committee

From: The MAINstream Coalition Public Policy Committee

I am Ruth Ann Hackler, a member of the Board of Directors of the MAINstream Coalition, and Co-Chair of its Public Policy Committee, together with Ann Heberger, who is also a Board Member.

Support for Public Education is a cornerstone of the MAINstream Coalition's mission statement, and we support the concept of House Concurrent Resolution No. 5003, which provides for the tie-breaking vote on the State Board of Education.

The Kansas Legislature had to intervene in local school districts' six-member boards in the late 1960's as a number of local school boards were handicapped by recurring tie votes and could not conduct the business of the local school district. Adding an additional elected member solved their dilemma.

However, we are concerned by the lack of specificity as to how the member districts will be formulated and request that this be a part of the proposed amendment to the Kansas Constitution as it was addressed in the present Section 3 of Article 6.

Thank you for your consideration in hearing our concern.

The MAINstream Coalition, and the MAINstream Educational Foundation are non-partisan organizations dedicated to countering threats to constitutional freedoms by sectarian and political extremists. We are opposed to any attempts to impose religious ideologies on our community's government and public education institutions.

HOUSE EDUCATION
Attachment 1
2-4-99

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Kansas Association of
Elementary
School Principals
(KAESP)

Kansas Association of
Middle School
Administrators
(KAMSA)

Kansas Association of
School Administrators
(KASA)

Kansas Association of
School Business
Officials
(KASBO)

Kansas Association for
Supervision and
Curriculum Development
(KASCD)

Kansas Association of
Special Education
Administrators
(KASEA)

Kansas Association of
Secondary School
Principals
(KASSP)

Kansas Council of
Vocational
Administrators
(KCVA)

Kansas School
Public Relations
Association
(KanSPRA)

HCR 5003: Membership of Kansas State Board of Education

Testimony presented before the House Education Committee

by
Brilla Highfill Scott, Executive Director
United School Administrators of Kansas

February 4, 1999

Mister Chairman and Members of the House Education Committee:

United School Administrators of Kansas is supportive of the amendment to change section 3 of article 6 of the constitution of the state of Kansas. This proposition would increase the Kansas State Board of Education from its present 10-member status to a board of 11 members.

This amendment, if approved by the voters, would end the tie votes which have plagued the decision making process of the State Board during the past two years.

HOUSE EDUCATION
Attachment 2
2-4-99

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 4, 1999

**RE: Testimony on Amendments to Kansas Constitution, Article 6
H.C.R. 5003 and H.C.R. 5008**

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to express the views of our members on the structure of educational governance for the State of Kansas.

KASB has a long-standing position on the provisions we believe should be contained in the constitution: first, that the State Board should be elected, rather than appointed; second; that Commissioner of Education should be appointed by the State Board, rather than the Governor; third, that the supervision of all preschool, elementary and secondary schools should be vested in the State Board; and finally, that the Board should not have "self-executing" powers. As a result, we support the provisions of H.C.R. 5008 which remove the board's "self-executing" powers, but oppose the provisions which shift appointment of the Commissioner from the board to the Governor.

For the past two years, the KASB Delegate Assembly has adopted a resolution supporting the following additional changes: first, that State Board should have an odd number of members; second, that board members should be elected on a non-partisan basis; and third, that State Board members should be elected at the time as local school board members, in the spring of odd-numbered years rather than with the general election in even-numbered years. Therefore, we support H.C.R. 5005.

We urge the committee to support a constitutional amendment that removes the "self-executing" powers of the board and either designates an odd-number of members that are not linked to Senate districts, or removes any reference to the number of members. We would then urge the committee to adopt implementing legislation which contains the other elements of our position.

Thank you for your consideration.

HOUSE EDUCATION
Attachment 3
2-4-99

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Principals
(KASSP)

Kansas Council of
Vocational
Administrators
(KCVA)

Kansas School
Public Relations
Association
(KanSPRA)

HCR 5008: Self-Executing Power of State Board
Gubernatorial Appointment of Commissioner

Testimony presented before the House Education Committee

by
Brilla Highfill Scott, Executive Director
United School Administrators of Kansas

February 4, 1999

Mister Chairman and Members of the House Education Committee:

United School Administrators of Kansas stands in opposition to the proposed amendment to the Kansas Constitution.

We support current language in the constitution which places the power to make policy in the hands of officials who are directly responsible to the electorate. In 1973 the Kansas Supreme Court decreed that the State Board, by virtue of being elected, was the ultimate control for schools. Since that decision, the Kansas State Board of Education has been most responsive to legislative requests. The education of Kansas children is of sufficient priority to warrant supervision by a body not burdened by the hundreds of issues faced annually by this legislature.

USA opposes efforts to make any part of the Kansas State Board of Education, including the selection of the Commissioner, subject to political appointment. It is critical that the leadership provided by the Commissioner be nonpartisan in nature; thus, providing continuity in our school reform efforts.

