

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. On March 10, 2011, in Room 784 of the Docking State Office Building.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Eunice C. Peters, Kansas Revisor of Statutes
Norm Furse, Kansas Revisor of Statutes
Jason Long, Kansas Revisor of Statutes
Dale Dennis, Deputy Commissioner, Kansas State Department of Education
Jan Johnston, Committee Assistant

Conferees appearing before the Committee:

Speaker Michael O'Neal
Representative Ward Cassidy
Mark Tallman, Kansas Association of School Boards
Trudy Aron, American Institute of Architect
Gary Sherrer, Chairman of the Board of Regents
Ken Willard, State Board of Education
Missy Taylor, Kansas Families for Education

Written testimony only:

Greg Mann, Superintendent, Norton USD 211
Robert Schiltz, Superintendent, St. Francis USD 297
Robert Edleston, Kansas Association of Technical College
John Masterson, President, Allen County Community College

Others attending, see attached sheet.

HB 2369 - Implementation of state fire marshal orders by a board of education

Chairman Aurand opened the hearing on **HB 2369**.

Eunice Peters, Office of the Revisor of Statutes, spoke to the committee regarding **HB 2369**.

A question and answer session followed Ms. Peters' presentation.

Representative Ward Cassidy, spoke to the committee as a proponent of **HB 2369**. I drafted the bill in response to the request of many school districts in the state asking me to help them deal with the high cost of meeting the requirements of the state fire marshal's investigations.

I have been contacted by many entities in the State for an amendment to this bill. There are many social institutions that use state tax dollars who are being hit hard by fire marshal citations, which are not of eminent threat, and they would like some relief in these difficult times. (Attachment 1)

Mark Tallman, Kansas Association of School Boards, spoke to the committee as a proponent on **HB 2369**. The bill would allow local boards of education to hold a hearing on orders of the State Fire Marshal to determine whether immediate action is required to protect public health and safety. If immediate action is not required, the board would develop a corrective action plan that would be implemented when the base state aid per pupil reaches the current statutory amount of \$4,492. (Attachment 2)

Greg Mann, Superintendent of USD 211 Norton Community Schools, provided written testimony to the committee as a proponent on **HB 2369**. Please accept this letter in support of **HB 2369** as prepared by Representative Ward Cassidy.

Be assured that we place a very high priority on the safety and well being of our students; we

CONTINUATION SHEET

Minutes of the House Education Committee at 9:30 a.m. on March 10, 2011, in Room 784 of the Docking State Office Building.

consider it to be our most important and #1 responsibility. Mr. Cassidy's proposal allows us to continue to maintain and uphold that priority and responsibility while dealing with current economic realities. (Attachment 3)

Robert Schiltz, Superintendent of St., Francis USD 297 provided written testimony to the committee as a proponent on **HB 2369**. As an administrator, I understand the need for regular inspections of our facilities and the need to periodically upgrade equipment and facilities. I also understand that codes may be modified for new construction. However, it seems that every year there are more issues cited in our schools that have not been cited in prior years. This year, our school district was cited for not having one-hour fire rated corridors and not having an address sign prominently displayed on the front of the school. (Attachment 4)

A question and answer session followed.

Trudy Aron, Executive Director AIA Kansas, spoke to the committee as an opponent on **HB 2369**. AIA Kansas is a statewide association of architects and intern architects. Most of our 600 members work in over 100 private architectural firms designing a variety of project types for both public and private clients. Our members are designing tomorrow's buildings today, aiming to meet the "triple bottom line" buildings that are affordable, protect the health of the building occupants, and respect our environment. (Attachment 5)

A question and answer session followed.

Chairman Aurand closed the hearing on **HB 2369**.

HCR – 5018 - Constitutional amendment to abolish state board of education and create secretary of education

Chairman Aurand opened the hearing on **HCR 5018**.

Norm Furse, Assistant Revisor, spoke to the committee regarding **HCR 5018**.

A question and answer session following Mr. Furse's presentation.

Speaker Michael O'Neal, spoke to the committee as a proponent on **HCR 5018**. I appear today in the support of **HCR 5018**, a proposition to amend the Kansas Constitution to reform our system of public education in Kansas. In an environment of limited resources, the critical need for updating of our educational mission and providing a seamless system of K-20 educational opportunity the time has come to seriously consider reforming our system of education governance. (Attachment 6)

A question and answer session followed.

Mark Tallman, Kansas Association of School Boards, spoke to the committee as an opponent on **HCR 5018**. This constitutional amendment would essentially remove both the Kansas State Board of Education and Kansas State Board of Regents and replace them with a cabinet-level Secretary of Education.

