

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:35 p.m. on February 19, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Downey (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: Christy Levings, KNEA
Senator Emler
Sue Gamble, Vice President, State Board of Education
Mark Tallman, KASB

Others attending: See Attached List

SB7-Technical Colleges; governing body

Christy Levings, KNEA, stated that KNEA is neutral on **SB7**, however, had concerns regarding the transition of employee rights and earned benefits. (Attachment 1)

SCR1601-Proposition to amend sections 3 & 7 of the constitution of the state of Kansas

Senator Emler introduced **SCR1601** for a constituent who is concerned with what they see as continual political focus of the State Board of Education. This resolution would reduce the number of State Board members from ten to nine and make the State Board of Education be appointed by the Governor rather than be elected by the people. (Attachment 2)

Sue Gamble, Vice Chairman, State Board of Education spoke as an opponent of **SCR 1601**. The State Board of Education strongly supports an accountability system that responds to the needs of Kansas citizens through the electoral process. This system of accountability appears to have worked well and they believe the governance of education in the state is best supported and enhanced through an elected State Board of Education. (Attachment 3)

Mark Tallman, KASB spoke as an opponent of **SCR 1601**. KASB believes that members of the State Board of Education need to be elected by the voters, not appointed by the Governor. The board would support an amendment to change the number of board members to an odd number. (Attachment 4)

An inquiry was made as to how other states appoint or elect their boards. The State Board of Education has this information and will provide it to the Committee.

SCR 1611 was also discussed briefly and will be scheduled for hearing tomorrow. This is a resolution to have the members of the local school boards elect the members of the State Board of Education.

Senator Corbin made a motion to approve the minutes of February 12 and 13. Seconded by Senator Schodorf. Motion carried.

Meeting adjourned at 2:05 p.m. The next meeting is scheduled for February 20, 2003 at 1:30 p.m. in Room 123-S.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2-19-03

<u>NAME</u>	<u>REPRESENTING</u>
Jacquie Dokes	SQE
Herchel Pomeroy	C/A
BRYAN A. CASKEY	SECRETARY OF STATE
Ken Willard	KSBOE
Aue Hamble	KSBOE
Christy Leung	KNEA
Diane Gjerstad	Wichita Public Schools
Bill Brady	SFFF
Nicole Romine	GBBA
Shari Adams	Sca/BV Public Schools (Hren)
Bob Lancaster	Blue Valley USD 229
Don & Joyce Olson	AAEP, Wichita, KS + KARS P



Christy Levings, testimony
Senate Education Committee
February 18, 2003
Senate Bill 7

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mister Chairman, members of the Committee, thank you for the opportunity to speak to you today on **Senate Bill 7**. While we at KNEA appear before you with a neutral position on this bill, we would like to raise some issues for your consideration.

We realize that this bill separates the technical colleges from the boards of unified school districts and we understand that the impetus behind this is that degree granting institutions are under the umbrella of the Board of Regents and should hold NCA accreditation. Our concerns are not concerns of governance or accreditation of the technical colleges. Rather, we are concerned about the status of the faculty members of these colleges.

While these faculty members right now are under collective bargaining agreements with the local school districts, their transition to another governing body raises some concern about the extension of their salaries, benefits, and negotiations status under the new boards. Will the transition plans include the extension of their contracts? Once the new board is formed and the transition is complete, will they retain their seniority and due process protections? How will the new, smaller groups be impacted in terms of their health benefits?

An additional concern for us is the possible fiscal impact on the K-12 school district. In cases where employees have accumulated leave, unless such leaves could be carried over, there might be a demand on the school district to remunerate employees. We believe this is appropriate but it should not be done to the harm of the district. We would hope the state would assist in the transition regarding employee rights and earned benefits.

Our hope is that, should **SB 7** pass, these long-time employees will not experience financial harm and that their rights will be protected.

*Senate Education
2-19-03
Attachment 1*

SENATE EDUCATION COMMITTEE
February 19, 2003

Senate Concurrent Resolution 1601

Presented By

Jay Scott Emler

Chairman Umbarger and members of the Committee, thank you for the opportunity to address you today on SCR 1601.

