

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Kathe Decker at 9:00 a.m. on February 5, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Daniel Williams- excused
Representative Patricia Barbieri-Lightner- excused

Committee staff present:

Kathie Sparks Legislative Research Department
Carolyn Rampey Legislative Research Department
Art Griggs, Office of the Revisor of Statues
Ann Deitcher, Secretary

Conferees appearing before the committee:

Representative John Ballou
Bruce Wyatt, State Board of Education
John Koepke, KASB

HCR 5030 - Creation of an appointed position for Secretary of Education to replace Kansas Department of Education.

Representative Ballou appeared as a proponent to **HCR 5030**. (Attachment 1).

Speaking in opposition to **HCR 5030** was Bruce Wyatt. (Attachments 2 and 3).

John Koepke appeared as an opponent to **HCR 5030**. (Attachment 4).

Following a question and answer session the hearing on **HCR 5030** was closed.

The meeting adjourned at 10:55. The next meeting is scheduled for Tuesday, February 10, 2004.

JOHN BALLOU
SPEAKER PRO TEMTestimony before the House Education Committee
February 5, 2004

Good morning Madam Chair and members of the House Education Committee. I want to thank you for allowing me this time to come speak to you about House Concurrent Resolution 5030.

HCR 5030 would place a constitutional amendment before the voters during the general election in November 2004. If approved by a majority of the voters, the Governor would appoint a Secretary of Education to serve, upon confirmation by the Senate, beginning July 1, 2005. At that time, the State Board of Education would be dissolved.

Each state has answered the question of how to govern education differently. I have given you a copy of "State Education Governance at a Glance" compiled by the National Association of State Boards of Education. This document outlines how each of the fifty states governs education. HCR 5030 outlines a new model of education governance for Kansas.

The Secretary of Education proposed in HCR 5030 would be comparable to other current cabinet-level secretaries. In the Governor's FY 2004 proposed supplement budget, K-12 education represents \$2.17 billion or 50 percent of state general funds. This amount is more than we give to any other state department and yet other departments have a cabinet-level secretary. I believe education is an important state priority and deserves to have a cabinet-level representative.

One benefit of a Secretary of Education over a State Board is that with a Secretary, the authority, responsibility and accountability for the Department of Education is clear. In addition, a Secretary ensures coordination in education reform efforts and the efficient implementation of legislative decisions. The constitutional change also gives the Governor the ability to appoint a Secretary of Education to reflect his/her views on education to the Legislature and the state.

Opponents of this legislation contend the dissolution of the State Board of Education takes away local control. I argue that it gives our local state school boards more control as their voice would not be diluted by a 10-member board, but heard clearly by the executive branch. In addition, some say a Secretary of Education may not adequately ensure representation of a wide-array of citizen's voices in education decision-making. I believe the interests of our diverse education population will be served well by their elected officials in the state Legislature and the statewide elected Governor.

House Education Committee
Date: 2/5/04
Attachment # 1-1

In addition to my testimony today, I have provided you with a Legislative Research Department explanation on the history of amending Article 6 of the Kansas Constitution, beginning in 1973. The Legislature has passed proposed constitutional amendments to Article 6 three times before, most recently in 1989. However, none of these resolutions were approved by the voters.

One may ask why I think this constitutional amendment would be approved by the Legislature and passed by the people this time. I believe there is a bigger awareness today than in previous years of the role education plays in our state. If you were to ask people who is responsible for education, the answer you are most likely to receive is the Legislature or the Governor. In fact, the State Board of Education has more authority over education than the Governor and is not accountable to the Legislature. HCR 5030 gives education a single voice who will work with the local school boards, the Governor and the Legislature to provide for quality K-12 education in Kansas.

I appreciate your consideration of HCR 5030 today and will stand for questions. Thank you.



John Ballou

State Representative, 43rd District

STATE EDUCATION GOVERNANCE AT-A-GLANCE

Compiled by the National Association of State Boards of Education
January 2004

We are aware that there are often changes to state governance structures. Please help keep board members and the education community informed. When changes do occur in your state, contact David Kysilko at NASBE, 1-800-368-5023.

