

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

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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](#))

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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.