We appear in opposition to **HCR 5018** because it would run counter to each of the three principles adopted by our members. Our members are extremely hesitant to change the constitution unless there is clear reason to believe something isn't working, or could be working better. (Attachment 7)

Ken Willard, State Board of Education, spoke to the committee as an opponent on **HCR 5018**. **HCR 5018** amends the Education Article of the Kansas Constitution, eliminating the elected Kansas State Board of Education and the appointed by the Governor.

While the proposed new governance of education could, no doubt be made to work, the questions is, what is the evidence that it would, in fact, serve the interests of the people of Kansas better than the cooperative leadership model now in effect. (Attachment 8)

CONTINUATION SHEET

Minutes of the House Education Committee at 9:30 a.m. on March 10, 2011, in Room 784 of the Docking State Office Building.

Missy Taylor, Vice President Kansas Families for Education spoke to the committee as an opponent on **HCR 5018**. The selection of State Board of Education members by election has served Kansans and our schools well. When members are elected by those they represent it insures that they are responsible to those citizens. An appointed secretary of education would only be responsible to the person that appoints them. We feel that this constitutional amendment would not only abolish the state board of education, but abolish the voice of Kansas voters who select our Board of Education Members.

We urge you to reject **HCR 5018**. (Attachment 9)

Gary Sherrer, Kansas Board of Regents, spoke to the committee as an opponent on **HCR 5018**. I am here on behalf of the Kansas Board of Regents to testify in opposition to **HCR 5018** a proposed state constitutional amendment that would abolish the Kansas Board of Regents and the Kansas State Board of Education and place public education under the control of a Governor-appointed secretary of education while also transferring certain powers, such as the setting of state university tuition, to the Legislature. (Attachment 10)

Robert Edleston, Kansas Association of Technical College, provided written testimony to the committee as an opponent on **HCR 5018**. Having recently been liberated from our local school districts during the past decade, we do not wish to reverse a good decision based on a perception of economy of scale or grouping like programs under singular control. Our sectors, while similar in some ways do not share the same characteristics or priorities. (Attachment 11)

John Masterson, President Allen County community College, provided written testimony to the committee as an opponent on **HCR 5018**. We feel that **HCR 5018** would disrupt a system of higher education that is functioning well, even in austere times. The positive planning taking place with the Board and the structures in place to address access, quality, and coordination of our system of higher education would be diminished with the enactment of this bill. We are in opposition to it. (Attachment 12)

Question and answer sessions followed the testimony.

Chairman Aurand closed the hearing on **HCR 5018**.

The meeting adjourned at 10:45 a.m. The next meeting will be March 11, 2011.

HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: 3/10/11

[illegible]

State of Kansas
House of Representatives

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(785) 296-7696
ward.cassidy@house.ks.gov



Ward M. Cassidy
Representative, 120th District

Box 303
St. Francis, Kansas 67756
(785) 332-2850
wardcassidy@sbcglobal.net

March 9, 2011

House Education Committee
Clay Aurand, Chair

I am a proponent for House Bill 2369. I drafted the bill in response to the request of many school districts in the state asking me to help them deal with the high cost of meeting the requirements of the state fire marshal's investigations.

There is no superintendent or Board of Education that would ever jeopardize the safety of any student. They will deal with any request that requires immediate action to insure the safety of their students.

The current crisis in education funding has been the cause of many cutbacks in educational programs. Schools cannot, at this time, deal with fire marshal concerns that deal with long range problems. We should allow Superintendents and School Boards to prioritize their citations, list these concerns in their board minutes, and then deal with them when adequate funding is available.

The concern is the liability of the Superintendent and Board for making these decisions and if they are listed as not being of "eminent danger" it should give them relief.

I have been contacted by many entities in the State for an amendment to this bill. There are many social institutions that use state tax dollars who are being hit hard by fire marshal citations, which are not of eminent threat, and they would like some relief in these difficult times.

I would propose that we deal with giving schools some relief and deal with the other institutions in another bill.

Sincerely,

A handwritten signature in blue ink that reads "Ward Cassidy". The signature is fluid and cursive, with the first name "Ward" being more prominent than the last name "Cassidy".

Ward Cassidy
State Representative, 120th District

House Education Committee
Date 3/10/11
Attachment# 1



Testimony before the
House Committee on Education
on

HB 2369 – Implementation of state fire marshal orders by a board of education

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

March 10, 2011

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to comment on **HB 2369**. The bill would allow local boards of education to hold a hearing on orders of the State Fire Marshal to determine whether immediate action is required to protect public health and safety. If immediate action is not required, the board would develop a corrective action plan that would be implemented when the base state aid per pupil reaches the current statutory amount of \$4,492.

KASB appears in support of this measure in order to give local school boards flexibility in responding to conditions that do not pose an immediate threat to public safety. School districts are struggling to balance competing needs within shrinking operating budgets. This bill would provide an additional option for locally-elected boards to consider.