NASBE
NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION

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STATE EDUCATION GOVERNANCE AT-A-GLANCE
Compiled by the National Association of State Boards of Education
(Revised January 2004)

STATE	METHOD OF SELECTION OF STATE BOARD MEMBERS	NUMBER OF VOTING STATE BOARD MEMBERS	LENGTH OF TERM	METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER	OFFICIAL ROLE OF CHIEF STATE SCHOOL OFFICER (CSSO) ON STATE BOARD	UNIQUE FEATURE OF STATE BOARD OF EDUCATION (SBE)	SPECIAL NOTES
Alabama	Partisan Ballot	8 elected & Governor	4	Appt. by SBE	Sec. & Exec. Officer	Governor sits as President of Board	
Alaska	Appt. by Gov.	7	5	Appt. by SBE, with approval by Gov.	Exec. Officer	Board appoints one non-voting student advisor and one non-voting military advisor	CSSO must have 5 yrs. experience in education; 3 in administration
Arizona	Appt. by Gov; Confirmed by Senate	9	4	Partisan Ballot	Exec. Officer	Sits as Vo-Tech board	Requires three lay members
Arkansas	Appt. by Gov.	10	6	Appt. by SBE	Agent Ex Officio	The CSSO serves at the pleasure of the Governor	CSSO must have 10 yrs. experience as a teacher, including 5 in administration or supervision, and hold Arkansas teacher's certificate
California	Appt. by Gov.	11 incl. student member	4 (1yr. for student)	Non-Partisan Ballot	Sec. & Exec. Officer	Voting student member who has full participation rights	
Colorado	Partisan Ballot	8	6	Appt. by SBE	Secretary		
Connecticut	Appt. by Gov., approved by House and Senate	9	4	Appt. by SBE	Secretary	The Commissioner of Higher Education serves as an ex officio, non-voting member of the board	Two student members (non-voting) serve 1-year terms on the board
Delaware	Appt. by Governor, approved by Senate. President serves at the pleasure of the Governor	7	6	Appt. by Gov.	Exec. Secretary	<ul style="list-style-type: none"> • 2 SBE members must have local board experience; • Must be a resident for 5 yrs. in order to sit on board 	Change from State Board-appointed CSSO to Governor-appointed CSSO occurred in 1997

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Florida	Appt. by Gov.	7	4	Appt. by SBE		Commissioner of Education serves on Board of Governors for the state university system	Constitutional amendment approved on 2002 ballot removed higher ed authority from state board by creating new Board of Governors for university system, effective Jan. '03
Georgia	Appt. by Gov.	13	7	Elected statewide	Chief Executive Officer	Must be a resident for 5 yrs. to sit on board	
Hawaii	Non-Partisan Ballot	13	4	Appt. by SBE	Executive Officer	Non-voting student member selected by the state student council	
Idaho	Appt. by Gov.	8	5	Non-Partisan Ballot	Executive Secretary and voting Ex Officio member of the board	<ul style="list-style-type: none"> Must be a resident for 3 yrs. in order to sit on board; Members are also Regents of the Univ. of Idaho 	
Illinois	Appt. by Gov.	9	6	Appt. by SBE	Chief Executive Officer	Requirements for regional and political balance on board	Chair is appointed by Governor
Indiana	10 appt. by Gov. and elected Chief	11	4	Partisan Ballot	Chairman and voting member	4 members must be educators, Political balance is required	\$2,000 per year for state board members
Iowa	Appt. by Gov.	9	6	Appt. by Gov.	Executive Officer	One non-voting student member	
Kansas	Partisan Ballot	10	4	Appt. by SBE	Executive Officer		
Kentucky	Appt. by Gov.	11	4	Appt. by SBE	Executive Secretary, Executive Admin.	<ul style="list-style-type: none"> President of Council on Postsecondary Ed. is non-voting ex officio member; Board members must be resident for 3 yrs., be at least 30 years old, and hold a 2-year Associate degree 	Governor appoints Secretary of Education, Arts & Humanities
Louisiana	8 elected, 3 appt. by Gov.	11	4	Appt. by SBE	Ex. Officio Sec.		
Maine	Appt. by Gov.	9	5	Appt. by Gov.	None		
Maryland	Appt. by Gov.	12 incl. student member	4	Appt. by SBE	Chief Exec./Sec. Treas.	Voting high school student, which is a one-year appointment by the Gov.	CSSO must have 7 yrs. teaching experience and administration exp.

