

Kansas Families for Education

Demanding Excellent Education for All Children

Testimony – House Bill 2486

House Education Committee

February 1, 2016

Thank you, to Chairman Highland and to this committee for giving me the opportunity to speak. My name is Brian Koon, and I am the legislative liaison for Kansas Families for Education, a statewide, nonprofit, nonpartisan, pro-public education organization representing students in Kansas Public Schools and their parents.

I will address this committee on House Bill 2486, a bill creating a legislative oversight committee to provide oversight over an oversight committee - specifically local school boards. Kansas Families for Education opposes this bill on grounds that it is legislative overreach, and defeats the democratic ideals inherent in local control, yet still requires local funding for what the state independently chooses to do to the local school districts.

In the interest of small, less intrusive, and efficient government, creating redundant bureaucracies is always counterproductive. Local school boards are elected by the voting populace to provide oversight of school district leadership and to represent the will of the public. Among many other functions, school boards provide oversight for school district bond issues, for what buildings the capital outlay monies will be used to build, where, and when.

In short, local school boards are better placed to determine what is needed at the local level, not a distant regulatory board populated by people who may have never set foot within the county or municipal limits in question, people who do not know the specific needs or wants or customs of the local population. It's perfectly acceptable for two separate political entities to disagree with each other about how to accomplish a complicated and ongoing task, even rancorously - that is the nature of representative government - but it is not acceptable for one of those entities to simply disregard the other for their own convenience, and that is what this bill appears to do. For school districts with low valuation, denying state aid for bonds is tantamount to rejecting a bond. It is this loss of local control over local tax dollars and ignoring the will of the electorate, that constitute an appointed committee doing the job of an elected one: it is overreach.

Any attempt by the legislature to perform the function of another elected body without having been duly elected by the constituents thereof, constitutes legislative overreach. I cannot imagine this body would much enjoy arriving in the House chamber tomorrow morning with intent to gavel in, only to find that duly elected Senators had convened the House, occupied the seats of duly elected Representatives on the House floor, and recorded votes by however they and *their* constituents felt on any given issue. It is your own rightful responsibility and no one else's to represent each of your own districts. So to would duly elected members of school boards object

to having their independent authority dictated to from an adjacent power structure. Just because a person has been elected to one public office, does not mean they have been elected to any public office it would be expedient for them to occupy.

Now a word on the language of the bill as concerns "basic building planning" in section 1(f) on page 2. This term is undefined in the bill, making it an unspecified and therefore subjective term for the purposes of this law. By my reading of the bill, this subjective term seems to accept walls and structural support columns as being part of the building, but says nothing of handicapped accessible entrances, public restrooms, coat closets, photocopying rooms and prep areas, educational materials storage areas, drinking fountains, cafeterias, principal's office, parking lots, playgrounds, libraries, hallways, gymnasiums, football fields, even paint for the walls below the lowest passable quality, and more - none of which are involved in direct instruction of any student, but which directly contribute to the areas where direct instruction occurs. Further, the sum of the square footage designated for support will almost certainly exceed the actual square footage of all classrooms. Additionally, building codes vary from place to place and this bill does not take that into consideration.

Bearing all of this in mind, I would humbly remind the Committee that laws must be objective in order to be fairly enforced, but the core of this bill is based on a subjective and undefined standard. The result would leave quite a lot of room for interpretation and misinterpretation by both the committee, and applicants to the committee, and creates a situation ripe for exploitation and abuse of the subjective standards. In having subjective statewide standards, the disparity in equality and equity between rich and poor districts will increase, and students' educational outcomes will be harmed regardless of how well intentioned this bill may be.

In five short pages, this bill attempts to rewrite the definition of "school" without actually going to the trouble of doing so. It takes no account of school districts partnering with municipal governments in joint venture community centers, which are often begun together in order to take advantage of economies of scale and to reduce construction costs overall by combining two large projects into one. By making it harder or impossible for schools to partner with 0% instruction community centers, this bill will actually make building schools and district capital projects more expensive and less efficient.

Finally, I could understand the need for a measure like HB 2486 in a climate of widespread corruption or misuse of funds, of lake homes being built by unscrupulous superintendents using misallocated funds, school administrators claiming their capital outlay bond-funded speedboats were for "instructional" purposes, or if bond issue money was being used as bribes paid to school boards in an attempt to subvert the will of the electorate, but I've seen no evidence of any of it. This bill would only make sense under those kinds of circumstances, making this a House Bill in search of a problem.

To conclude, on behalf of public school students and their parents all across this state, I urge each of you not to create any new expenses or burdens to school districts which might hinder their ability to build needed schools, nor to increase the expenses to taxpayers of Kansas with additional oversight committees.

With that, I'd like to thank the chair and the committee for their time and consideration.