Let me conclude with several final points. First, it is interesting that this bill follows last week's discussion of "suitable finance for the educational interests of the state." It seems clear to us that if state law required fire safety inspections and compliance by local boards, it means the safety of students, staff and patrons is in the educational interest of the state and not a matter of local concern. Second, many districts will find it more difficult to comply with building safety issues because the Legislature has previously eliminated capital outlay state aid and the House has adopted a position to reduce bond and interest state aid. Therefore, compliance with state safety requirements is being shifted to the local property taxes.

HB 2369 would allow districts to delay some of these costs, but they will ultimately have to be paid.

Thank you for your consideration.

House Education Committee

Date 3/10/11

Attachment# 2

USD 211 Norton Community Schools

105 E. Waverly Norton, KS 67654

voice: 785-877-3386 fax: 785-877-2030 Email: supt@usd211.org

March 8, 2011

The Honorable Representative Mr. Clay Aurand
Education Chairman
Kansas House of Representatives
Topeka, KS 66601

Representative Aurand,

Please accept this letter in support of House Bill 2369 as prepared by Representative Ward Cassidy. Given the following facts and affects we believe Mr. Cassidy's proposed bill makes a great deal of sense:

- #1 our buildings have safely served several generations; (it would be interesting to know how many school fires there have been in Kansas DURING HOURS OF OPERATION in the past ten years).
- #2 the codes relating to smoke free corridors and "fire proof" science labs with which we are now being ordered to comply have been "on the books," according to the Fire Marshal's Office, for many years;
- #3 confusion as why these codes have been chosen to be enforced after so many years of "being on the books" but not being enforced;
- #4 serious and well-founded concerns in regards to diminishing and uncertain school funding this year and going forward; and,
- #5 the estimated costs in USD 211 to comply with the noticed items is the equivalent of 2/3 of one mill based on our current valuation.

We believe the simple and public process outlined by Mr. Cassidy will have the following positive effects:

- A. it will alert the school community to an aspect of the District's facility needs;
- B. it will make public the District's plans to address those needs;
- C. it will allow the District to postpone compliance until a time when school funding is more in line with the expectations and expenses of operating schools in the 21st century; and,
- D. it will allow the District to better plan for the expense, over time, of compliance issues that are of significant expense.

Be assured that we place a very high priority on the safety and well being of our students; we consider it to be our most important and #1 responsibility. Mr. Cassidy's proposal allows us to continue to maintain and uphold that priority and responsibility while dealing with current economic realities.

Sincerely,

Greg Mann, Supt.



Proud to be a BLUE JAY!

House Education Committee
Date 3/10/11
Attachment# 3

St. Francis USD 297
100 College Street, PO Box 1110 ~ St. Francis, Kansas 67756
(785) 332-8182 ~ (785) 332-8177 fax

House Education Committee

Written Testimony on HB 2369

March 9, 2011

Robert Schiltz, Superintendent

Thank you for the opportunity to provide written testimony in support of HB 2369.

St. Francis is a small rural district located in Cheyenne County in Northwestern Kansas. Our FTE enrollment for 2010-2011 is 290.

First, I want to assure you that the safety of our students is a primary concern for the St. Francis school district and members of our community. We conduct regular evacuation drills and can evacuate all students from our schools in less than two minutes.

As an administrator, I understand the need for regular inspections of our facilities and the need to periodically upgrade equipment and facilities. I also understand that codes may be modified for new construction. However, it seems that every year there are more issues cited in our schools that have not been cited in prior years. This year, our school district was cited for not having one-hour fire rated corridors and not having an address sign prominently displayed on the front of the school.

The current fire rated corridors have been acceptable for many years and I certainly do not feel it is necessary to replace the doors and transoms in existing buildings now. We have approximately 45 doors that would need replaced; the estimated replacement cost is \$80,000 - \$100,000.

The school has also been told we need to install an address sign on the building, in a prominent area with "approved lettering" so that the fire department can easily locate the building in case of an emergency. I can assure you that most residents in St. Francis know where our schools are. The address sign being required will cost an estimated \$500 to order and install. If I believed that installing this sign were essential to the safety of our students, I would completely understand; however, I do not believe it is.

HB 2370 outlines a simple and public process that will allow local districts to convey facility needs and make responsible decisions about the how critical the need is.

Again, we are especially concerned about the safety and security of our students. We respect the role the Fire Marshall plays in helping keep facilities safe for students; however, the increased citations and compliance costs for issues that will have minimal impact on our students is concerning.

I would be happy to respond to any additional inquiries or questions you may have.