Regardless of what you may have read or heard, this bill is the result of constituent requests that I received last summer. I requested staff prepared the bill and it was prefiled. At the time I began working with my constituents, I fully expected a Republican to occupy the offices on the second floor of this building. It is my belief that the constituents that requested this bill are very conservative in their political philosophy, but they are very frustrated.

The frustration of my constituents seems to be directed at the continual political focus of the state Board of Education. It would be naive to think that politics does not enter into any elective process, but at some point the purpose of the Board needs to take precedence. My constituents believe that, for several years, politics, not education, has been the focus of the state Board of Education. My constituents believe it is once again time to ask the voting public how the public wants politics to play a role with the state Board of Education.

You may hear testimony that having an elected Board is the only way to assure quality education for our state. If that is truly the case, the Board of Regents must be doing a pretty poor job.

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Attachment 2

Do we, as legislators believe the Board of Regents is not performing well? I do not think so. There is no reason the Board of Education cannot function just as well, or better, than the Board of Regents.

You may hear testimony that an appointed Board of Education will be more political than one that is elected. My constituents do not believe that is true. Nothing would be more political than the current system. Even if politics were present during an appointment process, at least politics would take a back seat once the appointment was made and confirmed by the Senate.

You may hear testimony that stalemate is good policy. My constituents, and I, do not agree. Right or wrong, make a decision and move on. Of course, by not making a decision, we have made a decision, but is that the kind of leadership Kansans really want from their state Board of Education? The obvious solution to that particular issue is to have an odd number on the Board. I chose nine members because I support smaller, not larger, government.

Finally, you may hear some testimony that this bill disenfranchises the electorate. How much further from the truth can a statement be? SCR 1601 places before the entire electorate of the state of Kansas the question of how the entire electorate wants its state Board of Education to be chosen. My constituents do not believe, nor do I, that we should sit in this building and dictate how the Board of Education should be chosen. Kansas provides for the Board of Education in its Constitution and only the entire electorate of this state can, and should, decide if a change needs to be made. That is the true meaning of empowerment. The entire electorate of this state is empowered to decide what it wants, but only if that electorate has the opportunity to tell us. SCR 1601 provides the electorate

that opportunity and I respectfully request this Committee's support of SCR 1601 and the electorate of this state.

I will be pleased to stand for questions.



Kansas State Department of Education

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

February 19, 2003

TO: Senate Education Committee

FROM: State Board of Education

SUBJECT: 2003 Senate Concurrent Resolution 1601

My name is Sue Gamble, Vice-Chairperson of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

Senate Concurrent Resolution 1601 amends the Education Article of the Kansas Constitution, reducing the number of State Board members from ten to nine and making the State Board of Education appointed by the Governor rather than elected by the people.

The State Board strongly believes in granting the voters the opportunity to make their selection for the State Board of Education, just as they do for the Governor, legislators, Attorney General, State Treasurer, and Insurance Commissioner. We believe that an issue as important as public education should not be taken away from the voting public.

The State Board of Education strongly supports an accountability system that responds to the needs of Kansas citizens through the electoral process. This system of accountability for the State Board of Education to the citizens of Kansas appears to work well. Therefore, we believe the governance of education in the state is best supported and enhanced through an elected State Board of Education.

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 precept.

The State Board has in place mechanisms 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 State Board of Education has tried diligently to work cooperatively with the Legislature. 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 State Board regulations are also provided for in law and for this cooperation and support the State Board is most appreciative.

The Education Article of the Constitution was approved by the voters in the late 1960's and changes to amend the Education Article were rejected on three occasions (1974, 1986, and 1990). We believe this is a strong indication by the people for the State Board to continue under the current constitutional provisions.

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Attachment 3

2003 Senate Concurrent Resolution 1601

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We sincerely hope that the Legislature will not make another effort to amend the Education Article of the Constitution. Instead, we need to focus our attention on enhancing 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.

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 in making informed decisions and adopting 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 within the public sector. This also ensures the State Board of Education is truly accountable to the citizens of Kansas.

The State Board of Education concentrates and spends time solely on education issues, enabling the Board to be better informed as it makes decisions at monthly meetings and 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.