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Massachusetts	Appt. by Gov.	9 incl. student member	5	Appt. by SBE	Board Secretary & CEO	<ul style="list-style-type: none"> Chancellor of Higher Ed. Board is voting member; Voting student elected by the State Student Advisory Council 	Board reduced from 15 to 9 members in August, 1996
Michigan	Partisan Ballot	8	8	Appt. by SBE	Chairman; Ex officio member of the Board	Gov. is ex officio member of the Board; state teacher of the year is a nonvoting advisor to the Board	Constitutional Board with defined responsibility for K-12 education and more limited role in post-secondary
Minnesota	None			Appt. by Gov.			State Board ended operations as of Dec. 31, 1999
Mississippi	5 appt. by Gov. 4 appt. by Leg.	9	9	Appt. by SBE	Executive Secretary	Lt. Gov. and speaker of the house each appoint 2 members	CSSO must have 5 yrs. administrative experience
Missouri	Appt. by Gov. with consent of Senate	8	8	Appt. by SBE	Chief Admin. Officer	Authority over University and Community College system teacher education programs.	
Montana	Appt. by Gov.	7	7	Partisan Ballot	Ex officio member	<ul style="list-style-type: none"> Non-voting student member; Governor is ex officio member 	non-voting student member has 2-year term
Nebraska	Non-Partisan Ballot	8	4	Appt. by SBE	Executive Officer	Constitutional Board	Teachers, state officials or candidates, and non-residents are not eligible for board membership
Nevada	Non-Partisan Ballot	10	4	Appt. by SBE	Secretary	Non-voting student member	
New Hampshire	Appt. by Gov.	7	5	Appt. by SBE	None	Gov. & Council appoint SBE	
New Jersey	Appt. by Gov.	13	6	Appt. by Gov.	Secretary	3 members of SBE must be women	Resident for 5 yrs. to sit on board
New Mexico	Elected	10	4	Appt. by Gov.			2003 Constitutional amendment reconstituted State Board as the Public Education Commission, which is advisory to the Secretary of Ed.
New York	Appt. by Legislature	16	5	Appt. by SBE	Chief Executive Officer	Responsible for higher education, cultural institutions, and licensed professions	

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North Carolina	Appt. by Gov.	13 (including two voting ex officio members)	8	Partisan Ballot	Secretary & Chief Admin. Officer	2 Teacher of the Year advisors; 2 student advisors; 1 Principal of the Year advisor; 1 local board member advisor; 1 local superintendent advisor	State Treasurer and Lieutenant Governor are voting ex officio members
North Dakota	Appt. by Gov.	7	6	Non-Partisan Ballot	Exec. Dir. & Sec.		
Ohio	11 elected by Non-Partisan Ballot; 8 Appt. by Gov.	19	4	Appt. by SBE	Secretary & Admin. Officer	Separate board for higher education	2 ex officio members (non-voting)
Oklahoma	Appt. by Gov.	7	6	Partisan Ballot	Chairperson of both State Board and State Board of Voc. and Tech. Education	State Board members are ex officio voting members of the State Board of Vocational and Technical Education	New Board member must take training established by the State Department during the first year of membership to remain on Board.
Oregon	Appt. by Gov.	7	4	Non-Partisan Ballot	Admin. Officer	K-12 and Community College Authority	
Pennsylvania	Appt. by Gov., confirmed by Senate	21	6	Appt. by Gov.	Chief Executive Officer	Statutory responsibility for post-secondary education.	Also sits as State Board for Vocational Education; 4 ex officio legislative members
Rhode Island	Appt. by Gov.	11	3	Appt. by SBE	Chief Executive Officer	<ul style="list-style-type: none"> 1 member is appointed from House; 1 member is appointed from Senate 	Separate higher education board
South Carolina	Appt. by Legislature	17	4	Partisan Ballot	Secretary & Admin. Officer	Legislative delegations elect 16 SBE members, gov. appoints 1 SBE member	
South Dakota	Appt. by Gov.	9	4	Appt. by Gov.	Executive Officer		
Tennessee	Appt. by Gov., confirmed by General Assembly	10 incl. student member	9	Appt. by Gov.	Required to be present at SBE meetings	<ul style="list-style-type: none"> Voting student member (1-yr. term) Board selects Executive Director Serves as State Board for Vocational Education 	The Board maintains its own staff apart from the Dept. of Ed.; Exec. Dir. of Higher Education Commission is ex officio, non-voting member of SBE.
Texas	Partisan Ballot	15	4	Appt. by Gov.	Executive Secretary		

