

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 1:35 p.m. on February 10, 2004 in Room 123-S of the Capitol.

All members were present except:
Senator Anthony Hensley (excused)

Committee staff present:
Kathie Sparks, Legislative Research
Theresa Kiernan, Office of the Revisor of Statutes
Judy Steinlicht, Committee Secretary

Conferees appearing before the committee:
Jim Edwards, KASB
Mark Brown, President, School Board USD 501

Others attending:
See Attached List

Chairman Umbarger advised the Committee that resolutions had been prepared for the Horizen Awardees and the Milken Family Foundation National Educator Awardees. Any committee member wishing to co-sponsor the bill should sign the form being circulated.

SB 374--School board development programs

Jim Edwards, Kansas Association of School Boards, spoke in support of **SB374**. The training of school board members has been a long standing position of KASB. **SB374** provides that the state board of education shall adopt rules and regulations for administration of the Kansas school board development program; they may establish reasonable fees to offset the cost of administering the program; any entity, with approval of the KSBE could be an accredited provider of such programs; each member of a school board shall earn a minimum of ten credit hours of board development in each year; the state board may grant waivers or extensions of time to complete development program requirements for good cause; the state board may reevaluate, at any time, an accredited sponsor; and a school board member may attend an educational activity which was conducted by a non-accredited sponsor and still receive credit. (Attachment 1)

Mr. Edwards introduced Mark Brown, President, Board of Education, USD501. Mr. Brown said he did a great deal of learning prior to taking his position on the school board and has no problem with the training but he did not believe there is mandatory training for other officials, such as mayor, legislators, etc.

In discussion, it was determined that the bill allows a board member to get a waiver from getting the training and the bill provides no penalty.

SB304--Consolidation of school districts; computation of school aid

Jim Edwards, Kansas Association of School Boards, spoke in support of **SB304**. The bill is a measure that was recommended by LEPC. Mr. Edwards explained that it sometimes takes up to 18 months to complete a full school consolidation process. **SB304** would give incentive to districts to consolidate in the form of extending the deadline that an actual consolidation would have to take place, from July 1, 2004 to July 1, 2005, and provide that the districts would receive two year's of extended budget authority. (Attachment 2)

Senator Vratil asked what the sentence meant on page 1, Line 23,24 of **SB304**. It was determined that the line should read "If the consolidation is effectuated commencing with the 2002-2003 school year and completed by July 1, 2005." instead of "prior to July 1, 2005".

SB373--School districts; consolidation; meetings

Jim Edwards explained that **SB373** would assist districts going through the trials and tribulations of

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:35 p.m. on February 10, 2004 in Room 123-S of the Capitol.

consolidating school districts. The bill would state emphatically in the Kansas Statutes that a school board of a district considering consolidation could meet within the boundaries of any of the districts considering such consolidation. (Attachment 3)

Senator Teichman made a motion to recommend favorably for passage, SB374, SB373 and SB304 with the amendment to change the wording from "prior to" to "completed by" on Page 1, Line 24 and Page 2, Line 9 and additional technical amendments recommended by staff. Senator Bunten requested the bills be handled separately. Senator Teichman withdrew her motion.

Senator Downey made a motion to amend SB304 as stated above. Seconded by Senator Vratil. Motion carried on the amendment of SB304.

Senator Teichman made a motion to recommend SB374 favorably for passage. Seconded by Senator Schodorf. Motion carried with two no votes, Senator Bunten requested to have his "no" vote recorded.

In discussing **SB374**, the idea of requiring education for those elected to the school board was supported by the committee, but it was felt by some that it didn't make sense to have a law if there is no penalty. It was also said that the State Board of Education does not need other program to administer. It was determined that this bill provides that KSBE will accredit the providers of such programs. Other education organization would administer the program. It was also said that since school board members are elected by the people, that constitutionally, they could not be removed from the office if they do not receive the required hours of education. Another concern is the time and the cost involved for the school board members who are not paid to serve.

Senator Teichman made a motion to recommend SB373 favorably for passage. Seconded by Senator Emler. Senator Oleen made a friendly amendment to make the law effective upon publication in the Kansas Register. Senator Teichman and Senator Emler agreed. The motion to recommend SB373 as amended carried.

Senator Vratil made a motion to recommend favorably SB304 as amended. Seconded by Senator Downey. Motion carried. Senator Bunten requested his no vote be recorded.

Senator Teichman made a motion to approve the minutes for February 2 and February 3. Seconded by Senator Bunten. Motion carried.

