

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 12, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Theresa Kiernan, Office of the Revisor of Statutes
Sharon Wenger, Kansas Legislative Research Department
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the committee:

Senator Mary Pilcher-Cook ,
Chevis Rebstock, Wichita State University
Bryan Little, Kansas State University
Joseph Boeckner, Fort Hays State University
Eric Stein, University of Kansas
Calli J. D. McCarter, Washburn Law School (written only)
DeeDra' R. Branson, Washburn Law School (written only)
Derek L. Miller, University of Kansas (written only)
Jacob Mitchem, KSU Salina (written only)
Joshua H. Bagby, Washburn University (written only)
Marc Ramsey, Garden City Community College (written only)
Olivia C. Alexander, Johnson County Community College (written only)
Donna Shank, Chair, Board of Regents
Adam McGonigle, University of Kansas

Others attending:

See attached list.

SB 176 - State board of regents; elected

Theresa Kiernan, Office of the Revisor of Statutes, provided a brief summary of the bill. This legislation would change the State board of regents from an appointed board to an elected board. There would be nine members, two from each Congressional district and one from the state at large. This would begin with the November 2010 election; and would be a partisan election. The bill is patterned after the state board of education law with the same filing fees, subject to the same filing deadlines, same reporting requirements regarding campaign finance and have staggered terms.

Senator Mary Pilcher-Cook, ([Attachment 1](#)), presented testimony in support of the proposed bill. Based on research presented, it is her feeling that an electoral process would help keep our colleges more accountable regarding academic freedom through public participation in elections, and would also help keep them accountable when it comes to affordability to the taxpayer. In addition, students would have a vested interest in becoming involved in protecting their liberty when they can see the direct impact an election would have on their concerns.

Senator Vratil and Senator Hensley inquired as to why this was not introduced as a concurrent resolution as Article 6, Section 3 of the Kansas Constitution provides that the regents be appointed. Senator Pilcher-Cook stated at this time she was only attempting to get this idea out for discussion.

Chevis Rebstock, Wichita State University ([Attachment 2](#)), Bryan Little, Kansas State University ([Attachment 3](#)), Joseph Boeckner, Fort Hays State University ([Attachment 4](#)), and Eric Stein, University of Kansas ([Attachment 5](#)) all provided testimony in support of the proposed legislation on the basis of accountability to the citizens of Kansas.

Calli J. D. McCarter, Washburn Law School (written only) ([Attachment 6](#)), DeeDra' R. Branson, Washburn Law School (written only) ([Attachment 7](#)), Derek L. Miller, University of Kansas (written only) ([Attachment 8](#)), Jacob Mitchem, KSU Salina (written only) ([Attachment 9](#)), Joshua H. Bagby, Washburn University

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 12, 2009, in Room 545-N of the Capitol.

(written only) (Attachment 10), Marc Ramsey, Garden City Community College (written only) (Attachment 11), Olivia C. Alexander, Johnson County Community College (written only)(Attachment 12), all provided written testimony in support.

Donna Shank, Chair, Board of Regents (Attachment 13) appeared before the committee in opposition to **SB 176**. The five arguments she presented included the opinion of the board that political considerations would be injected into the state's public higher education system; appropriate oversight over Regents' appointments is already provided by the Senate through the confirmation process; costs associated with holding an election which would amount to an estimated statewide cost of \$2.2 million every other year; only one state in the Union currently elects their governing/coordinating board; and lastly, the proposed legislation is unconstitutional.

Adam Mcgonigle, Student Body President, University of Kansas also spoke in opposition to the proposed legislation.

The hearing on **SB 176** was closed.

The next meeting is scheduled for February 16, 2009.

The meeting was adjourned at 2:30 p.m.