House Education Committee
Date 3/10/11
Attachment# 4



AIA Kansas

*A Chapter of the American
Institute of Architects*

President
Gary Nevius, AIA
Overland Park
President Elect
Hans Nettelblad, AIA
Overland Park
Treasurer
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Peter Gierer, AIA
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Nils Gore
Lawrence
Peter Hauff, AIA
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Wichita
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Lindsborg
Amanda Moore, Assoc. AIA
Topeka
Daniel (Terry) Tevis, AIA
Lenexa
Jason VanHecke, AIA
Wichita
J. Michael Vieux, AIA
Leavenworth

Executive Director
Trudy Aron, Hon. AIA, CAE
info@aiaaks.org

March 10, 2011

TO: Representative Aurand and Members of the Education Committee

FROM: Trudy Aron, Executive Director

RE: Opposition to HB 2369

Good Morning Mr. Chairman and Members of the Committee. I am Trudy Aron, Executive Director, of the American Institute of Architects in Kansas. Thank you for allowing us to testify in opposition to HB 2369.

AIA Kansas is a statewide association of architects and intern architects. Most of our 600 members work in over 100 private practice architectural firms designing a variety of project types for both public and private clients. Our members are designing tomorrow's buildings today, aiming to meet the "triple bottom line:" buildings that are affordable, protect the health of the building occupants, and respect our environment.

AIA Kansas strongly opposes HB 2369 because it would require those without the expertise to determine the health, life and fire safety of a school. This bill allows the Board of Education to determine the fire safety of a school.

Why is AIA Kansas opposing this bill? A new "Fire Fact" issued from the Kansas State Fire Marshal's office last week states there are three ways a school board can address minimum fire separation corridors:

- 1.) Provide a properly rated corridor that meets the minimum fire resistance rating, or
- 2.) Provide alternative protection as a compensatory measure such as interconnect smoke detection throughout all affected non-compliant corridors, or
- 3.) *Provide a letter from a Kansas licensed architect or engineer stating that the current corridor does not lessen the health, life and fire safety requirements just as HB 2369 makes the school board state.

It is #3 that we object to and feel certain that school boards will want architects and/or engineers to provide this type of assurance. The Fire Marshal is stating that this requirement stems from the International Fire Code which states "Whenever there are practical difficulties involved in carrying out the provisions of the code, the fire code official shall have the authority to grant modifications for individual cases." We believe that this authority should not require anyone other than the Fire Marshal to determine the health, life and fire safety of a school.

Architects advise school districts and other clients every day on ways to bring their buildings up to code, including fire codes. This is part of the basic services architects offer for new, renovated and existing building

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cannot guarantee that a non-compliant building or part of a building will not "lessen the health, life and fire safety" of the occupants of the building. If an architect did so and there was an incident, there would be no liability coverage as this guarantee is not insurable.

AIA Kansas asks you to not approve HB 2369 for passage. I will be happy to answer questions at the appropriate time.

700 SW Jackson, Suite 209 · Topeka, KS 66603 · 800-444-9853 or 785-357-5308 · www.aiaaks.org

STATE OF KANSAS
HOUSE OF REPRESENTATIVES



MICHAEL R. (MIKE) O'NEAL
SPEAKER

TESTIMONY IN SUPPORT OF HCR 5018
MARCH 10, 2011

Chairman Aurand and members of the Committee, I appear today in support of HCR 5018, a proposition to amend the Kansas Constitution to reform our system of public education in Kansas. In an environment of limited resources, the critical need for updating of our educational mission and providing a seamless system of K-20 educational opportunity the time has come to seriously consider reforming our system of education governance.

HCR 5018 would revise Article 6 of the Kansas Constitution to move our system of governance to one where Education achieves cabinet level status and a Secretary of Education oversees the governance of both K-12 and post-secondary education in the State.

Education reform efforts have stagnated under the current system. K-12 and Regents openly compete for funds, post secondary institutions have duplicative programs, K-12 graduates students unprepared for college and colleges must provide remedial programs for unprepared students. There is a perception if not fact that there is little coordination between K-12 and regents.

It is time for public debate on the future of our educational interests in the state. The status quo is no longer acceptable. We can't afford it and it is not

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104TH DISTRICT

HUTCHINSON/NORTHEAST RENO COUNTY
website: repeal.com

House Education Committee

Date 3/10/11

Attachment# 6

maximizing the educational experience for our students. Only a handful of states choose to govern education the way we do. Most have chosen other models and half have recognized education as a cabinet level position in the executive branch.



Testimony before the
House Committee on Education
on

HCR 5018 – Constitutional Amendment on State Structure of Governance

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

March 10, 2011

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to share our concerns about **HCR 5018**. This constitutional amendment would essentially remove both the Kansas State Board of Education and Kansas State Board of Regents and replace them with a cabinet-level Secretary of Education.

As I have previously explained to the committee, our association's policy positions are adopted by a vote of our member school boards at a Delegate Assembly. Sometimes we have to interpret these policies for new legislation. As it happens, our position on state governance of public education is quite clear, although our members have not reviewed or voted on this position for a number of years.