Meeting was adjourned at 2:30 p.m. The next meeting is scheduled for February 11, 2004.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2-10-04

<u>NAME</u>	<u>REPRESENTING</u>
Marva Irvine	LLL
Rick Dodson	LLL
Brian Bode	LLL + USD 469 BOE
Joe Yanik	AAUP-Kansas [American Association of University Professors]
Doris W. Carroll	AAUP-KANSAS ST. U.
Chuck PHEATT	AAUP
Justin Harelisen	Little Government Relations
Pat Huffman	KRPA
Hershel Rose	Citis
Jim Edwards	KASB
Pat Baker	KASB
Mark Braun	USD 501
Nevine Axt	U.S.D 500
Dodie Welshman Johnson	Patrick Hurley & Co.
KENT HUKU	USA
Bill Bral	SFFF
TERRY FORSYTH	KNEA

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Testimony on **SB 374**
before the
Senate Education Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

February 10, 2004

Chairman Umbarger and members of the Committee:

I appreciate the opportunity to appear in front of you today to support **SB 374**, a measure that will assist and enhance the operation of unified school district boards in Kansas. According to the Kansas Constitution, "*local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards.*" As the education of Kansas's children remains a vital state and local issue, the operational process is becoming more challenging and complex.

It might help to give some history on this subject. KASB has had this as an issue in its policy book for a number of years. This issue passed both houses in the early 1990's and was then vetoed by the late Governor Finney. Several groups that met during this past summer brought the issue to light once again. First, this was a recommendation that came out a preliminary report of the leadership small group of the Governor's Education Policy Team. In addition, the work of the School Building Based Budget Workgroup emphasized the need for such training, particularly in school finance, to take place. The measure in front of you today provides for the process and regulation of such programs.

Points of **SB 374** that I would highlight are:

- The state board of education shall adopt rules and regulations for administration of the Kansas school board development program;
- The state board of education may establish reasonable fees to offset the cost of administering the program;
- Any entity, with approval of the Kansas State Board of Education, could be an accredited provider of such programs.

Senate Education
2-10-04
Attachment 1

- Each member of a school board shall earn a minimum of ten credit hours of board development in each year;
- The state board may grant waivers or extensions of time to complete development program requirements because of hardship, disability or other good cause;
- The state board may reevaluate, at any time, an accredited sponsor; and,
- A school board member may attend an educational activity which was conducted by a non-accredited sponsor and still receive credit.

I have added as an attachment to my testimony a copy of a matrix showing what other states do with regard to board training.

I thank you for the opportunity to appear before you today and would be happy to answer questions you might have.

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: New members - 15 hrs within 1 st year and 12 hours over the next 4 yrs; Incumbents - 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				

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Testimony on **SB 304**
before the
Senate Education Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

February 10, 2004

Chairman Umbarger and members of the Committee:

I appreciate the opportunity to appear in front of you today to support **SB 304**, a measure that comes to you as a recommendation from the 2003 Legislative Educational Planning Committee (LEPC).

As was explained during the LEPC hearings, it takes sometimes up to 18 months to complete a full consolidation process. Understanding this time frame along with knowing that many districts are looking to consolidate and might need an additional incentive or push, this measure should be of great interest to the Legislature.

The incentive or push given to districts would be in the form of extending the deadline that an actual consolidation would have to take place, from July 1, 2004 to July 1, 2005, and providing that the districts would receive two year's of extended budget authority. Current statutes say the districts must consolidate by July 1, 2004, to receive three year's of extended budget authority. Any consolidations after July 1, 2004, would receive one year extended budget authority.

Consolidation has and will continue to take place. It could continue at a quicker pace should measures like this receive your early approval.

I thank you for the opportunity to appear before you today and would be happy to answer any questions you might have.

*Senate Education
2-10-04
Attachment 2*

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Testimony on **SB 373**
before the
Senate Education Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

February 10, 2004

Chairman Umbarger and members of the Committee:

I appreciate the opportunity to appear in front of you today to support **SB 373**, a measure that will assist districts going through the trials and tribulations of consolidating school districts.

Essentially, what this bill would do is to state emphatically in the Kansas Statutes that a school board of a district considering consolidation could meet within the boundaries of any of the districts considering such consolidation. While there are some that will argue that this probably is already permissible under statutes provided by last year's legislative action giving local school boards the power to act on issues not expressly prohibited by law, it is the understanding of KASB's legal department that the courts have specifically ruled on the issue of meeting and/or taking action outside of a district's boundaries.

If the Legislature is truly trying to incent consolidation of districts where feasible, it seems that removing any possible legal problems should be of great interest to not only the Legislature but also to the patrons of the districts involved.

I thank you for the opportunity to appear before you today and would be happy to answer any questions you might have.

*Senate Education
2-10-04
Attachment 3*