We would encourage the committee to report HCR 5008 unfavorably.

HOUSE EDUCATION
Attachment 4
2-4-99



February 4, 1999

TO: House Education Committee

FROM: State Board of Education

SUBJECT: 1999 House Concurrent Resolution 5008

My name is Scott Hill, Legislative Coordinator of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

House Concurrent Resolution 5008 amends the Education Article of the Kansas Constitution and removes the State Board of Education's self-executing powers and grants the State Board of Education authority as provided by the Kansas Legislature.

The Constitutional Amendment would change the procedures in selecting the commissioner of education. The State Board of Education would be required to submit to the Governor a list of nominees for appointment to the office of commissioner of education. The appointment of the commissioner would be made by the Governor subject to confirmation by the Kansas Senate. The commissioner would serve at the pleasure of the Governor and also serve as the chief executive officer of the State Board of Education.

The State Board of Education has major concerns with House Concurrent Resolution 5008. There are many problems that could arise with the Governor appointing the chief executive officer for another elected body. The State Board has numerous responsibilities that have been carried out as a result of their self-executing powers such as the certification of educators and accreditation of schools.

The State Board of Education has tried diligently to work cooperative with the Legislature and as a general rule this cooperation has been quite successful particularly in the areas of school improvement, state assessments, curricular standards, and accreditation of schools. Many of these provisions are also provided by law and for this cooperation and support the State Board is most appreciative.

Attached is a listing of some of the responsibilities of the State Board of Education. It would be difficult to carry out these responsibilities if the chief executive officer is appointed by another elected.

The State Board of Education believes that education is a cooperative effort involving the Governor, Legislature, State Board of Education, higher education, local boards of education, parents, students, community, and business and industry. Every effort has been made to follow this concept.

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 legislators who desire 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 three 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 strongly supports an accountability system which will respond to the needs of Kansas citizens through the electoral process. The process of using lay leaders in the determination of educational policy is very important in meeting the needs of Kansas students.

The current system of the State Board of Education's accountability to the citizens of Kansas appears to work well. We believe the governance of education in the state is best supported and enhanced through an elected State Board of Education.

We sincerely hope that the Legislature will not make another effort to amend the education article of the Constitution so that we can continue to meet the needs and enhance the education opportunities for all students through the cooperative leadership of the State Board of Education, the Legislature, and Governor.

The State Board of Education has adopted the following policy related to its constitutional powers and any proposed changes in governance.

RESPONSIBILITIES OF KANSAS STATE BOARD OF EDUCATION

- ◆ Accredit public and private elementary, middle, junior, and senior high schools.
- ◆ Accredit community colleges.
- ◆ Accredit area vocational schools/area vocational-technical schools/technical colleges.
- ◆ License all teachers and administrators.
- ◆ Take disciplinary action against teachers and administrators.
- ◆ Approve teacher education programs at colleges and universities.
- ◆ Approve special education programs.
- ◆ Monitor and enforce state and federal special education laws.
- ◆ Govern Kansas State School for the Deaf and Kansas State School for the Blind.
- ◆ Distribute approximately \$2.3 billion of which \$2.0 billion are state funds.
- ◆ Audit all unified school districts for state aid entitlement.
- ◆ Administer food service programs at state level.
- ◆ Approve all secondary and postsecondary vocational education programs.
- ◆ Approve all community college programs.
- ◆ Contract for the administration of the state assessment programs.
(mathematics, reading, writing, social studies, and science)
- ◆ License proprietary schools.
- ◆ License commercial driving schools.
- ◆ Administer adult basic education/GED programs.
- ◆ Coordinate school bus safety program.
- ◆ Administer approximately 15 different recognition programs for teachers, demonstrators, and students.
- ◆ Determine requests for school district boundary changes.

POSITION OF THE KANSAS STATE BOARD OF EDUCATION

ON THE EDUCATION ARTICLE OF THE KANSAS CONSTITUTION

The supervision of education is a very important matter that has been carefully outlined in the Constitution and has worked effectively for the citizens of Kansas. The State Board of Education, in fulfilling these constitutional responsibilities, has as its primary mission the pursuit of academic excellence in meeting the needs of and providing the educational opportunities for students in Kansas.

Traditionally, the State Board of Education has served as an advocate within state government for the best interests of children and youth and for the overall educational needs of students. The State Board of Education has been dedicated and able to focus on challenging educational issues in great depth which helps them make informed decisions and adopt policies and regulations that are consistent with the needs of students in Kansas. Each member of the State Board of Education has high expectations of education and possesses leadership, decision-making, and teamwork skills.

The ten elected board members enhance citizen representation, making it more likely that education proposals will be broadly accepted by the public. Thereby ensuring the State Board of Education is truly accountable to the citizens of Kansas.