EDUCATION COMMITTEE GUEST LIST

DATE: February 12, 2009

NAME	REPRESENTING
Chevis Rebstock	Wichita State University
Bryan Little	KSU
Eric Stein	University of Kansas
Joseph Boeckner	Fort Hays State University
Christine Downey-Schmidt	KS Bd. of Regents
Donna Shank	KS Board of Regents
Kip Pireson	KBOR
Earl McEubach Earl McEubach	NO ONE General Public
DEREK MILLER	UNIVERSITY OF KANSAS
Brittany Ramos	UNIVERSITY of Kansas
Jacob R Mitchem	k-State at Salina
Holly Smith	Kansas Liberty
Adam McEoniglo	University of Kansas - Student Senate
Michael Gray	"
Rob Mealy	KENNEDY & Assoc.
Lathy Dameron	KU

MARY PILCHER COOK

SENATOR, 10TH DISTRICT
 STATEHOUSE, RM 221-E
 TOPEKA, KS 66612
 (785) 296-7362
 800-432-3924

mary.pilchercook@senate.ks.gov



TOPEKA
 SENATE

13910 W. 58TH PLACE
 SHAWNEE, KS 66216
 (913) 268-9306
 mary@pilchercook.com

TESTIMONY IN SUPPORT OF SB 176
Election of State board of Regents members
Senator Mary Pilcher Cook
February 12, 2009

Thank you for your time and consideration Madame Chairman and Honorable Committee Members. I have been particularly concerned over the years about the issue of academic freedom in our state, because our educational institutions are the cornerstones of our republican democracy. We know from our own education the importance of teaching our country's founding principles to our children, and developing in them the ability to reason, think objectively, and analyze information for themselves. We want our schools to teach our children how to think, not what to think, as we know it is crucial to the liberty and survival of our nation.

In 2006, I introduced the Academic Bill of Rights resolution, and welcomed David Horowitz to do some investigative research on Kansas universities, and testify about his results. I was stunned by what he discovered and you are welcome to a copy of his testimony if any of you would be interested to read it (15 pages). In summary, he found several departments at KU and K-State devoted to ideological and political agendas which in effect were advocacy programs, designed to indoctrinate students in one-sided views of controversial issues. They are contrary to the direction given by the Kansas Board of Regents and the American Association of Professors. However, these programs still exist.

During an academic freedom conference, and during the Ward Churchill saga, I was privileged to meet a Colorado Board of Regents member, and discovered other states have more university accountability through the election of their regent members.

When it comes to affordability, Kansas scored an "F" in a report issued today by the National Center for Public Policy and Higher Education. The report said that higher education has become less affordable to students in Kansas with poor and working-class families having to devote 40 percent of their income to pay for college costs at public four-year colleges.

Operating costs at the University of Kansas have more than tripled in the last 20 years despite stable enrollment figures. According to the Kansas Board of Regents 2008 datebook report, out of the six state universities- the University of Kansas, Kansas State University, Wichita State University, Emporia State University, Pittsburg State University and Fort Hays State University- all but one have experienced substantial

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Attachment 1

increases in operating costs during the last five years. Fort Hays State University is the sole college to experience a decrease in operating costs per credit hour between fiscal year 2002 and fiscal year 2007.

Not only would an electoral process help to keep our colleges more accountable about academic freedom through public participation in elections, but it would also help keep them accountable when it comes to affordability to the taxpayer. In addition, students would have a vested interest in becoming involved in protecting their liberty when they can see the direct impact an election would have on their concerns.

I am interested in hearing more input from the public and I welcome the thoughts of this committee about changing our Board of Regents system from one of appointment by the governor to one of elections by Kansas citizens.

**Testimony before the Senate Education Committee
In Support of Senate Bill 176
February 12, 2009**

Senator Schodorf and honorable members of the Senate Education Committee, thank you for your time. My name is Chevis Rebstock. I am a senior at Wichita State University and a lifetime resident of El Dorado, Kansas. I am a proponent of Senate Bill #176, the State Board of Regents Election act.

Today, I appear before you because I feel the Kansas Board of Regents needs to be elected instead of our current appointment by governor process. I have several reasons for my opinion such as more accountability to the students and taxpayers, more public focus on higher-education issues, and less unwanted political favoritism.