A. State Structure for Supervising Education

KASB believes the following constitutional provisions are critical:

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

We appear in opposition to **HCR 5018** because it would run counter to each of the three principles adopted by our members. Our members are extremely hesitant to change the constitution unless there is clear reason to believe something isn't working, or could be working better.

As stated in our testimony on **HCR 5010** - the “suitable finance” amendment - we believe the 1966 amendment to the education article created an extraordinarily effective system of responsibilities, checks and balances.

- An elected, independent *state board* – with no responsibility other than general supervision of K-12 education – to provide accountability for the educational interests of the state;
- *Locally-elected boards of education* to “maintain, develop and operate” the public schools, keeping management decisions closest to the patrons, parents and students most directly affected and accountability closest to the community that elects them; and
- Charging the elected *Legislature with suitable funding* of education because only the state, as a whole and not local districts, can provide the revenue required to ensure *every* child can receive an education that meets statewide standards.

Quite frankly, our members do not believe that any Governor, Republican or Democrat, liberal, moderate or conservative, should have the authority to appoint a single secretary for education. An elected State Board provides a diverse set of perspectives and a greater balance to educational policy.

In addition, as we noted last week on **HCR 5010**, we believe the current system for education has worked extraordinarily well by raising achievement and promoting prosperity at a stable cost to taxpayers. To summarize some of the changes and results since the current system was adopted in 1966:

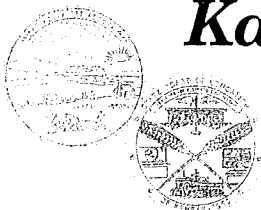
- Kansas high school completion increased from less than 50 percent to nearly 90 percent.
- The percent of Kansans with at least a bachelor’s degree tripled from less than 9 percent to 29 percent.
- Kansas ranks 16th in the nation (3rd in the region) in high school completion of young adults; 14th in the nation (2nd in the region) in bachelor’s degree completion; and 16th in the nation (2nd in the region) in advanced degree completion.
- Kansas ranked ninth in the nation on overall National Assessment of Education Progress scores for all students at basic or above, and fifth in the nation for low income students; and outscored every one of our neighboring states.
- Kansas had the highest ACT scores in the nation for states where at least 75 percent of students took the ACT, and is at the highest point since *AT LEAST* 1994 (as far back as our records go.)
- Kansas has increased its national rankings as higher educational attainment has become more and more closely linked to economic prosperity. Higher-skill employees have seen real wage

increases while lower-skill employees have experienced real wage declines and increases in unemployment.

- In 1966, Kansas ranked 27th in the nation in per capita income and ranked behind Iowa (16th), Colorado (22nd), Missouri (23rd) and Nebraska (25th), only leading Oklahoma (38th) in our region. By 2008, Kansas ranked 20th in the nation and trailed only Colorado (12th), while Iowa (27th) and Missouri (32nd) have fallen behind, Nebraska is basically tied and Oklahoma remains behind (30th). The only state in the region with a higher per capita income than Kansas is Colorado, which is the only state with higher postsecondary achievement than Kansas. The only state with a lower poverty rate is Nebraska.
- Yet Kansas has achieved these results by spending below the national average per pupil, less than any other state we can identify that ranks as high on multiple measures of academic achievement.
- Furthermore, the system has produced these results without requiring a larger share of personal income. State and local funding for school operating expenditures was 4.2 percent of Kansas Personal Income in 1966. It dropped to 3.5 percent in 2010, and is projected to fall to 3.2 percent in 2012 under the Governor's budget – the lowest point since 1974.

None of this means that Kansas students are reaching the highest *possible* achievement levels. But when a state is consistently achieving at high levels when compared to other states, while spending at or below the national average, and at a stable level compared to Kansans' ability to pay, our members would ask which states are doing better with a different governance system; in particular the system proposed in **this** resolution. Where is the evidence that a more centralized system of educational governance will produce better results at a lower expense?

Thank you for your consideration.



Kansas State Board of Education

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District 6

Kenneth Willard
District 7

Walt Chappell
District 8

Jana Shaver
District 9

David Dennis
District 10

March 10, 2011

TO: House Education Committee

FROM: State Board of Education

SUBJECT: 2011 House Concurrent Resolution 5018

My name is Ken Willard and I am a member of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

House Concurrent Resolution 5018 amends the Education Article of the Kansas Constitution, eliminating the elected Kansas State Board of Education and the appointed Kansas Board of Regents and creating a Secretary of Education to be appointed by the Governor.

The State Board believes that the people of Kansas treasure their right to vote on their representative to the State Board of Education, just as they do for the Governor, legislators, Attorney General, State Treasurer, and Insurance Commissioner. As our Governor has pointed out, education is the state's primary function and it is our belief that the people should not be denied the right to vote on something as important as public education leadership.