The State Board of Education concentrates and spends its time solely on education issues which enables them to be better informed as they make decisions at the monthly meetings throughout the year. To keep informed, the State Board engages important stakeholders and the general public in continuous dialogue about education.

The State Board of Education supports the Kansas Constitution in its current form and will consider specific proposals based on their merit(s).

ACCOMPLISHMENTS

(State Board of Education, Legislature, and Governor)

- Developed and adopted a new quality performance accreditation system for public schools which improves school accountability
- Involved parents and business leaders on school site councils
- Developed and implemented high curricular standards
- Developed high performance state assessments in the core curricular areas
- Required inservice staff development to assist in continuous improvement
- Increased the state average ACT scores
- Assisted schools in implementing qualified admissions requirements
- Implemented Parents as Teachers program to assist parents in preparing children to enter school
- Improved funding equity for new school facilities
- Developed and implemented a performance report card for each school
- Increased efforts to assist at-risk students to be successful
- Provided funding and assisted school districts in development of technology plans
- Funded four-year-old at-risk program to prepare students to enter kindergarten
- Assisted schools districts in the preparation of their federal E-rate discount application
- Improved the recognition of outstanding educators and schools
- Adopted a second grade diagnostic test to assist schools in determining reading problems at an early age
- Approved an articulation agreement between the community colleges, area vocational-technical schools, and the State Board of Regents'
- Established regional postsecondary consortiums to address area needs
- Provided technology funding to assist in establishing a better employee for business and industry or transfer to high education institutions

TOM SLOAN
REPRESENTATIVE, 45TH DISTRICT
DOUGLAS COUNTY

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN: UTILITIES
MEMBER: ENVIRONMENT
KANSAS 2000



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Testimony to House Education Committee on HCR 5008 – February 5, 1999

Mr. Chairman, members of the Committee, I apologize for not appearing before the Committee on February 4, 1999, during the hearing on HCR 5008. I committed the cardinal sin, for a legislator, of not reading the Calendar closely enough. The following comments would have been my testimony had I appeared before you. If you have questions regarding this Resolution or my testimony, please do not hesitate to contact me.

HCR 5008 permits the voters of Kansas to decide how K-12 education should be governed. If passed by the Legislature and approved by the voters, the Governor would appoint a Commissioner of Education from a group of candidates nominated by the State Board of Education. The Commissioner would sit in the Governor's Cabinet, be confirmed by the Senate, and generally be responsible for administering education policy as directed by the Legislature and Governor.

- The State Board of Education would continue to be elected by the voters, though their role would be advisory to the Commissioner of Education.
- Education policy would be more accountable to the Legislature, Governor, and people of Kansas.
- The Constitutional amendment would be voted upon in 2000.

I believe that difficulties in creating the "seamless" educational opportunities for Kansas students from kindergarten to post doctorate studies will continue until the Governor and Legislature can hold education administrators accountable. So long as the Board of Education members have self-executing powers, no such coordination is likely.

The change of status for the State Board of Education from policy-making to advisory is similar to actions taken by the legislature in 1995 with the State Board of Agriculture. Prior to 1995, the Board of Agriculture appointed the head of the Dept. of Agriculture. That person was not a Cabinet member. Legislative action provided the Governor the ability to appoint the Secretary of Agriculture from candidates suggested by the Board of Agriculture. The process has worked very well and agricultural interests and the general public have benefited tremendously from having the Sec. of Agriculture a member of the Governor's Cabinet.

Appointing an eleventh member to the State Board of Education does not address the accountability problem nor ensure that coordination between K-12, community college, and Regents' institution interests will occur. Creating a new "coordinating" board or function among education bureaucracies does not elevate education interests to Cabinet level status, nor address the apparent inability of existing educational governing bodies to work effectively together.

HCR 5008 continues the tradition of Kansas voters electing State Board of Education members; it represents a belief that children will benefit if education policy is controlled by the Legislature and Governor.

Previous legislative efforts to repeal the State Board of Education's self-executing powers have failed because, in my opinion, voters were not assured that education's representative would be in the Governor's Cabinet and the State Board of Education would continue to be elected. HCR 5008 promises both.

Reorganizing higher education, creating new levels of bureaucracy, and creating new expectations of educational cooperation are doomed to failure so long as the State Board of Education is accountable to neither the Legislature nor Governor. HCR 5008 offers voters of Kansas a real chance to improve educational opportunities for their children and grandchildren. I believe that with the explicit commitment that the Commissioner of Education will sit in the Governor's Cabinet, voters will have the assurances that they need to approve changing the State Board of Education from a policy-making to a policy-advising group.

I encourage you to think boldly, create an educational governance system that is accountable to the people of Kansas, legislators, and the Governor, an educational governance system whose leaders can be held accountable for their ability to improve educational opportunities for all of our children. I encourage you to recommend HCR 5008 favorable for passage.