

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:35 p.m. on January 30, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Hensley and Schodorf (excused)

Committee staff present: Carolyn Rampey, Legislative Research
Kathie Sparks, Legislative Research
Theresa Kiernan, Revisor of Statues
Judy Steinlicht, Secretary

Conferees appearing before the committee: Dale Dennis, Deputy Commissioner, State Board of Education
Bruce Wyatt, Member Kansas Board of Education
Theresa Kiernan, Revisor of Statues
Mark Tallman, Kansas Association of School Boards
Craig Grant, Kansas National Education Association

Others attending: See attached list

Bill Introductions

Dale Dennis, Deputy Commissioner of the State Board of Education introduced four bills; the first concerning the due process hearing; the second concerning due process, regarding schools of the blind and deaf; the third, regarding the procedures for adoption of rules and regulations; the fourth, regarding the bidding requirements on all food and food stuffs served by school districts. A motion to introduce the four bills was made by Senator Teichman, seconded by Senator Emler. Motion carried.

No Child Left Behind

Bruce Wyatt, member of Kansas Board of Education presented the Committee with his views on the No Child Left Behind Act which will have a substantial impact on education with substantial challenges. The target is to raise the expectations of performance of all school children. All students are to be proficient by the year 2014, which will require a 5% improvement each year which will be measured in math and reading. This will be accomplished through quality teachers, coupled with the time to provide the teaching instruction these children need. The board believes that Kansas must develop a multi-year plan that targets the attraction and retention of quality teachers, combined with professional development programs. (Attachment 1) Discussion followed Mr. Wyatt's presentation.

SB57--School districts; powers of local control

Theresa Kiernan, Revisor of Statutes, gave the Committee a brief description of the intent of **SB57**. The bill would allow the board to transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools. The bill would not relieve any other unit of government of its duties and responsibilities which are prescribed by law.

Mark Tallman, Kansas Association of School Boards spoke as a proponent to **SB57**. This bill represents one of the associations highest priorities. The bill would provide schools with more flexibility in their operations and reduce the need for the Legislature to consider bills to authorize school boards to take common sense actions on a local level every year. (Attachment 2)

Craig Grant, Kansas National Education Association, testified as an opponent to **SB57**. The concern of KNEA is that the law could be interpreted to adopt a policy of signing bonuses or institute a merit pay plan for educators without talking to the teachers. KNEA is willing to sit down and work out language

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:30 p.m. on January 30, 2003 in Room 123-S of the Capitol.

that would clarify the intent of **SB57**. (Attachment 3)

In discussion, it was decided that language could be included to clarify the intent of **SB57** and clearly state that the bill does not give any authority to adopt a policy of signing bonuses or merit pay plans for teachers or authority on any personnel matters. It was decided that Senator Vratil and Senator Umbarger would meet with members of KNEA and KASB to work out language to satisfy and clarify the intent of **SB57**.

Written testimony in favor of **SB57** was submitted by the following:

Jacque Oakes, Schools for Quality Education (Attachment 4)

Gary George, Assistant Superintendent, Olathe School District USD 233 (Attachment 5)

Ashley Sherard, Vice President, Lenexa Chamber of Commerce (Attachment 6)

Senator Emler made a motion to approve the minutes of January 27, 2003. Seconded by Senator Teichman. Motion carried.

Meeting adjourned at 2:30 p.m. The next meeting is scheduled for February 3, 2003 at 1:30 in Room 123S.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 1-30-03

<u>NAME</u>	<u>REPRESENTING</u>
Elaine Frisbie	Div. of Budget
Dustin Hardison	Intern Sen. Hensley
Kara Lock	Intern Sen. Dowdley
Janis McMillen	League of Women Voters of Kansas
Randy Stout	KANSAS
Craig Grant	KNEA
MARK DEBETTI	KNEA
Mark Tallman	KASTS
Christy Lewing	KNEA
Ashley Shevard	Lenexa Chamber of Commerce
Alex A. Kobayantz	KSU Geologic Advisory Council
Jacquie Dakes	SQE
Denny Axt	U.S.A - U.S.D. 500
Br. H. Axt	Board of Education
Sue Loshle	St. Bd. of Ed
Cynthia Menzel	KNEA