- Accountability is one of the most important characteristics of America's political system. Constituents demand accountability from their representatives. A six year appointment to membership on the Kansas Board of Regents is selected by the governor. Consequently, the regents fail to be accountable to students, parents, and the university faculty of the state of Kansas. Imagine for a moment, that any of you stopped fulfilling the duties of your office or only did what is minimally required. Voters here in Kansas are smart enough to see that this is wrong and I think we know how many terms you may be serving thereafter. As a student of the higher-education system in Kansas, I would like a vote in deciding the board that impacts my education.
- The process of campaigning for any political office is beneficial. Looking back upon your personal campaign(s) and in talking with the public, I am sure you have experienced moments where you found yourself educating those listening to you about important state affairs. If prospective regent candidates were out campaigning, they would engage with many residents of our great state. During these encounters, conversations regarding higher-education issues would be discussed, thus informing the general public about educational matters. In addition, the candidates would become more informed about what the citizens really want as well as their concerns. What better chance is there to help somebody understand issues pertaining to higher-education than during election time? Unfortunately, we do not currently have a venue to communicate these matters.
- While preparing for this venue, I found that 17 of the last 19 regent appointees had donated to the campaign of the governor whom appointed them. Although their job performance may be impeccable, there is a taint of political favoritism. By electing regents, they may be more willing to take risks on policies that would serve the universities well, but may not be politically popular among state leaders. In addition to this, elections could create an opening for people who could make strong contributions as a regent but who might not have the political connection to win an appointment.

Therefore, for reasons of accountability, greater public knowledge about higher-education, and reducing political favors, I believe the Kansas Board of Regents should be elected by the voters of Kansas, not appointed by the governor.

Thank you for your time, consideration, and allowing me to speak before you today.

Chevis Rebstock
2322 Hazlett St.
El Dorado, KS 67042
316-323-0845

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Attachment 2

**Testimony before the Senate Education Committee
In Support of Senate Bill 176
February 12, 2009**

Thank you Chairman Schodorf and honorable members of the Committee for allowing me to testify before you today. My name is Bryan Little. I am a student at Kansas State University and I am a proponent of Senate Bill #176 the State Board of Regents Election act.

In my eyes whether or not we elect Board of Regents members comes down to one simple issue; accountability. It's a concept that all of you as Senators in the state of Kansas are probably very familiar with. For you to be effective representatives of your constituents needs and desires, you have to be in a position to be held accountable by those that you represent. Thankfully, there is no question that senators should be elected. Unfortunately, as we've come here to discuss today, another governing body that is supposed to stand for the best interests and needs of the people they represent is not and cannot until they are truly representatives of those people, elected officials accountable to the voter.

This accountability is critical to all elements of the board of regents decision making processes from facilities planning, to financial aid decisions, to state institutional policies. These are all public decisions, requiring public tax money. The only element left out of this process is public approval. In decisions that effect and even critically shape the futures of our state's best and brightest, it would seem fairly clear that those people should have a voice in the process that shapes their institutions of higher learning. It is as fundamental as the founding fathers' original arguments against an unfair representation in a government that they had no voice in. To speak on behalf of a group of society without asking them what it is that they want and need, is to not represent them at all. It would seem clear that electing the Board of Regents in Kansas is the only clear solution to a fairly blatant problem.

Chairwoman Schodorf and honorable committee members, thank you for taking the time to hear my testimony today.

Bryan Little
3012 Sandstone Dr.
Manhattan, KS 66502
785-410-8307

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Attachment 3

**Testimony before the Senate Education Committee
In Support of Senate Bill 176
February 12, 2009**

Thank you Chairwoman Schodorf, and honorable members of the Senate Education Committee for allowing me to appear before you as a proponent for Senate Bill 176. My name is Joseph Boeckner and I am a sophomore attending Fort Hays State University studying Business Management.

I am a firm believer in young Americans advocating their voting rights and taking interest in local elections. When individuals are elected, they must take their message to the people they will serve. Those same people are then able to evaluate voting history to determine if the elected officials follow through on their campaign promises and if not...changes can be made in the next election. This is the nature of the beast, and creates checks and balances. If a senator or representative is not representing the people they serve, then they have lost touch with what they really should be doing.

