

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on January 24, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Jim Yonally - excused

Committee staff present:

Mike Heim, Legislative Research Department
Martha Dorsey, Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Rep. Bill Otto
David Schauner, KNEA
Rep. Pat Mah
Diane Gjerstad, Wichita Public Schools
Jim Edwards, KASB

Others attending:

See attached list.

Bill Introductions

Rep. Stephanie Sharp requested a committee bill relating to voting at satellite locations.

Without objection, the request will be accepted as a committee bill.

Rep. Mario Goico requested a committee bill relating to the electronic recording of executive sessions.

Without objection, the request will be accepted as a committee bill.

Chairman Jene Vickrey requested a committee bill relating to drawing boundaries for water districts.

Without objection, the request will be accepted as a committee bill.

Chairman Jene Vickrey requested a committee bill relating to planning and zoning commissions and requiring denials to be in written form.

Without objection, the request will be accepted as a committee bill.

Chairman Vickrey opened the hearing on:

HB 2209 Authorizing school district employees to serve on school district boards of education

Rep. Bill Otto testified in support of the bill (Attachment 1). He explained that currently, substitute teachers, cooks, custodians, bus drivers are excluded from serving on school district boards of education.

David Schauner, Kansas National Education Association, testified in support of the bill (Attachment 2). He said that to prohibit teachers or any other employee from serving on a board of education does a disservice to the public by prohibiting individuals with professional expertise from serving and thereby removing from the pool of prospective board members information and expertise which would ultimately serve not only voters but the children of school districts as well.

Rep. Ann Mah, testified in support of the bill. She did not provide written testimony.

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on January 24, 2006 in Room 519-S of the Capitol.

Diane Gjerstad, Wichita Public Schools, testified in opposition to the bill (Attachment 3). She explained that school boards govern the working conditions, salaries, and policies impacting students and staff. She said that it is simply not in the best interest of the public to have public employees serve as both employees and employers.

Jim Edwards, Kansas Association of School Boards, testified in opposition to the bill (Attachment 4). He said that they believe that the opportunities for conflicts of interest to arise are much, much greater when a person is employed by the district where they serve on the board.

Chairman Vickrey closed the hearing on **HB 2209**.

Approval of Minutes

Rep. Goico made a motion to approve the minutes of the January 17, 2006 meeting. Rep. Sawyer seconded the motion. Motion Carried.

Chairman Vickrey adjourned the meeting.

The next meeting is scheduled for Thursday, January 26, 2006.

Bill Otto
Testimony
HB 2209

Before 2000, it was legal for a teacher to serve on a Kansas school board. It was legal for the voters to put anyone they desired on a school board. Then in the case #83805, USD 501 vs. Linda Marie Baker, the Supreme Court of Kansas not only denied voters the right to elect a teacher, but also excluded many others from serving on a school board.

No person profiting from a school district could serve on its board. Substitute teachers, cooks, custodians, bus drivers, and countless others were now excluded from serving. However, if a person worked for a food service contractor, bus service contractor, or learning contractor, that person could still serve on a board. This is utter hypocrisy.

Because one school board did not like the people's vote for one teacher, the judges denied the people of Kansas the right to vote for anyone they like to serve on their school board.

HB 2209 will help restore local control, will defend the voters rights to choose who they like and reaffirm our faith in the people of Kansas.

Section 2 protects the people with strict requirements to not vote on their own pay, not take part in negotiations, and protect the people from any eventuality.

Before 2000, there was only a handful of teachers serving on their school board, the people of Kansas did not go hog wild. There was no problem, and I submit that Kansas was better off that way.

Under current Court-imposed rules, I could not have served on th USD 247 Board of Education because I was a substitute teacher. They would have not had full-time kindergarten for the last 22 years, might have purchased diesel-powered school buses later than they did, and would have got 1% more pay, because as chief negotiator for the board, I was determined to win back some contract rights or at least not give away more money.

I have had the honor and pleasure of serving on four Kansas juries. The common sense of the wonderful people I served with gives me great pleasure. I beg of you to pass this bill and show your faith in the voters of Kansas to pick the best person for a job. Remember, they picked each of you.



David Schauner, Testimony
Committee on Governmental
Organizations and Elections
January 23, 2006
House Bill 2209

Dear Chairman Vickrey and Committee members:

My name is David Schauner, General Counsel for the Kansas National Education Association. Thank you for this opportunity to speak in favor of **House Bill 2209**. This bill would make it clear that all citizens of Kansas, regardless of their employment, would be eligible to serve on a board of education if elected.

