

## MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Representative Ralph Tanner at 9:00 a.m. on February 1, 2000 in Room 313-S of the Capitol.

All members were present except: A quorum was present

Committee staff present: Avis Swartzman, Revisor of Statutes  
Ben Barrett, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Renaë Jefferies, Revisor of Statutes  
Linda Taylor, Committee Secretary

Conferees appearing before the committee: Representative Troy Findley  
Scott Hill, SBOE, Abilene area

Others attending: See Attached List

Representative Henry Helgerson moved to introduce the bills generated by the Glasscock-Tanner proposal. Representative Empson seconded. The motion passed.

Representative Helgerson moved to introduced the Glasscock-Tanner bills as Education Committe bills Representative Empson seconded. The motion passed.

Representative Helgerson moved to introduce a bill sponsored by Representative Bruce Larkin which allows students who have successfully completed a human sexuality class to be issued condoms. Representative Empson seconded. The motion passed.

Representative O'Connor moved to introduce the O'Connor Education plan. Representative Helgerson seconded. The motion passed.

Representative Horst moves to introduce a bill adding several facilities to the list of confined juvenile facilities. Representative Helgerson seconded. The motion passed.

Hearing on Constitutional amendments concerning the State Board of Education opens.

Scott Hill, member of the State Board of Education appeared before the committee in opposition to **HCR 5008 - Constitutional amendment relating to education, self-executing power of the state board, gubernatorial appointment of commissioner.** (Attachment 1) Mr. Hill stated that he felt there was still a lot of work to do regarding the board, but feels that work involves issues, not a reorganization of the board. After his presentation, Mr. Hill stood for questions.

Representative Troy Findley, sponsor of **HCR 5003 - state board of education, membership** appeared before the committee as a proponent. Representative Findley explained that the resolution provides for adding an eleventh elected member of the board. (Attachment 2) He stated that the board will still have single member districts. Representative Findley stated that this resolution came about because of the large number of 5-5 ties on the board and he believes it will end the gridlock on the board, allowing them to move forward. Representative Findley stood for questions.

Representative Tanner stated that the committee will look at four and possibly five proposals concerning the State Board of Education this session.

Hearings on Constitutional amendments concerning the State Board of Education were closed.

The next meeting is scheduled for February 3, 2000.

The meeting was adjourned at 10:45.

**HOUSE EDUCATION COMMITTEE**

**GUEST LIST**

**DATE: February 1, 2000**

NAME	REPRESENTING
Stan Parsons	KBC
Bruce Dimmitt	Independent
Marshall Pearson	City
Jim Edwards	KCCJ
Bill Brady	Ks Gov't Council
Alexa Pochowski	KSDE
Carolene Truitt	Farm Bureau
Donna Eichenberger	Farm Bureau
Debi Smith	Jr. Co. Farm Bureau
Sonya Martin	Cowley County Farm Bureau
Shelley Dierke	Cowley County Farm Bureau
Janis McMillen	LWU-K
Gay Beth Moore	Haskell Co. Farm Bureau
Linda Long	Brown Co. Farm Bureau
Mitz Fawl	McPherson Co. Farm Bureau
Cheryl Swisher	McPherson Co. Farm Bureau
Virginia Paulzy	McPherson Co. Farm Bureau
Val DeFever	State Bd of Ed.
Randy Livingston	KSDA

**HOUSE EDUCATION COMMITTEE**

**GUEST LIST**

**DATE: February 1, 2000**

NAME	REPRESENTING
Linda Holloway	KSBE
Connie Burton	Mo. Co. Fam. Bur.
Dewie Magnuson	KFB - Rice Co.
Lisa Duffin	Rice Co. Farm Bureau
Roger Duffin	Rice Co. Fam. Bureau
Bernie Koch	Wichita Area Chamber
Amy Mitzinger	Intern
Bob Vogel	listen
Mary Kay Culp	Ks. Catholic Conference
Beatrice Swopes	Ex. Dir., Ks. Catholic Conference
Steve KARRICK	Attorney General
Tom Welch	" "



# Kansas State Department of Education

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

February 1, 2000

TO: House Education Committee

FROM: State Board of Education

SUBJECT: 1999 House Concurrent Resolutions 5008 and 5003

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 official.

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.

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House Education  
2-1-00  
Attachment 1

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.

House Concurrent Resolution 5003 adds one additional member to the State Board of Education and redistricts the current board member districts to provide for eleven (11) equal districts.

The State Board of Education members would continue to be elected including the additional board member.

This constitutional amendment would result in a modest increase in the State Board of Education budget to cover the expenses of an additional member. In addition, there would be costs associated with redistricting and a statewide election.

The Legislature needs to consider whether it is worth the effort to redistrict the State Board districts, add one additional member, and change the Constitution with the end result still being six votes to approve any board agenda item which is the same as currently required.

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.