Unfortunately, there is no system in place currently to help Board of Regents Chairs to decide if the decisions they are making with tax-payer money is the correct one. If the Board of Regents were elected officials, the burden of where the tax money would be going would be in the hands of individuals that are affected by the changes. Constituents would then decide who they want elected, based on past performance and how they stand on certain issues. I currently pay taxes, as well as attend a Kansas Board of Regents School, yet have no say in where my money goes, nor do I have an open ear willing to talk about certain issues that affect my campus and myself.

I would appreciate it if great thought was brought to your decision to support Senate Bill 176. This bill would not only benefit you, a tax payer, but would also benefit every other tax payer and student in the state of Kansas. The Board of Regents has quite a bit on its plate, and has done fairly well in past performances. This next logical step would help advance our successes in our higher level of education in the State of Kansas.

Thank you for taking the time to allow me to present my point of view today.

Joseph Boeckner
1340 A 280th Ave.
Hays, KS 67601
785-623-0964

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Attachment 4

**Testimony before the Senate Education Committee
In Support of Senate Bill 176
February 12, 2009**

Chairwoman Schodorf and honored members of the Senate Education Committee, thank you for allowing me to testify before you today. My name is Eric Stein and I am currently a senior at the University of Kansas. I am here today as a proponent of Senate Bill 176, The State Board of Regents Election Act.

I am currently the State Leader for the Kansas Federation of Students for Concealed Carry on Campus and I am here on behalf of the more than 500 + college students who are members of our organization. My natural tendency would be to discuss merely the issues of self-defense on campus and how the Kansas Board of Regents has responded to our call for help on this issue. However, self-defense is only one aspect of the issue as to why the Kansas Board of Regents should be elected instead of appointed. The Kansas Board of Regents should have a duty to not only make decisions for the best interest of the students and community but to also be accountable to those they are responsible for. If the Kansas Board of Regents were an elected seat I believe that they would focus more on the real issues of the students, teachers and concerned citizens involved in the higher education community.

As an appointed seat right now, the Kansas Board of Regents can create and enforce any policies they want without fear of being voted out of office from the students and other concerned citizens. Sadly, the campus leaders of our organization as well as myself have experienced first hand how the Board of Regents deals with real issues that students have in regards to life on campus. In the late spring semester of last year the Kansas Board of Regents met in regards to the policy of weapons and self-defense on campus. The leaders of our organization met together and requested to the Board of Regents that we simply present our side of the issue in regards to self-defense on campus before they made their official decision. The Board of Regents responded by rejecting our request to present our case in an open meeting. Not only did they reject our request for a meeting but they also implemented a policy that would call for an immediate expulsion of any student who uses any type of weapon (including pepper spray) for self-defense. This came as no surprise to me when I found out that they were in an appointed position with no need to listen to our cries for help. I strongly believe that if the Board of Regents were an elected position, student issues and parents' opinions and requests would be heard more as a simple result that as an elected official, they are truly a ruling body that is of the people, for the people and most of all by the people.

In closing, I urge you to pass Senate Bill 176 to bring accountability to the Kansas Board of Regents in the interest of fairness to, and open communication with, students, parents and citizens alike. Thank you very much for allowing me to speak to you today to express my point of view.

Eric Stein
4501 Wimbeldon Dr., Apt E-1
Lawrence, KS 66047
785-817-1749

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Attachment 5

Calli J.D. McCarter
2229 SW Moundview
Topeka, -KS 66614
(785)220-8490

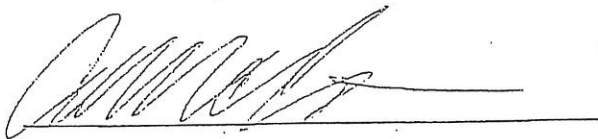
I am writing you as a proponent of Senate Bill 176,
The State Board of Regents Election Act.