Remarks by Bruce H. Wyatt, Member of the Kansas Board of Education, Sixth District,
before the Education Committee of the Kansas Senate
January 30, 2003

Good afternoon Mr. Chairman and Senators of the Education Committee. I am joined today by Sue Gamble, the State Board of Education Member for the Second District in Johnson County, and the Deputy Commissioner of the Department of Education, Mr. Dale Dennis. Thank you for this opportunity to address you today on the subject of the education of our students in Grades K-12. My remarks will be brief and focused on what the State Board believes to be the significant educational challenge facing all of us in the coming years, namely whether Kansas will meet the high expectations that have been set in place by the Federal Legislation commonly known as No Child Left Behind and now incorporated into our Kansas Regulations by action of the State Board at its meeting this last December.

Much has been said about No Child Left Behind ("NCLB"). We are not here to praise it or condemn it. NCLB is a fact and your State Board and Department of Education have spent the better part of this last year preparing for its implementation. We commend the fine work that has been done by the Department in this regard by our Commissioner, Dr. Andy Tompkins along with Mr. Dennis and Assistant Commissioner Dr. Alexa Pochowski.

Our purpose this afternoon is to discuss what we understand this federal legislation to be about, namely raising the expectations of performance of all children. These expectations are backed up by a performance goal of having all children reaching the Proficient Level (established by statistical analysis) on our Kansas Statewide Assessment Tests for Reading and Math over a period of twelve years, with a general target date of 2014. While that date may seem light years away, it will be here before we know it. To reach this goal, Kansas will have to show a percentage improvement of approximately five percent a year.

But when we look at the historical results on our Reading and Math Statewide tests over the last two years, generally speaking we have not even come close to a five per cent increase from year to year.

The fact is that 30% to 40% of our Students do not currently meet the goals established by NCLB and that these percentages have remained fairly constant.

What are we to make of this situation? Do we look at the glass as two-thirds full and congratulate ourselves for a good job with respect to two-thirds of our students? Yes, we can do that and feel proud of our accomplishments, noting that our test scores beat the national average of tests like the ACT and SAT. We should and must continue to provide these two thirds of our children with the quality education that they deserve and improve upon it. With this in mind, the State Board has increased the Math and Science credits required for high school graduation to provide for more instruction in these critical areas.

But we cannot ignore that the glass is one-third empty. Instinctively we know that we as a society must do everything we can to help these children meet the high expectations that NCLB and the State of Kansas has set for them.

So, what can we do to help our children meet these goals?

In one word, it's Teachers. The Board believes that after involved parents, there is no more important factor in a child's education than a quality teacher. For our children to meet the goals and the high expectations for their education, it will take highly qualified teachers supported by quality professional development, coupled with the time to provide the teaching instruction that these children need. It is not enough to have a quality teacher, but each teacher must have the time to go one on one as needed with any child that needs instruction. Call it extended learning or whatever term you choose, but it comes down to teachers doing what is necessary for our students to learn.

What can we do? In our view, Kansas must develop a multi-year plan that targets the attraction and retention of quality teachers, combined with professional development programs. We know that our State is in the midst of a budget crisis and that resources are limited – and yet the Train has left the station since those 5% required annual increases I talked about earlier are now in effect. If we do not start to address this issue to meet these goals, we will be sitting here some years from now talking about the failed expectations for our children and potentially the loss of accreditation for our schools, not to mention the diminished image of our State.

Such a plan should be a shared effort of the Legislature, the Governor and the State Board. As with any large undertaking, we must first agree on what must be done and then and only then go about finding the resources to make it work. We do not underestimate the challenge this presents but we also recognize that the clock is ticking. Some work has already been done in this area by the Legislature's own study last year on suitable education and the Board's recommendations for change. These are good first steps, but real progress can only be made by all of us working together at the same time.

The Board is confident that if we all put our shoulders to the wheel, we can get the job done for all of our children and our State.



Testimony on
SB 57– School Board Local Control
Before the
Senate Committee on Education

By
Mark Tallman, Assistant Executive Director/Advocacy

January 30, 2003

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today as a proponent of SB 57. This bill would broaden the authority of local school boards in order to take actions pursuant to their constitutional duties to operate public schools. It represents one of our Association's highest priority issues.