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Utah	Non-Partisan Ballot	15	4	Appt. by SBE	Executive Officer	Board includes two non-voting members appointed by State Board of Regents	\$3,000 per year for SBE members.
Vermont	Appt. by Gov. and approved by the Senate	9 incl. student member	6	Appt. by SBE and approved by Gov.	CEO & Secretary	Chair is elected by the Board for 2-year term	2 student members: one is appointed each year for a 2-year term. Student does not vote during 1 st year of term, has full voting rights during 2 nd year
Virginia	Appt. by Gov.	9	4	Appt. by Gov.	Secretary		Sec. of Ed. is a cabinet member
Washington	9 elected by local school board members, 1 elected by private schools	11	4	Non-Partisan Ballot	Chief Executive Officer and Ex Officio member	<ul style="list-style-type: none"> CSSO votes only to break ties; Private school rep. votes only on issues affecting private schools; Nonvoting students and Governor's representatives 	
West Virginia	Appt. by Gov.	9	9	Appt. by SBE	Chief Executive Officer		
Wisconsin	None			Non-Partisan Ballot			
Wyoming	Appt. by Gov.	11	6	Partisan Ballot	Ex Officio Member	Meets quarterly; reviews all school accreditation compliance for approval or disapproval	Deputy CSSO is ex officio member and parliamentarian
District of Columbia	5 by non-partisan ballot 4 appt. by mayor	9	4	Appt. by SBE	Ex Officio Member	Board president elected at-large	Board has two student members who vote on issues, but their votes do not count in final tally
Guam	No central board; four district boards elected by voters in each district			Appt. by Gov., confirmed by legislature	Chief Executive Officer		The CSSO (Director of Education) has policymaking authority for state-level functions
Northern Marianas	Elected	5	4			Serves as both the state and local school board	
Puerto Rico	Appt. By Gov.	7	5	Appt. by Gov.	None		

Revised
 March 7, 2003

Efforts to Amend Article 6 of the *Kansas Constitution* (the Education Article)

Article 6 of the *Kansas Constitution* was adopted in its present form in 1966. Efforts to amend it did not occur until 1973, which is when the Kansas Supreme Court issued an opinion concerning the State Board of Education's "self-executing" powers. Since then, 32 resolutions have been introduced (not counting resolutions introduced during the 2003 Session) that would amend Article 6. Only three of these have been submitted to the voters, having received the requisite two-thirds majority vote of both houses of the Legislature for a constitutional amendment. None of the proposals passed. The resolutions submitted to the voters are the following:

1974 SCR 122, which limited the powers of the State Board of Education to those delegated to it by the Legislature and provided for authorization to create a third state-level governing board for community colleges.

1986 HCR 5028, which limited the powers of the State Board of Education to those delegated to it by the Legislature.

1989 HCR 5010 (voted on in 1990), which deleted references to the State Board of Education and the Kansas Board of Regents from the *Kansas Constitution*.

The issues addressed by the resolutions are summarized below. The total exceeds the number of resolutions considered because some of the resolutions would have made more than one change:

Would delete the State Board of Education's "self-executing" power	14
Would change the composition or appointment (or both) of the State Board of Education	12
Would authorize the creation or would actually create a third state-level governing board for community colleges or area vocational schools, or both	6
Would make some other change, including deleting entirely reference to the State Board of Education in the <i>Constitution</i>	6
Would make the Commissioner of Education a cabinet official or make some other change affecting the Commissioner	5
Would change State Board of Education member districts	3
Would change the length of terms of members of both the State Board of Education and the State Board of Regents	3
TOTAL	49

A brief description of these proposals to amend Article 6 follows:

1974 **SCR 122.** SCR 122 proposed to make the language referring to the supervisory authority of the State Board of Education identical to the State Board of Regents. Thus, the authority of the State Board of Education could no longer be interpreted to be self-executing. In addition, a sentence was added to say that "any community junior college shall be operated, supervised and controlled as provided by law." This subsection, identical to an existing provision for municipal universities, would have given the Legislature the ability to create a separate community junior college governing board. The proposition was rejected by the voters in August 1974, by a vote of 141,492 to 130,265.

SCR 76. SCR 76 proposed a nine-member State Board of Education appointed by the Governor to four-year terms, subject to confirmation by the Senate. Terms of six years were proposed for members of the Board of Regents. The resolution was not reported out of the first committee.