~~Dear Senate Education Committee,~~

In my opinion the Kansas Board of Regents should be elected rather than appointed. Appointment provides no accountability to the people the Board should be serving. Important decisions made by the Board should be held to the same system of checks and balances that is required of public office holders, these include tuition, required classes, books, and general policy making. It is clear that the status quo ignores the people for which the Board should be accountable. Many of the students in our Kansas Universities are taxpayers, and concerned registered voters. Please, consider us when making your decision.

Signed Calli J.D. McCarter, Washburn Law

2/10/09



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2-12-09
Attachment 6

DeeDra' R. Branson
2015 SW High
Topeka, KS 66604
(316) 299-3872

Dear Senate Education Committee,

I am writing you as a proponent of Senate Bill 176,
The State Board of Regents Election Act.

As a student, and taxpayer, I feel very strongly about the Board of Regents being elected rather than appointed as they now are. Voting allows the people who are affected by the actions of the Board to operate in a sovereign capacity, directly acting to select those with whom it is felt will act in the best interest of the students, parents, faculty, and taxpayers. Truly, concerned citizens must be allowed to choose the best candidates for the positions on the board so that they have a say in what is being done. The students, parents, and faculty are directly affected by the actions of the Board of Regents, and it is the taxpayers and those who pay tuition who fund the decisions being made. Some of us are members of several of these categories, and thus have even greater stake in the outcome of decisions made by this body of individuals. There are many things addressed by the Board which should require input from those who are affected. ~~By electing our Board of Regents we can ensure that our needs are~~ considered and understood. The status quo ignores the needs of those concerned and it must be corrected.

Signed,

DeeDra' R. Branson, Washburn Law



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Attachment 7

**Testimony Before the Senate Education Committee
In Support of Senate Bill 176
February 12, 2009**

Dear Members of the Senate Education Committee:

I am a proponent of Senate Bill 176, The State Board of Regents Election Act.

I am currently a student at the University of Kansas in my senior year, and am writing in support of the proposition that the Kansas Board of Regents be changed from appointed to elected positions.

As a student at a public university, I am directly impacted by the decisions that the Board of Regents make on a daily basis and honestly cannot believe that we do not already elect such a board. Where else in our beautifully free society are tens of thousands of people legislated by a group of individuals who are not responsible in any way to the people they govern? The Board is constantly making policy and handing down requirements that students are forced to follow, but the students themselves have absolutely no say in how this system is run.

Currently I feel that the Board of Regents consists of a group of political appointees that feel they know what is best for the population under their control and have absolutely no interest in hearing the opinions of the students themselves. They consistently curtail basic civil rights of students, forcing them to conform to a doctrine of mindless groupthink rather than ensuring unlimited free speech and encouraging students to form their own opinions.

It is nothing short of disgusting that we have let this type of indoctrinating system pervade the universities which should be the bastions of free thought and I feel that it is high time we change this system to one that follows the ideals of democracy that our country was built on.

Derek L. Miller
Senior, University of Kansas
3424 Chance Lane
Lawrence, Kansas 66047
913-638-3246

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Attachment 8

**Testimony Before the Senate Education Committee
In Support of Senate Bill 176
February 12, 2009**

Dear Members of the Senate Education Committee,

I am writing to you today as a proponent of Senate Bill 176, The State Board of Regents Election Act.

Until now I had not realized that the Kansas Board of Regents was an appointed position rather than an elected position. I was somewhat shocked when I came to the realization that they are not held accountable by the students, taxpayers and parents. They know they are not held accountable and can do whatever they want with no consequences.

If the Kansas Board of Education is an elected position, the Kansas Board of Regents should also be elected. Being elected officials means they are truly representing the needs and best interests of the students, parents and citizens!

There is more than one policy that has been put into place that has gone against what almost all students here at KSU Salina wanted. Instead of hiring the most qualified teachers for aviation, we often get those with masters and doctorates who have no idea how aircraft work, but had a master's degree and we had no choice. I hope that it becomes understood that the college students in Kansas want to be represented, not dictated. Thank you for taking your time to read this and take up this subject.