STATE BOARD OF EDUCATION
KANSAS STATE DEPARTMENT OF EDUCATION
SUMMARY OF RESPONSIBILITIES

- Compute, distribute, and audit approximately \$2.3 billion in state aid involving 14 different programs/laws.
- Compute and distribute approximately \$321 million in federal aid involving approximately 40 different programs.
- Accredite 1,600 public and nonpublic elementary, middle, junior, and senior high schools.
- Certify all Kansas teachers and administrators involving approximately 21,000 certificates per year.
- Approve 800 teacher preparation programs at 22 institutions of higher learning.
- Approve all of the following programs: vocational, bilingual, at-risk, in-service, and Parents As Teachers.
- Administer the state special education law (partially funded by federal government) involving approximately 76,000 students.
- Approve curricular standards for all core curriculum assessments.
- Provide technical assistance as required by numerous laws.
- Administer transfer of territory law.
- Administer numerous exemplary education programs such as Teacher of the Year, Milken, KEEN, Byrd Scholarship program, etc.
- Administer the laws governing the Professional Practices Commission and the Professional Standards Board.
- Administer the state assessment program.
- Administer the charter school law.
- Administer programs for school lunch, breakfast, childcare, and other nutrition programs. Approximately 64.6 million school breakfasts and lunches are served annually.
- Approve building plans for new school facilities for code compliance.
- Approve technology plans which make local education agencies eligible for federal E-rate funds.

Accomplishments

(State Board of Education, Legislature, Governor)

- Developed and adopted a revised quality performance accreditation system for Kansas schools which meets federal accountability requirements.
- Developed and implemented challenging curricular standards.
- Developed challenging state assessments in the core curricular areas.
- Required staff development to assist in continuous improvement and adopted guidelines for staff development.
- Developed a performance-based teacher licensure system.
- Maintained a state average on the ACT that continues to top national averages and place Kansas among the top 10 performing states in the nation.
- Implemented the Parents As Teachers Program to assist parents in preparing children to enter school.
- Developed an improved performance-based report card for schools and districts which meets federal requirements.
- Provided funding and assisted schools in the development of technology plans.
- Funded the four-year-old at-risk program to prepare students to enter kindergarten.
- Assisted schools in the preparation of their federal E-rate discount application.
- Improved the recognition of outstanding educators and schools.
- Developed and distributed parent guides to the Kansas State Assessments.
- Developed and made available a parental report which allows parents to review their child's individual results on the state assessments.
- Funded and implemented a teacher mentoring program to ensure the success of beginning teachers.
- Developed and implemented a leadership development program to assist school and district leaders in incorporating technology into teaching and learning.



Testimony on
S.C.R. 1601 – State Board of Education
Before the
Senate Committee on Education

By
Mark Tallman, Assistant Executive Director/Advocacy

February 19, 2003

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today on S.C.R. 1601. The KASB Delegate Assembly has adopted the following long-standing policy position:

“KASB believes the following constitutional provisions are critical:

- (1) The State Board of Education shall be elected.
- (2) The State Commissioner of Education should be appointed by the State Board of Education.
- (3) The supervision of all schools – preschool, elementary, secondary, and area technical-education schools – should be vested in the State Board of Education. The board shall have such authority as the legislature provides.”

Based on this position, it is clear the KASB cannot support S.C.R. 1601. We believe that members of the State Board should be elected by the voters, not appointed by the Governor. Based on other policies, we would support a change in the number of board members to an odd number, which would require a constitutional amendment. This would also allow the State Board to be “decoupled” from state Senate districts.

I would also draw your attention to the final sentence in our policy position. It means we do not support the current “self-executing powers” of the State Board as defined by the Kansas Supreme Court, and believe that the constitution should be amended remove those powers.

From a practical, political standpoint, it seems unlikely that the voters of Kansas will relinquish their right to vote on the State Board. In fact, they have several times in the past rejected changes in this section of the Kansas Constitution. Perhaps, given the controversy surrounding the “tie votes” when the board is deadlocked, voters would at least be willing to change the number of members and address the issue of the board’s authority.

We would encourage the committee to consider those proposals. Thank you for your consideration.

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