

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION K-12.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on February 19, 2002 in Room 313-S of the Capitol.

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Jill Wolters, Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Mark Tallman, KASB

Chairman Tanner announced the formation of a Sub-Committee to study school boundary issues with Representative Mason as the Chair. Other members of the Committee are Representatives Crow, Ostmeyer, Peterson and Williams. There will also be another Sub-Committee appointed on charter schools but the hearing on that issue will be delayed until receipt of the Senate bill, scheduled for February 19th debate. Representative Tanner will chair that Committee.

HB 2070 - Establishing the Kansas school board development program.

Mark Tallman spoke in support of **HB 2070**. (Attachment 1).

A brief question and answer session followed and the hearing was then closed on **HB 2070**.

HB 2391 - Requiring the state board of education to provide leadership institutes for superintendents of schools and building principals.

There was no testimony provided so **HB 2391** was declared dead for this term.

HB 2353 - High school student, community service classes.

A motion was made by Representative Peterson and seconded by Representative Benlon that **HB 2353** be worked. The motion passed on a voice vote.

Representative Reardon called the Committee's attention to line 16, Section 1, (b), the words "during the school day" be deleted.

It was moved by Representative Reardon and seconded by Representative Benlon that this deletion be made. The motion carried on a voice vote.

Representative Reardon then pointed out the phrase in line 14, "class to be given" and asked that it be replaced with "program to be offered".

It was moved by Representative Benlon and seconded by Representative Crow that this amendment be made. The motion carried on a voice vote.

Representative DiVita asked if there was a fiscal note and was told that the cost of **HB 2353** had previously been considered "negligible".

Representative Peterson moved that the word "class" in line 10 be replaced with the word "program". Representative Benlon seconded the motion that carried on a voice vote.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION K-12 at on February 19, 2002 in Room 313-S of the Capitol.

A motion was made by Representative Faber to conceptually amend **HB 2353** so that community service classes would not be perceived as mandatory. This was seconded by Representative Huebert and the motion passed on a voice vote.

It was moved by Representative Williams and seconded by Representative Ostmeyer that **HB 2353** be tabled. Following a voice vote a call was made for division. The motion to table the bill failed 11 to 10.

It was moved by Representative Crow and seconded by Representative Benlon that **HB 2353** be reported out favorably for passage. Following a voice vote a call was made for division. The motion failed 11 to 10.

The meeting was adjourned at 10:40 a.m. The next meeting is scheduled for February 22, 2002.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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

Testimony on
HB 2070 (School Board Development Program)
Before the
House Committee on Education

By

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

February 19, 2002

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify in support of HB 2070, which you voted to introduce at our request last session.

What the bill would do:

HB 2070 would require each member of the board of education of a unified school district to earn a minimum of 10 credit hours of board development each year (Sec. 3). The Kansas State Board of Education would adopt rules and regulations to administer the program and set standards for the approval of board development programs (Sec. 2). Any person or organization could apply to the State Board for approval to sponsor qualifying programs. The State Board could also revoke approval if the program failed to meet qualifications (Sec. 4). School board members could also apply to the State Board for approval of educational activities from sponsors that the State Board had not approved (Sec. 5). The State Board would keep a record of credit hours earned by local board members and could grant waivers or extensions of time to complete requirements due to hardship, disability or other good cause (Sec. 3, (b) and (c)).

The bill does not contain a penalty for noncompliance. Board members would not be removed from office if they did not complete the requirements of the bill. However, each board member's compliance would be public record and could be a factor in local electoral decisions by the voters.

History of the bill:

Prior to the early 1990's, KASB opposed mandatory training programs for local board members. At that time, however, KASB members were becoming increasingly concerned about the need for strengthening education and the role played by local board members.

House Education Committee

Date: 2/19/02

Attachment # 1-1

KASB was one of the first school board associations in the nation to develop services around the area of educational quality and improvement. In 1991, the KASB Delegate Assembly, composed of a delegate chosen by every member board, voted to change our Association's position to support mandatory board member training.