Jacob Mitchem
Student K-State Salina
601 Franklin
Sedgwick, KS 67135

316-250-3627

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Attachment 9

Joshua H. Bagby
2015 SW High
Topeka, KS 66604
(316) 516-8529

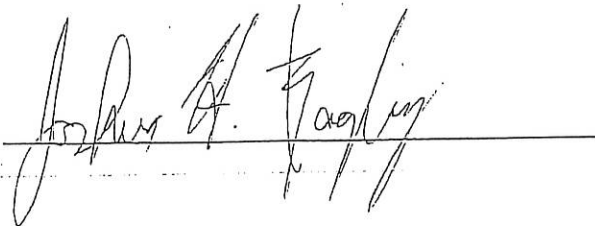
Dear Senate Education Committee,

I believe that voters should be permitted to choose the Board of Regents. The decisions made by this body have a large effect on the public. Taxpayer money is a good portion of the funds spent by the Board as is tuition. Those that pay toward this funding should, and must, have an influence on the Board of Regents. They should be held accountable to those they serve. School Board members are elected in order for the citizens and parents to have a say, and be recognized in the decision making process that affects their children. Why then does it not follow, logically, that the Board of Regents, who preside over students the majority of whom are old enough to vote themselves? As a student and registered voter, I feel that my voice should be heard.

I am writing you as a proponent of ~~Senate Bill 176;~~
~~The State Board of Regents Election Act.~~

Signed,

Joshua H. Bagby, Washburn University

A handwritten signature in black ink, appearing to read "Joshua H. Bagby", is written over a horizontal line.

02/09/09

Senate Education
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Attachment 10

**Testimony Before the Senate Education Committee
In Support of Senate Bill 176
February 12, 2009**

Dear Senate Education Committee:

As both a concerned citizen and student of Kansas schools, I am writing this letter as a proponent of Senate Bill 176, The State Board of Regents Election Act, and to show my disappointment in the Kansas Board of Regents and the manner in which their members are appointed. I, along with many other Kansas citizens feel that these methods by which members of the Kansas Board of Regents are appointed is both unconstitutional and unjust.

Was it not our great American predecessors who started a revolution against the British crying out against, "taxation without representation?" Thousands of lives were lost gaining our independence from this tyrannical concept, yet we find ourselves in a situation strikingly similar to that today. Since you surely know that members of the Kansas Board of Regents are appointed and are not elected by the people, it may come as no surprise to you that these officials know this as well. Since they cannot be held accountable for their actions, these members have seemingly set forth on a journey to accomplish their own agenda while in office... not to represent Kansas' collegiate schools in the manner which they should be.

Being a college student in several of Kansas' collegiate schools, I have been forced to live with the choices made by the aforementioned KBOR members. I have, upon numerous occasions felt it necessary to voice my opinion to the KBOR, only to see my questions ignored without the KBOR even acknowledging my existence as a pawn in their dictated school system. Since these officials have come to the realization that they cannot truly be held accountable by their "delegates," they have completely ignored persons with concerns that are not highly placed on their own agenda.

I strongly urge you to consider re-structuring the Kansas Board of Regents. It is time to hold current KBOR members accountable for their irresponsible actions. It is time to have true representatives that are elected by the people and for the people, not appointed by committee for the committee members' own agendas. Remember the early Americans who fought the idea of "taxation without representation." It is time to have Kansas schools live up to their potential. This begins with a new, properly elected Kansas Board of Regents.

Thank you for your time and concern,

Marc Ramsey
Student, Garden City Community College
1308 A Street
Garden City, KS 67846
620-213-0688

*Senate Education
2-12-09
Attachment 11*

**Testimony Before the Senate Education Committee
In Support of Senate Bill 176
February 12, 2009**

Dear Senate Education Committee:

I am a proponent of Senate Bill 176, The State Board of Regents Election Act.

I am writing because I believe that the Kansas Board of Regents should be elected positions not appointed ones. I do not believe that the KBOR has been holding itself accountable to the community and especially to the students whose rights and opinions it should be upholding. It has come to my attention that the KBOR has refused to meet with the Kansas Federation of Students for Concealed Carry on Campus on the issue of self defense. As a college student, a licensed gun owning and citizen and a woman the issue of self defense is very important to me.