1975 **SCR 24.** SCR 24 was almost identical to the proposition defeated in 1974, except that it added area vocational schools to the proposed amendment concerning community junior colleges and said that both types of schools would be "operated, supervised and controlled as provided by law." Such a change would have permitted the creation of a separate governing board (or boards) to govern community junior colleges and area vocational schools. Like the proposition defeated in 1974, SCR 24 would have made it clear that the Legislature could prescribe and limit the power of the State Board of Education. The resolution was carried over to the 1976 Session where it died in committee.

1979 **SCR 1621.** SCR 1621 concerned the composition of the State Board of Education and would have made it like the State Board of Regents. That is, there would be nine members of the State Board of Education appointed by the Governor, subject to Senate confirmation. The resolution was held over a year and was not reported out of the first committee.

1980 **SCR 1671.** SCR 1671 was recommended by the Committee on Legislative, Congressional, and Judicial Apportionment. The resolution, which concerned State Board of Education districts, proposed that there be ten single-member districts instead of ten districts comprised of four contiguous senatorial districts. The proposal would have separated State Board of Education member districts from state senatorial districts which would have permitted a fewer number of senators than 40. (The Legislative Article of the *Constitution* says that the number of representatives and senators shall be regulated by law, but may not exceed 125 representatives and 40 senators. The fact that the Education Article requires ten State Board of Education districts each comprised of four senatorial districts appears to mandate that there be 40 senatorial districts.) SCR 1671 was not reported out of the first committee.

1981 **SCR 1626.** SCR 1626 was identical to SCR 1671, which had died the previous year. SCR 1626 was not reported out of the first committee.

1982 **SCR 1653.** SCR 1653 again addressed the issue of the State Board of Education's constitutional authority and would have made it clear that powers of the State Board of Education are subject to directives adopted by the Legislature. This particular resolution was in response to an opinion by the Attorney General (No. 81-236) that the Legislature could not prescribe, amend, modify, or otherwise alter the content of rules and regulations adopted by the State Board of Education acting upon its constitutional authority. SCR 1653 died on General Orders in the House.

1984 **HCR 5077.** HCR 5077 combined many of the provisions contained in prior proposals to amend the Education Article. First, it contained an amendment to limit the powers of the State Board of Education to those delegated to it by the Legislature. Second, it changed the composition of the State Board of Education to nine members appointed by the governor, subject to Senate confirmation. Finally, the resolution contained a subsection providing for the operation, supervision, and control of community colleges as provided by law, which would have made it possible for the Legislature to create a separate community college governing board. HCR 5077 died on General Orders in the Senate.

1986 **SCR 1634.** SCR 1634 limited the powers of the State Board of Education to those delegated to it by the Legislature, proposed a nine-member State Board of Education appointed by the Governor and confirmed by the Senate, and subjected the position of Commissioner of Education, who was appointed by the State Board, to Senate confirmation. The resolution was not reported out of the first committee.

HCR 5028. HCR 5028 contained an amendment limiting the powers of the State Board of Education to those delegated to it by the Legislature. The resolution was submitted to the voters on November 4, 1986, and failed by a vote of 384,188 to 364,156.

1987 **HCR 5020.** HCR 5020 provided for a state board of community colleges composed of nine members appointed by the Governor and confirmed by the Senate. HCR 5020 was not reported out of the first committee.

1988 **SCR 1613.** SCR 1613 deleted references to the State Board of Education and the Kansas Board of Regents from the *Constitution* and left it to the Legislature to provide, by statute, for a system of public education and for governance of the system. The resolution was killed by the Senate on final action. The resolution was identical to 1989 HCR 5010 and 1997 SCR 1607.

1989 **HCR 5010.** HCR 5010 was identical to 1988 SCR 1613 and to 1997 SCR 1607. It deleted references to the State Board of Education and the Kansas Board of Regents from the *Constitution* and was adopted by the Legislature in 1990. It was submitted to a vote of the people on November 6, 1990, and failed by a vote of 377,625 to 245,132.

SCR 1623. SCR 1623 also deleted references to the State Board of Education and the Kansas Board of Regents from the *Constitution* and left it to the Legislature to provide for a system of public education and for governance of the system. The resolution was not reported out of the first committee.

1990 **HCR 5032.** HCR 5032 proposed that the ten members of the State Board of Education be elected from single-member districts instead of from ten districts comprised of four contiguous senatorial districts. The resolution died on General Orders in the Senate.

HCR 5042. HCR 5042 limited the powers of the State Board of Education to those delegated to it by the Legislature and provided for a ten-member State Board of Education appointed by the Governor and confirmed by the Senate. The resolution died in House Committee.