In 1992, a bill identical to HB 2070 was introduced with KASB's support and passed both the House and Senate. However, Governor Joan Finney vetoed it and a vote to override fell short. KASB requested introduction of this bill several times in subsequent years, but no action has been taken by the Legislature.

Why this bill is needed:

The Kansas Constitution is one of the few in the nation that actually requires local control of education by requiring that public schools be "maintained, developed and operated by locally elected boards." Although the Legislature has very broad power to determine the structure, organization and powers of school districts, it cannot override the constitutional requirement that local school boards, elected by the people, play a key role in the governance of public schools.

However, the governance of public education has become increasingly complex. Quite simply, schools and school boards cannot exist and operate in a vacuum. To effectively discharge their responsibilities for the children of Kansas under an ever-widening array of state and federal requirements, school board members need information and education. Local control cannot be synonymous with isolation. If we expect teachers and administrators to receive continuing education – and Kansas requires this through both state law and regulations – we should expect no less from the boards that employ and supervise them.

How boards and board members could receive training:

The bill is very broad in allowing for training to be provided. Our organization provides a number of training opportunities throughout the year and would expect to apply for approval of these programs. But programs provided by regional service centers, colleges and universities, and even private individuals, could also be approved by the State Board. Many of these programs are offered at conferences in different locations throughout the state or at national meetings. However, KASB also provides training programs for individual boards so that no additional travel is required. Other program providers could certainly do the same.

Requirements in other states:

This requirement would not be unique to Kansas. Attached is a report prepared about one year ago by the North Carolina School Boards Association, which indicates that approximately 16 states have a board training requirement.

Conclusion:

We think the system of electing local school board members to manage public schools in their community has served Kansas very well. But we believe we can do better. Almost every year, concerns arise in the Legislature about how boards and board members do their jobs ranging from the open meetings and open records act to budgeting and financial oversight to decisions about academic issues. We do not believe any of these issues should cause us to change the entire system, but we think more training can help board members do their jobs better. That is the purpose of HB 2070. We hope you will give it favorable consideration.

School Board Training

| State | Required Training | Length | Type | Enforcement | Commentary |
|----------------------|--|--|-----------------|---------------------------|--|
| Alabama | No | | | | |
| Alaska | No | | | | |
| Arizona | No | | | | |
| Arkansas | Yes [§ 6-13-629] | 6 hours | | None | |
| California | No | | | | |
| Colorado | No | | | | |
| Connecticut | No | | | | |
| Delaware | No | | | | |
| District of Columbia | No | | | | After June, 2000, the Board of Education will regain full authority and probably authorize required training. |
| Florida | No | | | | |
| Georgia | Yes [§ 20-2-230] | 1 day (proposed legislation of 12 hours) | Annual | Some (negative publicity) | Board is in violation of state standard if required training is not met. |
| Hawaii | No | | | | |
| Idaho | No | | | | |
| Illinois | No | | | | |
| Indiana | No | | | | |
| Iowa | No | | | | |
| Kansas | No | | | | Legislative attempts at requiring training have occurred over the past decade, but nothing has yet been passed. |
| Kentucky | Yes [§ 160.180(5)] | Scaled requirements: 12 hours for members with 0-3 years experience; 8 hours for 4-7 years; 4 hours for 8 or more years. | Annual | Yes | State Board may remove member based upon report of deficient training from Board Association. Attorney General may file ouster proceeding in circuit court (less likely than State Board removal, but possible). |
| Louisiana | Yes [R.S. 17:53] [1998 Session, Act 66, H.B. No. 71] | 6 hours | First year only | No | Enforcement is a current topic of debate. |