The purpose of this bill is to provide local school districts with authority similar, but not identical, to the powers of cities and counties often referred to as "home rule." The simplest way to explain the proposed change is that currently, school boards may only take actions that are specifically authorized by law. Under this bill, school boards are authorized to "transact all school business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools." (Sec. 1 (e) (1)) It also specifies that this bill does not intend to relieve other units of government of their duties and responsibilities as provided by law. (Sec. 1 (e) (2))

This issue has enjoyed broad support from the Kansas Senate. The concept has repeatedly passed the Senate by wide margins. Last session, the Senate passed SB 166, which used the language "transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools." SB 166 was referred to both the House Education and Local Government Committees. In an effort to reach a compromise with opponents of the bill, KASB agreed to support the new language. That language was approved as a House Committee of the Whole amendment to another bill, but that bill was defeated on final action following a number of other amendments. The Senate then added this language to HB 2335, which authorized the creation of the Intergovernmental Advisory Council. The House refused to concur in the Senate's amendments. However, we believe there is stronger support for this concept from the House leadership than there has ever been. We hope this is the year the House will finally approve this concept.

We believe this measure would foster innovation and creativity on the part of local boards. It would provide schools with more flexibility in their operations. It would reduce the need for the Legislature to consider bills to authorize school boards to take "common sense" actions on a local level every year. Finally, it should be stressed that if the Legislature believes school boards are doing something inappropriate, it can simply pass a law to stop that action.

We urge you to recommend this bill favorably for passage. Thank you for your consideration.

Senate Education
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Attachment 2



Craig Grant Testimony
Senate Education Committee
January 30, 2003

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee about Senate Bill 57. This bill would grant the “power of local control” to local school boards.

What a way to end my tenure before this esteemed group. This bill has passed this committee and the entire Senate a number of times. It will pass again this year. This must be my punishment for leaving you all in a time of fiscal crisis. I accept my punishment and hope before I am through testifying that you will at least consider a change in language which would make the bill acceptable to our organization and accomplish the stated goals of the proponents of the bill.

I was intrigued by the description of the bill in the calendar – SB 57, school districts, powers of local control. I really believe that this is what is behind a few proponents of the bill – a power grab. The Kansas Association of School Boards has, for a number of years, had as its number one goal to gain and maintain power for its local boards of education. The organization does not believe in the concept of “shared decision making.” The organization would place this item ahead of adequate funding of our schools. The concept of “enlightened management” has yet to darken the doors of the organization.

We are lucky that most of the school boards do not embrace this philosophy, even though it is seemingly espoused at each regional meeting they attend. It is the few boards who do embrace the same “old line” management style that we are concerned about in this bill.

So what are we talking about as far as wording changes? After the last Senate hearing, we talked to a number of legislators in an attempt to change wording to ensure that school districts would have the flexibility to run their local fiscal matters as per the intent of this bill without allowing personnel matters to be considered in the areas of local control. We worked hard with Representative Campbell and we were very close to an agreement with KASB on the wording. We were ready to sign off on the agreement when we were informed that the KASB’s interpretation of the language would allow the local board to do, among other things, the following:

1. Unilaterally adopt a policy of signing bonuses without talking to the teachers;
and
2. Unilaterally institute a merit pay plan for educators without negotiating with the teachers.

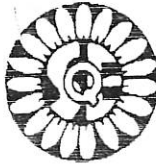
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Attachment 3
Web Page: www.knea.org

One local school board that had given notice to negotiate a signing bonus plan with the local teacher's association withdrew this topic for negotiations. The board spokesperson indicated that with the new "local control" bill that was going to pass, there would be no need to negotiate such a plan and the board was just going to implement whatever it wanted. "Enlightened administration?" No, a power grab.

It is just this type of board (not to mention our famous "plagiarism" Board of Education) that gives us pause in this type of legislation. We continue to wish to find the language that makes it clear those local boards of education can not adopt policies unilaterally that affect the terms and conditions of employment of educators in this state.

We will be willing to sit down (give us a week with legislators pushing us to reach agreement) to find a way to agree. I am confident it can be done. If an agreement can not be reached (with a good faith attempt by all parties), pass the bill as it is currently. Those legislators that meet with us can make the determination if a good faith effort was given by all parties. I ask for the opportunity.