1991 **SCR 1610.** SCR 1610 contained a preamble stating that education is a fundamental right of the people of Kansas, made it clear that the State Board of Education and the Kansas Board of Regents exercised only those powers granted to them statutorily by the Legislature, gave the Legislature the authority to create other governing bodies, increased the membership of the State Board of Education from ten to 11 members, eliminated the requirement that State Board of Education member districts be composed of four state senatorial districts, and authorized the Governor to appoint a Secretary of Education (who would be in addition to the Commissioner of Education appointed by the State Board). The resolution was not reported out of the first committee.

HCR 5001. HCR 5001 created the State Board of Community Colleges and Vocational-Technical Education to have control and supervision over the community colleges and area vocational schools. The Board was comprised of nine members appointed by the Governor, subject to Senate confirmation. The resolution also restricted the powers of the State Board of Education and the Kansas Board of Regents to those statutorily granted to them by the Legislature. The resolution was not reported out of the first committee.

1993 **HCR 5016.** HCR 5016 restricted the powers of the State Board of Education to those statutorily granted by the Legislature. The resolution passed the House but died in the Senate.

1995 **HCR 5021.** HCR 5021 was identical to 1988 HCR 1613, 1989 HCR 5010 (which was submitted to a vote of the people in 1990), and to 1997 SCR 1607. It deleted references to the State Board of Education and the Kansas Board of Regents from the *Constitution*. The resolution passed the House but died in the Senate.

1997 **SCR 1607.** SCR 1607 deleted references to the State Board of Education and the Kansas Board of Regents from the *Constitution*. It was identical to 1988 SCR 1613 and to 1989 HCR 5010. The resolution was not reported out of the first committee.

HCR 5008. HCR 5008 limited the powers of the State Board of Education to those delegated to it by the Legislature and provided that the Commissioner of Education would be appointed by the Governor and confirmed by the Senate. The Commissioner would be a member of the Governor's cabinet.

HCR 5009. HCR 5009 limited the powers of the State Board of Education to those delegated to it by the Legislature and provided that the Governor would appoint a

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Commissioner of Education and a Commissioner of Higher Education, subject to confirmation of the Senate. Both commissioners would be members of the Governor's cabinet.

1999 **SCR 1621.** SCR 1621 added an eleventh member to the State Board of Education. The ten existing members of the State Board would continue to be elected from their existing member districts, but an eleventh would be appointed at large by the Governor and would serve at the Governor's pleasure. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

SCR 1622. SCR 1622 expanded the State Board of Education to 11 members, each of whom would be elected. The resolution provided that the state would be divided into 11 single-member State Board of Education districts. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

HCR 5003. HCR 5003 contained the same policy as SCR 1622 and provided for an 11-member State Board of Education whose members would be elected from 11 State Board single-member districts. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

HCR 5008. HCR 5008 removed the State Board of Education's self-executing authority by making it clear that the Board had only the authority given it by the Legislature. In addition, the resolution made the Commissioner of Education a cabinet official who would be appointed by the Governor and confirmed by the Senate. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

HCR 5029. HCR 5029 retained the existing ten-member elected State Board of education, but added an eleventh member who would be appointed at large by the Governor and who would serve at the Governor's pleasure. The resolution also specified that elections for the other members of the State Board had to be nonpartisan. Candidates in each member district who received the highest and second highest number of votes in the primary election would face each other in the general election. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

2000 **HCR 5058.** HCR 5058 would have abolished the State Board of Education entirely. (No change was made to the State Board of Regents.) The resolution would have replaced the State Board with a cabinet agency (the State Department of Education) under the direction of the Secretary of Education, who would be a cabinet official appointed by the Governor and confirmed by the Senate. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

HCR 5062. HCR 5062 changed the Commissioner of Education to a cabinet official (the Secretary of Education), who would be appointed by the Governor and confirmed by the Senate. The Secretary of Education would serve as chair of the State Board of Education, but would not be a member of the State Board and would vote only to break a tie vote. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

HCR 5066. HCR 5066 retained the ten-member State Board elected from ten single-member districts, but added an eleventh member elected from the state at large. That member would serve as chair of the State Board. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

HCR 5073. HCR 5073 deleted the State Board's self-executing authority and provided for an eleventh member of the State Board who would be appointed by the Governor and serve at the Governor's pleasure. The remaining ten members of the State Board would be elected from existing ten single-member districts. The resolution was not reported out of the first committee and died at the end of the 2000 Session.