The Kansas State Board of Education is a 10-member board, with each board member representing four state senate districts. It focuses its efforts strictly on education and provides for representation from all geographic and demographic areas of the state. Like legislators, individual board members spend as much time as possible in their districts, sharing information about education issues and policies and gaining information about the needs, concerns and preferences of their constituents. In this way, we ensure a statewide perspective is brought to bear on the issues confronting public education. Under our current system, no single person can drive the education policy of the state – it must be determined by a majority of the elected 10-member Board. This is a system of accountability that seems to work quite well.

As a board member and former president of the National Association of State Boards of Education, I have had the opportunity to meet board members from all over the United States, many of whom serve in states where they are appointed by, and serve at the pleasure of the governor. In fact, I was originally invited to serve on the NASBE board to fill out the remainder of the term of a board member from a neighboring state who had to leave because she was removed from her state board

House Education Committee
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An Equal Employment/Education Opportunity Agency

position by a new governor. I have found that most of those serving as appointed members would prefer to have the relative stability of an elected board like we have in Kansas.

While some believe an elected State Board of Education is too political, it is our position that possibly the best way to make it more political would be to have an appointed Secretary and/or board susceptible to the changing political environment of the governor's office.

We know that educational change efforts are only successful through a sustained process. Often, results of education reform efforts cannot truly be known for several years. Gubernatorial elections come every four years, with the potential for a new administration and a new perspective on how best to achieve educational objectives. The elected Kansas State Board of Education, with its greater diversity of ideas and requirement for majority rule prior to action, provides a greater opportunity for the continuity required to achieve education reform. The 10 members of the State Board of Education are also elected to four-year terms; however, the elections are staggered so that only half of the Board's membership is up for re-election at any one time. This provides a greater likelihood that there will be a continuity of ideas among the Board majority.

The State Board of Education believes that education is a cooperative effort involving the Governor, Legislature, State Board of Education, higher education, local boards of education, parents, students, community, and business and industry. Every effort has been made to follow this precept.

The State Board has in place mechanisms to obtain input through two-day, monthly meetings and public hearings on any major issue being considered for implementation. We have also provided opportunities to legislators who desire to submit written or oral comments regarding various proposals.

The State Board of Education has tried diligently to work cooperatively with the Legislature and the Governor. The State Department of Education, which is the agency charged with implementing State Board policies and regulations, communicates regularly with the Governor's education liaison. Commissioner Diane DeBacker has told me that communication with the current Governor's office is excellent and that she has been invited to weekly cabinet meetings and communicates often with the Governor's office throughout the week. This kind of collaboration and cooperation is healthy and essential as the board and the Department of Education work through areas such as school improvement, state assessments, curricular standards, accreditation of schools, and state board regulations, many of which are also provided for in law.

The Education Article of the Constitution was approved by the voters in the late 1960's and changes to amend the Education Article were rejected on three occasions (1974, 1986, and 1990). The board believes it is unlikely that the voters are now ready to give up their right to vote for the State Board of Education representative.

While the proposed new governance of education could, no doubt be made to work, the questions is, what is the evidence that it would, in fact, serve the interests of the people of Kansas better than the cooperative leadership model now in effect?

Again, thank you for the opportunity to speak to this issue before the committee.

Kansas Families for Education

Demanding Excellent Public Schools for ALL

**Missy Taylor, Vice President
Kansas Families for Education
House Education Committee – March 10, 2011
HCR5018**

Mr. Chairman, members of the committee, thank you for the opportunity to come before you today. I am Missy Taylor and appear on behalf of Kansas Families for Education and we are here today to oppose HCR 5018.

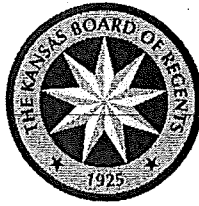
The selection of State Board of Education members by election has served Kansans and our schools well. When members are elected by those they represent it insures that they are responsible to those citizens. An appointed secretary of education would only be responsible to the person that appoints them. We feel that this constitutional amendment would not only abolish the state board of education, but abolish the voice of Kansas voters who select our Board of Education members.

Every time a new Governor is elected we could see a change in leadership for our educational system, and this could prove to be detrimental for our schools and our students. We could continually be changing the way our schools operate and lose the stability in our education system.

Our schools have been faced with uncertainty in these difficult economic times, and this constitutional resolution could bring even more uncertainty. A change such as the resolution is a radical step, and sends the message that we don't trust the elected officials Kansas has sent to look after our educational system.

We urge you to reject HCR 5018. Thank you for your consideration and your time.

House Education Committee
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KANSAS BOARD OF REGENTS

HOUSE EDUCATION COMMITTEE

March 10, 2011

Testimony In Opposition To HCR 5018

Regent Gary Sherrer, Chairman

Good morning Chairman Aurand and members of the Committee. I am here on behalf of the Kansas Board of Regents to testify in opposition to House Concurrent Resolution (HCR) 5018, a proposed state constitutional amendment that would abolish the Kansas Board of Regents and the Kansas State Board of Education and place public education under the control of a Governor-appointed secretary of education while also transferring certain powers, such as the setting of state university tuition, to the Legislature.