I believe it is the right of the people to elect the officials who will best represent them. Our opinions are clearly not being considered in this situation to the discredit of the KBOR. As Americans we are guaranteed a government that is "of the people, for the people and by the people" and this right is being denied us when we are forced to accept the rules and regulations that the KBOR is putting forth with total disregard to our cause. I hope that you will take my opinion seriously, as a citizen of this country, as a Citizen of Kansas, as a student and as a woman, and allow the people to elect the members of the KBOR to better represent them.

Sincerely,

Olivia C. Alexander
Student at Johnson County Community College
11417 W. 109th St.
Overland Park, KS 66210
913-269-6010

Senate Education
2-12-09
Attachment 12



KANSAS BOARD OF REGENTS

1000 SW JACKSON • SUITE 520 • TOPEKA, KS 66612-1368

TELEPHONE – 785-296-3421
FAX – 785-296-0983
www.kansasregents.org

Senate Education Committee
February 12, 2009

Testimony in Opposition to SB 176

Regent Donna Shank, Chair

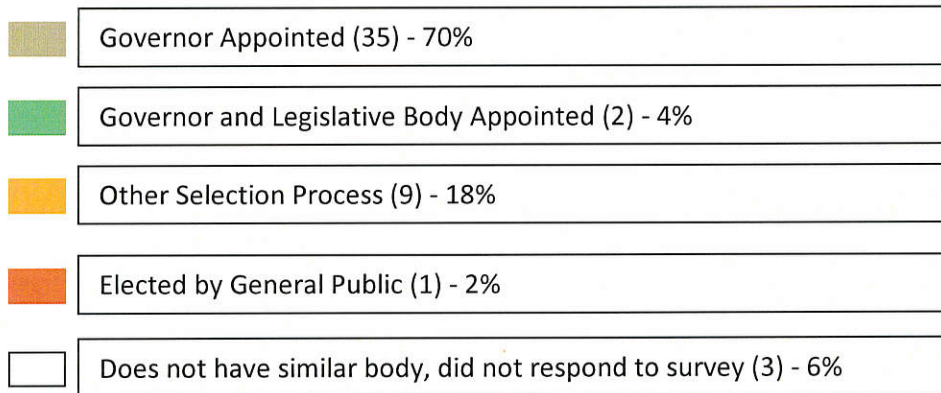
Good afternoon Chairwoman Schodorf, Ranking Member Hensley, and members of the Committee. I am here today on behalf of the Board of Regents to testify in opposition to Senate Bill 176, legislation that would establish an elected statewide higher education governing and coordinating board (Board of Regents). There are five primary reasons why this legislation is problematic:

- 1) This legislation would infect the state's public higher education system with purely political considerations. For example, do we want a higher education system where a single institution could use the resources of its statewide alumni base or the coffers of its endowment/foundation to ensure that the majority of the Regents would be supporters of or beholden to one institution?
- 2) The Senate already exercises appropriate oversight over Regents appointments through the confirmation process. The Senate has in fact rejected nominees in the past. Can you imagine a scenario where someone the Senate has deemed unsuitable to serve simply files for office and becomes a Regent?
- 3) This legislation is costly. According to the Secretary of State (as outlined in the bill's fiscal note), the estimated cost for each county would be \$21,200 each election year. This amounts to a statewide cost of \$2.2 million every other year. Is this expenditure necessary?
- 4) Speaking on behalf of the Board, we are perplexed by the introduction of this legislation. No one has approached the Board with concerns or has demonstrated failures of the current system. Frankly, it is a piece of legislation in search of a problem, a problem that does not exist. As you will see in the attached map, only one state in the Union operates under an elected statewide governing/coordinating board.
- 5) Finally, and most importantly, this legislation is unconstitutional. Senate Bill 176 violates Article 6, Section 3 of the Kansas Constitution which stipulates that Regents must be appointed by the Governor (please see the attached copy of the Kansas Constitution).

Thank you for the opportunity to share my thoughts with you. I would be happy to stand for any questions that you might have.