Testimony by Bruce H. Wyatt, Member of the Kansas Board of Education, Sixth District
Kansas House Education Committee
February 5, 2004

Good morning Madam Chair, Mr. Vice-Chair and Members of the House Education Committee of the Kansas House of Representatives. I appreciate the opportunity you have given me to address the Committee with a few remarks concerning K-12 education and the case for increased funding.

I think it is safe to say that the subject of education, in particular funding, is on the minds of most legislators, our Governor and quite obviously our Judiciary. But why and what should be done to increase funding for our K-12 Schools? Isn't this old news?

The new "news" in my opinion is that the framework for education in Kansas has been rewritten in the last year by the State Board of Education with a focus on specifying,

First the criteria goals that our schools should have in place, including a school improvement plan, fully certified teachers, curriculum that meets the requirements for a Regents' Scholarship, State Board graduation requirements, and programs and services that support student learning,

Second the performance goals that are expected to provide accountability by identifying students and schools that need help, and

Continued accreditation of a school by the State Board of Education will depend on schools meeting the above criteria and performance goals.

This is a tremendous shift in my opinion from a system that is based on doing our best and seeing what happens to a system that says this is where we want to go and then asks the question, "What do we need to do to get there?" I think it is exciting and very challenging all at the same time as with any new change. Yes, there are issues with setting the goals that are outlined by our Board and the federal legislation of No Child Left Behind, but that is always the case with anything new. We have to have the confidence that these and other issues will be addressed and solved. The fact is that the goal of educating all children is one worthy of our society and our State.

How are we going to achieve those educational goals? The first key is planning and deciding what works and what does not work. Our schools have been busy doing this for some time. We now have a good idea of how to focus on student achievement. Not surprisingly, in my opinion, it is based on quality and committed teachers supported by quality and committed school leaders, and knowledgeable local boards who

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approach student achievement with a well organized and effective plan based on what is needed by the students in their school and then execute their plan. I have seen this approach at work visiting with the teachers and leaders at Oakdale Elementary School in Salina, the Custer Hill Elementary School at Fort Riley in Junction City, and the Vermillion District in Marshall and Nemaha Counties. The results achieved in these schools are impressive and show what can happen with planning, leadership, and commitment.

So, we know how to do it. Now the question is what does it cost?

The Board has answered this question by identifying those programs that we feel will directly impact and contribute most to student achievement, and then identifying the cost of those programs. The advantage of this approach is that it supports our schools with increased funding over the years based on performance results, in short what works. This approach is driven by data and experience, and provides the public with the confidence that hard-earned tax dollars are being spent on programs for our students that lead to successful student achievement.

Consistent with this, the Board has adopted a proposed budget increase of just over 4%, totaling \$104 million dollars. This increase is targeted at critical areas, namely an early childhood Reading and Math Literacy program, kids who need extra help and those in special education, and operating expenses like attracting and retaining quality teachers and paying the light and insurance bills.

The Governor's recommended increases are based on specific programs as well and reflect the findings of a citizen advisory committee which met around the state. Thus they are targeted in the same way on programs focusing on student achievement.

We need to remind ourselves that the key to the future of our State is the successful education of our children so that they become contributing members of their families and our society. Education improves the quality of our lives and our standard of living. It gives our children the opportunity to expand their horizons and take advantage of their abilities. As Governor Graves' Kansas Vision 21st Century Initiative Task Force concluded in 2000, a knowledge economy fosters innovation, a healthy economic environment, high skill jobs, and successful competition in the global economy. How do we support a successful knowledge economy? Education.

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It is not important whether the funding increase is labeled as the Board's or the Governor's proposal. There is much that is good in the programs recommended by the Governor. The point is, this Committee and the Legislature as a whole should be players in K-12 education and be involved in working out the amount and nature of the resources to be provided to our schools. I sincerely doubt that the Judiciary wishes to be in the role of making those decisions. But, we are all going to have to work together to accomplish a successful end result, with key roles to be played by the Legislature, Governor and the State Board. It is time to take action and not stand off to the side as spectators.

I briefly would like to address the lawsuit pending before Shawnee County District Court and its preliminary decision. The Board is aware that its position as a defendant in the lawsuit and its proposal for increased funding seem to be at odds with each other since the plaintiffs in that lawsuit seek increased funding for our K-12 Schools. The Board itself obviously agrees with the general proposition of increased funding, since it has proposed an overall increase for the 2005 fiscal year. Nevertheless, the Board requested that the Court allow its decision to be appealed to the Kansas Supreme Court to obtain clarification from our State's highest Court on this and other legal issues involved in the case in the belief that this would expedite an eventual resolution of the issues involved.