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***RESPONSIBILITIES OF  
KANSAS STATE BOARD OF EDUCATION***

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- ◆ Accredit public and private elementary, middle, junior, and senior high schools.
- ◆ 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 vocational education programs.
- ◆ Contract for the administration of the state assessment programs.  
(mathematics, reading, writing, social studies, and science)
- ◆ License commercial driving schools.
- ◆ Coordinate school bus safety program.
- ◆ Administer approximately 15 different recognition programs for teachers, administrators, 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

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TOPEKA

HOUSE OF  
 REPRESENTATIVES  
**Testimony on HCR 5003**  
**House Education Committee**  
**February 1, 2000**

DEMOCRATIC POLICY CHAIR  
 COMMITTEE ASSIGNMENTS  
 MEMBER ECONOMIC DEVELOPMENT  
 FEDERAL AND STATE AFFAIRS  
 FISCAL OVERSIGHT  
 TAXATION

Chairman Tanner and members of the House Education Committee thank you for this opportunity to testify in support of House Concurrent Resolution 5003, which I pre-filed for introduction prior to the start of the 1999 Legislative Session.

HCR 5003 would alter the current composition of the Kansas State Board of Education by adding an 11<sup>th</sup> member elected by district. As you know, the State Board of Education presently has 10 members each elected from districts composed of four contiguous state senate districts.

The aim of HCR 5003 is to eliminate the 5-5 deadlock votes that have paralyzed the board from taking action on several issues in recent years. Additionally this proposal seeks to preserve the concept of a state board of education elected by the people.

Since the existing redistricting formula for the State Board (four contiguous state senate districts) would not work with an odd-numbered board, redistricting would have to be done in the same single-member district format as legislative and congressional districts. With this in mind I would like to take this opportunity to point out to the committee that with redistricting for all congressional, legislative and state board of education districts scheduled for completion by the 2002 Legislature, a Constitutional change of the nature proposed by HCR 5003 would need to be approved during this legislative session so it could be placed on the November 2000 general election ballot. If voters would ratify this proposal in November, the initial elections for a new board would occur in November 2002. The new 11-member board would take office effective January 2003.

I offer HCR 5003 for your consideration for several reasons:

First, I believe most Kansans, even in spite of recent controversies, still desire to elect their respective representatives to the State Board.

Second, as we move into the 21<sup>st</sup> Century we will be facing a wide variety of challenging and difficult decisions relative to K-12 education in our state. A State Board of Education that is popularly elected by district will provide an invaluable set of unique regional perspectives that will be a tremendous asset to the decision making process.

House Education  
 2-1-00  
 Attachment 2

Third, the prospect of a “sea-change” in education policy taking place every four to eight years with the election of a new governor will not guarantee us better schools or greater educational opportunities for Kansas school children. A State Board, whose members are elected in a “staggered manner,” in my view is better positioned to provide greater continuity as well as more stable leadership and management over the long-term.

Finally, there is the issue of accountability. Lack of accountability over K-12 education is often cited as a major reason to dramatically alter the Education Article of the Constitution. I would offer the following observations regarding the issue of accountability.

First, an elected State Board member, like a legislator or governor, is ultimately held accountable by the voters.

Second, I believe that to a great extent the type of accountability over K-12 governance sought by many is already a reality under the current system. I base this upon a response I received from the Kansas Legislative Research Department last summer, relating to the following question I posed: “Is the State Board of Education bound to implement measures enacted by the Legislature?” In its response, the Research Department indicated the following:

“Clearly, the Legislature may enact legislation containing [these] directives to the State Board of Education. The State Board could implement such legislation consistent with the legislative directive. We know of no instance in which the State Board has not implemented a legislative enactment.”

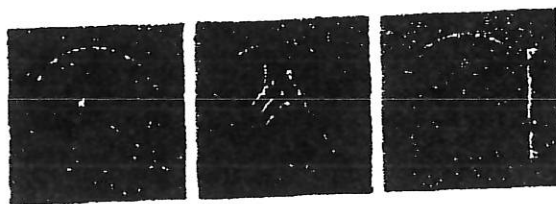
The memorandum went on to say “ If the State Board were to choose not to implement the legislation, asserting that it invaded the Board’s province under the Kansas Constitution, litigation might be required to finally resolve the matter.”

Given this response, I believe the Legislature and the Governor already have a great deal of ability to shape public education policy through the existing process. Perhaps an additional option for this committee to consider would be to look for a remedy that leaves the existing State Board structure essentially in place, but seeks to prevent any future State Board from choosing not to implement a legislative enactment? Such a remedy would reinforce the role of the legislative and executive branches in the process, plus serve to address any lingering questions of accountability.

I wish to thank committee for your time and attention. I would respectfully request the committee to give HCR 5003 and my comments due consideration as you deliberate the issue of K-12 governance. I would be pleased to stand for any questions you might have at this time.

A Survey of 500  
Registered Voters in the  
State of Kansas

# KANSAS STATEWIDE SURVEY



PUBLIC OPINION  
STRATEGIES

Conducted on Behalf of  
**GOVERNOR BILL GRAVES**

*December 6-8, 1999*

12. As you may know, Kansas currently has a 10-member statewide elected school board. In recent months, the Board has remained deadlocked 5-to-5 on critical issues important to education. In order to prevent this from happening in the future, which one of the following proposals would you MOST support? Would it be . . .

- 50% Adding an additional member to prevent tie votes,
- 7% Replacing all elected board members with a state cabinet agency in charge of education,
- 10% Replacing all elected board members with a board appointed by the Governor to be in charge of K through 12 education, similar to how higher education is governed,
- or--
- 25% Would you leave the current Board the way it is?
- 7% DON'T KNOW/NOT SURE/UNDECIDED
- 1% REFUSED