As a former high school debate coach, I learned long ago that the burden of proof always lies with the affirmative team. The responsibility of the affirmative team is to identify a problem, provide an explanation of the problem, then propose a plan to solve the problem. In this case, the proponents of HCR 5018 represent the affirmative and the burden of proof lies with them. The proponents have presented a plan, but what exactly does the plan address? While problems associated with the status quo have yet to be identified and articulated, please allow me to outline just a few of the many reasons to oppose this unnecessary proposal.

In terms of higher education governance, each of the 50 states, over time, have developed distinct governing and coordinating structures that reflect the unique histories, political dynamics, and socioeconomic needs of particular regions. No two state governance structures are exactly the same, and wide variety exists even among our neighboring states. However, in looking at all 50 states, there is one constant similarity that exists in EVERY state. That is the fact that NO state possesses the type of governance structure proposed in HCR 5018. Such a consolidation of power, under one person, is startling. Placing our public colleges and universities under the direct influence of a partisan cabinet secretary and the Governor is a recipe for disaster. I'm a firm believer in the notion that you should know where you've been before you decide where you're going. Kansas experimented with this type of governance structure once before and the results were less than desirable.

Prior to 1925, the state universities were controlled by a 4-member Board of Administration, which included the Governor and three salaried members who were appointed by the Governor, who could all be from the same political party. At the time, Kansas and North Dakota were the only two states in the nation possessing governance structures so closely tied to politics, and both

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states had earned a national reputation for their “dangerous” governing structures. According to a 1964 report entitled “The Hectic Birth of the Board of Regents,” the Board of Administration was “too much permeated with politics – including appointive pay-offs for loyal campaign workers and punishment for persons on the state payroll with the temerity to vote against candidates of the political party to which the man elected Governor belonged.”

The current nine-member Board of Regents was created in 1925 in order to protect the state universities from the direct political control of the Governor. The Board of Regents was specifically created as a response to the political abuses that transpired under the Board of Administration during the Governor Jonathan Davis (D-Bronson; one term: 1923-1925) administration. In 1924, Governor Davis, who had an impressive record of meddling directly in university affairs, fired the University of Kansas Chancellor for political reasons and ignited a firestorm of public outcry. “The Hectic Birth” noted that: “After the Chancellor’s dismissal, letters, telegrams, and telephone calls of protest came pouring in . . . One petition had 3,000 signatures. Joint letters or petitions came in from 101 Kansas communities. Well known educators from all over the country sent expressions of dismay and anger. All these piled up by the basketsful in the Governor-elect’s (Paulen) office.”

The Board of Administration’s actions and the glaring need to distance higher education governance from direct political control was front page news across the state. Examples include:

Leavenworth Times:

“In all the years we have known Kansas – and they are not a few – we have never known her people more stirred up than by the attempt of Gov. Davis and his Board of Administration to remove the head of the state university. In the end we have faith to believe that this attempt will result in good. It has shown the people of Kansas the danger of having our educational institutions so directly under the control of politicians. Our educational institutions should be taken from under the control of any political board (from “The Hectic Birth).”

William Allen White’s *Emporia Daily Gazette*:

“The storm aroused by the episode has launched a move on the part of some legislators to revise the statutes pertaining to educational institutions and it is expected some attempt will be made to curtail the arbitrary power of the executive (January 10, 1925).”

“Public education is a sacred trust and must not be used for selfish, political or personal ends (January 13, 1925).”

When Governor Ben Paulen (R-Fredonia; two terms: 1925-1929) took office in January 1925, higher education governance was at the top of his public policy agenda as noted in the January 14, 1925 *Emporia Daily Gazette* article entitled “Keep Schools Out of Politics, New Governor Urges:”

“A state board of education, divorced from politics and serving without remuneration, was Governor Paulen’s prescription for the state’s education institutions, formulated in accordance with his pledge to ‘take the schools out of politics.’”

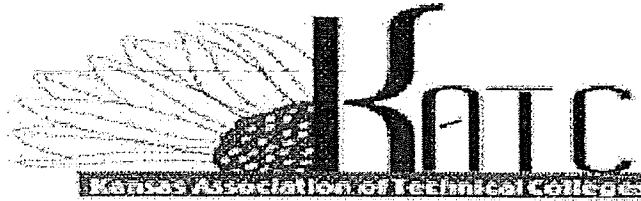
After careful consideration by the Legislature and approval by the Governor, a nine-member Board of Regents, purposely separated from direct control of the Governor, was created, and the Board’s first meeting took place on July 1, 1925. The Board of Regents was later established in the Kansas Constitution in 1966.