| | | | | | |
|----------------|-----------------------------|---|-----------------|------------------|--|
| Maine | No | | | | |
| Maryland | No | | | | |
| Massachusetts | No | | | | Association's Board of Directors will propose a resolution to the legislature to require training November, 1999. |
| Michigan | No | | | | |
| Minnesota | Yes [§ 123B.09] | About 3 hours | First year only | No | Required training for the subject of school finance only. |
| Mississippi | Yes [§ 37-7-306] | 6 hours | | Yes | Removal |
| Missouri | Yes [§ 162.203] | 16 hours | First year only | Not specifically | A school district whose board members were not trained was marked down on its accreditation. However, the state board had not followed administrative rulemaking procedures, and a court ruled against the accreditation repercussion. |
| Montana | No | | | | |
| Nebraska | No | | | | |
| Nevada | No | | | | |
| New Hampshire | No | | | | |
| New Jersey | Yes [§ 18A: 12-33] | Training program with unspecified hours | First year only | No | |
| New Mexico | No | | | | Association's Board of Directors will probably propose legislation requiring 5 hours of training in September, 1999. |
| New York | No | | | | Some legislative interest in mandating training. |
| North Carolina | Yes [N.C.G.S. § 115C-50] | 12 hours | Annual | No | Various sources of training, subjects include law, finance, duties and responsibilities. |
| North Dakota | Yes [§ 15-29-01.1] | | First year only | No | |
| Ohio | No | | | | |

| | | | | | |
|----------------|---|---|-----------------|--------------|---|
| Oklahoma | Yes [Title 70 O.S. § 5-110, §§ 57, 58. Title 51 O.S. § 8, §727.] | Scaled requirements for 5 year term: <u>New members</u> - 15 hrs within 1 st year and 12 hours over the next 4 yrs; <u>Incumbents</u> - 6 hrs within 1 st year and 12 hours over next 4 yrs. | | Yes | Removal by local board |
| Oregon | No | | | | |
| Pennsylvania | No | | | | Unsuccessful attempts to require training in past 2 yrs |
| Rhode Island | No | | | | |
| South Carolina | Yes [§ 59-19-45] | Unspecified | First year only | No | Subjects include policy development, personnel, superintendent relations, finance, law, ethics and community relations |
| South Dakota | No | | | | |
| Tennessee | Yes [§ 49-2-202(a)(5)] | 1 day | Annual | Yes | Commissioner may withhold funding or remove member. State department monitors training attendance. |
| Texas | Yes [§ 11.159] | | | Not explicit | Some enforcement through accreditation sanctions. Also, local board sends report of non-compliance to media prior to elections. |
| Utah | No | | | | |
| Vermont | No | | | | |
| Virginia | Yes [§ 22.1-253.13:5] | 1 event/year | | Some | An extra event is required and there is a possibility of removal. |
| Washington | No | | | | |
| West Virginia | Yes [§ 18-5-1a] | 7 hours | Annually | Yes | Removal (district attorney prosecutes and court removes from office) |
| Wisconsin | No | | | | |
| Wyoming | No | | | | |

TO: NCSBA

FROM: Rachel Esposito

DATE: September 21, 1999

RE: States Requiring School Board Training – Penalties and Procedures

Arkansas

- no penalty

Georgia

- GA education Leadership Academy verifies attendance
- no statutory penalty
- negative publicity

Kentucky

- **removal**
- local board certifies completion in writing to KSBA
- State Board may remove based upon report from KSBA
- Dept. of Education reports names of members who fail to complete training to the Attorney General

Louisiana

- local superintendent verifies completed training
- no penalty

Minnesota

- no statutory penalty
- provision for removal but not formally tied to missing training

Mississippi

- **removal** if training not completed within 6 mos.

Missouri

- no statutory penalty

New Jersey

- no statutory penalty

North Dakota

- no statutory penalty

Oklahoma

- **removal**
- local board of education declares seat vacant

South Carolina

- no penalty

Tennessee

- **removal**
- commissioner of education removes if training requirements prescribed by state board have not been met

Texas

- no statutory penalty

Virginia

- no statutory penalty
- extra event is required
- possible threat of removal

West Virginia

- **removal**
- state board petitions circuit court of Kanawha County to remove if member fails to complete training without good cause

1-7
~~1-7~~