Currently, teachers are prohibited from serving on their employing board of education (See Unified School District # 501 v. Baker (269 Kan 239, 6 P3d 848)).

This case decided by the Kansas Supreme Court in 2000, held that teachers were not eligible to serve on their employing school board. Teachers are currently the only individuals not permitted to serve on their employing school boards. In fact, many bus drivers, custodians and others employed by school districts not only are permitted to serve but do serve on boards of education by whom they are employed.

House Bill 2209 addresses the concerns raised by the Kansas Supreme Court in its Baker decision concerning teachers participating in matters from which they would personally benefit, i.e. salaries and other employment related matters.

The bill would prohibit such employees from participating in or voting on those matters which would provide a direct personal advantage to the employee/board member.

To prohibit teachers or any other employee from serving on a board of education does a disservice to the public by prohibiting individuals with professional expertise from serving and thereby removing from the pool of prospective board members information and experience which would ultimately serve not only voters but the children of school districts as well.

On behalf of Kansas NEA, I urge the committee to vote out favorable **House Bill 2209**.

House Gov. Org. & Elections
Date: 1-24-2006
Attachment # 2



House Government Organizations and Elections
Representative Vickrey, chairman

H.B. 2209 Employees serving on School Boards

January 24, 2006

Diane Gjerstad
Wichita Public Schools

Mr. Chairman and members of the Committee:

I rise in opposition to H.B. 2209, a bill which would permit employees of a school district to serve on their own governing Board of Education. School boards govern the working conditions, salaries and policies impacting students and staff. It is simply not in the best interest of the public to have public employees serve as both employees and employers. There are many reasons it is not compatible to have an active employee sit as the employer. This bill attempts to set out when this dual employee/employer would have to remove his or her self from the discussion and vote, but I would suggest most decisions Boards of Education make impact employees.

Decisions like:

- Wichita recently adopted a \$1500 incentive bonus for teachers working in schools with poverty above the district average
- Changes to the health insurance program which could directly impact the employee/employer's personal situation
- Class size issues
- Assignment and transfer policies
- Student discipline

What is the public policy served if one or two or three employees become Board members, leaving potentially a minority to make employment and salary decisions? What is gained?

Let's look at this proposal from another direction. If employees are permitted to serve on the governing board, then what happens when a current Board member decides they want to be hired as a teacher or a coach or electrician or the director of technology or the superintendent? Just think how hard would it be for you to interview your boss for a position as your direct report?

Mr. Chairman, cities and counties do not permit current employees to serve on the city council or county commission. I would submit the same rational would apply to schools. I would urge the committee to oppose HB 2209.

Thank you for your consideration.

House Gov. Org. & Elections
Date: 1-24-2006
Attachment # 3

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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

Testimony on **HB 2209**
before the
House Government Organizations and Elections Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

January 24, 2006

Chairman Vickrey and Members of the House Government Organizations and Elections Committee:

Thank you for allowing me the opportunity to appear before you today to express KASB's opposition to **HB 2209**, a measure that would open membership on a local unified school district board to employees of the district. KASB's policy is that we oppose legislation that would permit school district employees from serving on the board of the district in which they are employed.

We believe that the opportunities for conflicts of interest to arise are much, much greater when a person is employed by the district where they serve on the board. While it is important that persons be encouraged to serve on local boards, it is also important for patrons of the district to have persons on that board who can cast votes on important issues and not be restrained by a conflict of interest.

I appreciate the opportunity to present our views on this issue and would be happy to answer questions that you might have.

House Gov. Org. & Elections
Date: 1-24-2006
Attachment # 4

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Jim Edwards - re: KASB Testimony Assistance Request

From: "chapmanunitedchurch" <cumc@kansas.net>
To: "Andrea Hartzell" <ahartzell@kasb.org>
Date: 1/22/2006 9:51 AM
Subject: Re: KASB Testimony Assistance Request

Andrea--

Our district has its second regular board meeting at 5:00 that day. I am a retired teacher in the district. I truly believe that I would be in great conflict if I were an employee of the district and serving on the board. In fact I helped to begin win-win bargaining in the district during the mid- to late-1990's; because I was directly involved in the negotiations process within the past twelve I have asked not to be on the board's negotiations team at this point. However, on the flip side, I do know that some very small districts had board members who were bus drivers and had to relinquish the driving positions; replacements were extremely difficult to find. I really believe that it would be quite difficult to serve without conflict of interest if I were an employee.

Mary Anne