Thank you for listening to my swan song with hope that finally this issue can be disposed of in a way that is best for all concerned.



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

January 30, 2003

TO: Senate Education Committee
FROM: Schools for Quality Education – Jacque Oakes
SUBJECT: SB 57 – School district, powers of local control

Mr. Chair and Members of the Committee:

I am Jacque Oakes, representing Schools For Quality Education, an organization of 102 small school districts.

We submit written testimony in favor of SB 57 which would give local control to school districts.

We believe that this bill would allow districts to cut red tape and free them to do their job in a more expeditious manner. It would also allow legislators to better spend their time and talents on the major issues of the state, rather than the minor issues of the districts. As I checked back to 1991, it seems each year there are several bills needed during a Session which take care of all districts in a general way or particular districts needing statutory permission to take care of an item belonging distinctively to their district.

If school boards had local control power, they could meet their own responsibilities with less time and expense to themselves, their constituents, and to legislators. We have heard many, many times "local control". This would return a measure of self-government and local control to elected people in the school districts who manage school business. Home rule seems to work well within our local government entities.

We believe that school boards would be extremely careful in their utilization of this new authority and that sufficient safeguards have been built into SB 57 to prevent major abuses. Please trust your elected, local school boards.

Thank you for your time and positive consideration of SB 57.

"Rural is Quality"

*Senate Education
1-30-03
Attachment 4*



January 30, 2003

Senator Dwayne Umbarger
State Capitol, Room 401-S
Topeka, KS 66612-1504

RE: Senate Bill 57

Dear Senator Umbarger and Members of the Senate Education Committee:

This letter is written to express our support of Senate Bill 57. This bill would grant school districts more local control. Currently, school districts have to have statutory authority before they can take action. Senate Bill 57 will allow us to take action unless prohibited by statute. In the past several years, the legislature has had to debate various pieces of legislation regarding whether school districts could use a credit card, whether a school district could help provide meals to colleges if colleges could not get bids, use financial incentives or bonuses to attract or retain staff, and the list goes on. Legislation introduced this session would allow school district to use capital outlay funds to purchase computers and computer software (SB22).

We believe it is time to grant school districts home rule or local control so they can move quickly and efficiently when the need arises. School districts should not be hindered because enabling legislation is not in the statute books. Our board has adopted a legislative position of local control or home rule.

We urge you to support Senate Bill 57. Please feel free to contact us if you have any questions regarding our position on Senate Bill 57.

Sincerely,

A handwritten signature in black ink that reads 'Gary George'. The signature is written in a cursive, flowing style.

Gary George, Ed.D.
Assistant Superintendent of Schools
Management Services

GG:pr

CC: Senator Karin Brownlee
Senator Kay O'Connor



The Historic Lackman-Thompson Estate

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913.888.1414
Fax 913.888.3770

TO: Senator Dwayne Umbarger, Chairman
Members, Senate Education Committee

FROM: Ashley Sherard, Vice President
Lenexa Chamber of Commerce

DATE: January 30, 2003

RE: SB 57—Expanded Powers for School Districts

The Lenexa Chamber of Commerce would like to express its support for the concepts embodied in Senate Bill (SB) 57, which authorizes school district boards of education to transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools.

The quality educational opportunities available in Johnson County are a primary reason businesses choose to locate here—both as an incubator of highly-skilled workers as well as a quality of life issue for their families and the families of their employees. Accordingly, we strongly believe Kansas must continue its reputation as a place where children can attend excellent schools.

Unfortunately, in recent years state funding of K-12 public education has created financial challenges that now seriously threaten the quality of instructional programs, and school districts' ability to respond to these challenges continues to be hampered by state regulations and limited local authority. **Measures such as SB 57 that provide needed flexibility and expand school districts' local authority to administer their schools would significantly improve school districts' ability to manage and respond to serious financial issues, enhance long-term planning, and facilitate better efficiency and cost-effectiveness.**

Recognizing the importance of quality public education to economic prosperity, the Lenexa Chamber of Commerce strongly urges the committee to recommend SB 57 favorable for passage. Thank you for your time and attention to this issue.

*Senate Education
1-30-03
Attachment 6*