I personally was disappointed that our request was turned down by the District Court because a decision from the Supreme Court, sooner than later, would have provided guidance to all of us. Nevertheless, I would urge the members of this Committee and the Legislature as a whole not to let this deter you from taking some action this year. I am afraid that the District Court's decision, however well intended, will be a roadblock to taking any action during this session

From a personal viewpoint, action taken by the Legislature to increase funding along the lines endorsed by the State Board of Education and the Governor can only be positive development.

In closing, I urge this Committee to undertake an active role in studying and then acting upon increased support of our K-12 Schools. As I mentioned at the start, education is on all of our minds. In addition to our own Governor, newspaper reports indicate that the Governor of Oklahoma has proposed a \$244 million five-year proposal to raise teacher salaries, and the Governor of Texas will ask the Legislature for \$500

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million for the schools. Kansas is not alone in its need for additional funds for our schools. It is my sincere hope that the Legislature will act in this session and show its support for K-12 Education. Thank you.



Kansas State Department of Education

120 S.E. 10th Avenue
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February 5, 2004

TO: House Education Committee
FROM: State Board of Education
SUBJECT: House Concurrent Resolution 5030

My name is Bruce Wyatt, 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 5030 amends Article 6 of the Kansas Constitution by eliminating the State Board of Education as a constitutional body and authorizing the Governor to appoint the Secretary of Education subject to confirmation by the Kansas Senate. The Secretary of Education would serve at the pleasure of the Governor and serve as chief executive officer of the State Department of Education as well as a member of the Governor's cabinet.

The State Board of Education has tried diligently to work cooperatively 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.

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 of Education 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 present Education Article of the Constitution was originally approved by the voters in 1966. 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 Board of Education.

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We sincerely hope that the Legislature will not make another effort to amend the education article of the Constitution or change the election process. We need to 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. We have also included some of the responsibilities and accomplishments of the State Board for your review.

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.

Responsibilities of the Kansas State Board of Education

- ◆ 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.
- ◆ 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 \$2.6 billion, of which \$2.3 billion are state funds.
- ◆ Audit all unified school districts for state aid entitlement.
- ◆ Administer food service programs at the 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.
- ◆ Administer adult basic education/GED programs.
- ◆ Coordinate school bus safety program.
- ◆ Administer approximately 10 different recognition programs for teachers, schools, and students.
- ◆ Determine requests for school district boundary changes.

Accomplishments

(State Board of Education, Legislature, Governor)

- Developed and adopted a revised quality criteria and 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.

KANSAS
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Testimony on **HCR 5030**
before the
House Education Committee

by

John W. Koepke, Executive Director
Kansas Association of School Boards

February 4, 2004

Madam Chair and members of the Committee, we appreciate the opportunity to appear before you on behalf of the member boards of education of the Kansas Association of School Boards with regard to the issues involved in **HCR 5030**. **HCR 5030** would eliminate the present elected Kansas State Board of Education and replace it with a Secretary of Education appointed by the governor, with confirmation by the Senate. We believe passage of such a measure would not be good public policy.

Our Delegate Assembly has adopted a policy regarding the governance of public education at the state level which calls for the continuation of an elected State Board. We believe that the State Board article of the Constitution should be amended to remove the "self-executing" powers of the State Board, thereby making its actions subject to legislative oversight. We further believe that the State Board should consist of an odd number of members, elected on a non-partisan basis in the spring of odd-numbered years at the same time as the election of local school board members.

These changes would accomplish many of the same objectives as the current provisions of **HCR 5030**. They would preserve an elected body with supervision over the operation of Kansas public schools. Since the current education article to the Kansas Constitution was adopted in 1966, there have been three proposed amendments to this article submitted to the voters by the Kansas Legislature. In each case, the people of Kansas reaffirmed their commitment to the retention of an elected State Board. We are not aware of any evidence that that commitment has lessened since the last amendment was submitted to the people.

We would urge the Committee to reject any constitutional amendment eliminating an elected State Board and to look instead at ways to restructure the current State Board provisions in a manner more compatible with good public policy.

We appreciate the opportunity to present these views on behalf of our members and I would be happy to answer any questions.

House Education Committee

Date: 2/5/04

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