As outlined in the Constitution and by statute (K.S.A. 74-3202a), the Governor appoints and the Senate confirms the Regents. Both the executive and the legislative branches have the ability to appropriately influence the nomination process. Current constitutional and statutory provisions also outline the required composition of the Board, providing for a fair and balanced membership, as well as statewide representation. For example, there must be one Regent from each of the four Congressional districts, no more than five Regents can be from the same political party, and there can’t be more than one Regent from a particular county. Additionally, having nine Regents whose terms are staggered allows for continuity in governance and is a more conducive structure for long-range planning. When I joined the Board, I quickly noticed what I had often heard former Regents describe as the “obvious absence of partisanship.” When one attends a Board meeting, and listens to the policy debates that take place, it would be next to impossible to determine the political affiliation of a particular Regent. This is the exact structure and atmosphere Kansans and elected policymakers envisioned back in 1925.

In summary, HCR 5018 is a solution seeking a problem; it is unnecessary. The nine-member Board of Regents has evolved and contributed much to Kansas’s prosperity over the past 86 years. It began with five state universities – Emporia State, Fort Hays State, Kansas State, Pittsburg State, and the University of Kansas. Wichita State joined the system in 1964, then Washburn University and the state’s 19 community colleges and six technical colleges joined in 1999. We have in place today a governance and coordination structure that encourages collaboration, reduces duplication, enhances Kansans’ quality of life, and boosts the state’s economy. Our public colleges and universities, and the system as a whole, are successful because they operate in an environment that is outside the direct reach of undue political influence.

I previously described some of the political abuses that took place prior to the creation of the Board of Regents in 1925, but I have a feeling the abuses of the past would pale in comparison to the potential dangers associated with modern day university campuses consisting of multi-million dollar operating budgets, billion dollar endowments, high-stakes medical research and bioscience projects, lucrative intellectual property rights and corporate sponsorship opportunities, and multi-million dollar athletic department budgets and big-time college sports in general.

HCR 5018 proposes to take Kansas back down the dangerous and disastrous road it traveled once before. In this case, we would be wise to pay heed to Winston Churchill’s often-quoted warning: “Those that fail to learn from history, are doomed to repeat it.”



March 10, 2011

Honorable members;

The Kansas Association of Technical Colleges does not support the constitutional amendment to abolish the state board of education and the state board of regents and create a secretary of education, HCR 5018, for several reasons.

As coordinated institutions our Boards of Directors operate our colleges based on the needs of local business and industry. The differences in our communities shape the decisions regarding which programs to offer, what specialty areas to concentrate in those program that fall beyond the core curriculum, and when and what to change in order to meet the ever-changing workforce needs. In addition, the Board members are volunteers and not elected officials and are therefore not under the same pressures and influences of elected boards and can therefore respond more appropriately to all sectors of the community. All of this can be summed up into one term: local control.

In addition to the nimbleness afforded by local control, the variance in the cost of the delivery of many of our programs must allow for flexibility and internal management of resources in a much more complicated environment than that of our K-12 public section peers. History has shown where resources are distributed when dollars are tight and the first to go are most often the technical/vocational programs that are so vital to the economy but do not fall within the No Child Left Behind mentality. With a coordinated institution, that does not operate under a micromanaging Board but instead empowers our local presidents to operate our colleges autonomously, we will not do well under a traditional board of education model.

Finally, having recently been liberated from our local school districts during the past decade we do not wish to reverse a good decision based on a perception of economy of scale or grouping like programs under singular control. Our sectors, while similar in some ways do not share the same characteristics or priorities.

Therefore I will reiterate, the Kansas Association of Technical Colleges does not endorse or support this proposed amendment.

Sincerely,

Robert J. Edleston, Ed.D.
President

House Education Committee
Date 3/10/11
Attachment# 11



Fuel^{the} economy

Kansas Community Colleges. The driving force.

Testimony in Opposition of HCR 5018

John Masterson, President Allen County Community College

Chair - Representing Council of Community College Presidents

Chairman Aurand and members of the House Education Committee:

I am writing in my capacity as the chairman of the Community College Council of Presidents in reference to HCR 5018, which would abolish the Kansas Board of Regents. The community colleges have been under the coordination of the Kansas Board of Regents since 1999. Prior to that date we were coordinated by the Kansas Department of Education. The move to the Kansas Board of Regents has resulted in a better coordination with the universities and a more seamless system of higher education in the State. The presidents of these institutions and the Trustees who govern them are satisfied with the current structure.

The current structure makes our educational system less subject to political forces. The composition requirements as outlined in statute ensure that every Congressional district is represented and that no single political party has absolute control over the Board.

We feel that HCR 5018 would disrupt a system of higher education that is functioning well, even in austere times. The positive planning taking place with the Board and the structures in place to address access, quality, and coordination of our system of higher education would be diminished with the enactment of this bill. We are in opposition to it. Thank you.