Senate Education
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Attachment 13

Statewide Higher Education Governing/Coordinating Bodies Selection Process



Self-reported through the State Higher Education Executive Officers Association (SHEEO) and the Education Commission of the States.

2. Held partially self-executing; state board of education possesses general supervisory powers over district boards. State, ex rel. v. Board of Education, 212 K. 482, 484, 486, 487, 488, 493, 495, 496, 497, 511 P.2d 705.

3. Article construed with Article 2, Section 1; 72-7108 not unconstitutional as unlawful delegation of legislative power. State, ex rel., v. State Board of Education, 215 K. 551, 554, 555, 556, 561, 562, 564, 527 P.2d 952.

4. Applied; school board not immune from liability (under 11th amendment) to teachers for failure to afford teachers' rights under 14th amendment to pretermination hearing. Unified School District No. 480 v. Epperson, 551 F.2d 254, 260.

5. Referred to; school board not immune to teachers for failure to provide pretermination hearing. Unified School Dist. No. 480 v. Epperson, 583 F.2d 1118, 1123.

6. Authority of secretary of human resources under teachers' collective negotiations act (72-5413 et seq.) not in violation hereof. NEA-Fort Scott v. U.S.D. No. 234, 225 K. 607, 608, 609, 611, 612, 592 P.2d 463.

7. Board of Regents held not subject to building code ordinances of Kansas City for construction at K.U. Medical Center. State ex rel. Schneider v. City of Kansas City, 228 K. 25, 31, 612 P.2d 578.

8. Board of regents is an employer under public employer-employee relations act. Kansas Bd. of Regents v. Pittsburg State Univ. Chap. of K-NEA, 233 K. 801, 811, 667 P.2d 306 (1983).

§ 3. Members of state board of education and state board of regents. (a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

* (b) The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.

(c) Subsequent redistricting shall not disqualify any member of either board from service for the remainder of his term. Any member of either board may be removed from office for cause as may be provided by law.

History: Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 58; original subject matter stricken

and new subject substituted, L. 1966, ch. 10—Spec. Sess.; Nov. 8, 1966.

Revisor's Note:

Prior to 1966, section related to the state permanent school fund and sources of revenue for fund.

For annotations to original section, see K.S.A. Vol. 6, p. 937; copyright 1964.

Research and Practice Aids:

Schools and School Districts ¶ 47.

Hatcher's Digest, Schools and School Districts § 73.

C.J.S. Schools and School Districts § 87.

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1. Referred to in determining senate confirmation or rejection of appointees of governor under 22-3707 lawful. Leek v. Theis, 217 K. 784, 804, 539 P.2d 304.

§ 4. Commissioner of education. The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer.

History: Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 58; original subject matter stricken and new subject substituted, L. 1966, ch. 10—Spec. Sess.; Nov. 8, 1966.

Revisor's Note:

Prior to 1966, section related to the apportionment of income from the state permanent school fund.

Research and Practice Aids:

Schools and School Districts ¶ 47.

C.J.S. Schools and School Districts § 87.

§ 5. Local public schools. Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for co-operative operation and administration of educational programs under the general supervision of the state board of education, but such agreements shall be subject to limitation, change or termination by the legislature.

History: Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 59; original subject matter stricken and new subject substituted, L. 1966, ch. 10—Spec. Sess.; Nov. 8, 1966.

Revisor's Note:

Prior to 1966, section related to lease or sale of school lands.

For annotations to original section, see K.S.A. Vol. 6, p. 939; copyright 1964.

Research and Practice Aids:

School and School Districts ¶ 51.

Hatcher's Digest, School Districts §§ 69 to 71.

C.J.S. Schools and School Districts § 105.

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§ 6. Finance

a permanent tax

institutions of higher
among and appropriate

institutions, which
appropriation shall be

statute. Further
vision for financing

education may be

(b) The legislature
vision for financing

of the state. No
attendance at a

required by law,
such fees or salaries

authorized by the
thorize the state

tuition, fees and
its supervision.

(c) No religious
any part of the

History: Adopted

1859; ratified

1861, p. 59; original