

**Testimony before the
Senate Committee on Ethics and Elections
on
SB 171 - Local Elections**

by

**Aaron Estabrook, USD 383 Manhattan-Ogden
Elected to Board of Education Term: 2013-2017
Operation Enduring Freedom 2009-2010
Combat Veteran
February 11, 2015**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to provide testimony on SB 171. USD 383 Manhattan-Ogden opposes changing local school board elections and unanimously adopted a resolution outlining the various reasons why this is harmful to school districts. Our resolution is attached to this testimony and you will find that it too reflects the position of Kansas Association of School Boards.

I am here specifically to inform the body of the damaging effects this change would immediately have on federal executive branch and military employees.

Department of Defense Directive Number 1344.10. reissues reference policies on political activities of members of the Armed Forces.

It is DoD policy to encourage members of the Armed Forces including members on active duty, members of the Reserve Components not on active duty, members of the National Guard even when in a non-Federal status, and retired members to carry out the obligations of citizenship. In keeping with the traditional concept that members on active duty should not engage in partisan political activity, and that members not on active duty should avoid inferences that their political activities imply or appear to imply official sponsorship, approval, or endorsement.

DoD Directive 1344.10 states:

4.1.2. A member of the Armed Forces on active duty shall not:

4.1.2.4. Serve in any official capacity with or be listed as a sponsor of a partisan political club.

4.1.2.5. Speak before a partisan political gathering, including any gathering that promotes a partisan political party, candidate, or cause.

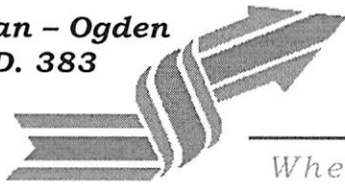
The intent of this directive is substantially similar to the effect of the Hatch Act, and it is considered to be in the same category as an order or military regulation. Any military personnel violating its provisions can be considered in violation of Article 92 (Failure to obey order or regulation) of the Uniform Code of Military Justice (10 U.S.C. §§ 801-946).

One exception to the prohibition from holding civil office, Section 4.2.4.1. of DoDD 1344.10, provides that any enlisted member on active duty may seek, hold, and exercise the functions of a nonpartisan civil office as a member of a school board, provided that the office is held in a non-military capacity and there is no interference with the performance of military duties. Similarly, Section 4.2.4.2. authorizes the same service on an independent school board located exclusively on a military reservation under virtually the same conditions. Furthermore, Section 4.3 allows members not on active duty who are candidates for regular school board offices not on military reservations to mention their military rank, grade, military title or position in their campaign literature, but they must be clear about their retired or reserve status when doing so and have limitations on the use of photos of them in uniform and such in these materials.

In conclusion:

USD 383 Manhattan-Ogden has a significant population of military dependents enrolled in our schools. It is common for our district to have elementary schools that are majority military or executive federal branch dependents. Today we have 1,061 military dependents in USD 383 alone. SB 171 effectively eliminates the opportunity for all of these parents to be actively involved in the direction and oversight of their children's public education. It is believed that I am the first combat veteran to serve on Manhattan-Ogden Board of Education. In the last two years of my service in that capacity I have reviewed and amended policies so that they better serve our Military. It was not because others were ignoring those needs but because my perspective and experience of being a military family I was able to convey those needs. This opportunity should be available to all of our more than 15,000 service members in the Ft. Riley area.

Thank you for your consideration.



March 11, 2014

Senate Ethics and Elections Committee

The Manhattan-Ogden Board of Education opposes legislation that would move school board elections from the spring of odd-numbered years to the fall of even-numbered years.

School board elections are non-partisan. Adding those elections to the partisan November ballot would confuse voters and could penalize candidates by placing them on an often lengthy ballot along with national and state offices and ballot questions.

The current system of electing school board members in April allows them to participate in orientation and become educated on budget issues prior to taking office at the beginning of the July 1 fiscal year start date.

We therefore respectfully urge lawmakers to reject any such legislation.

Accompanying this letter is a resolution approved by the Manhattan-Ogden Board of Education on March 5, 2014.

Respectfully

A handwritten signature in black ink, appearing to read "Curt Herrman". The signature is fluid and cursive.

Curt Herrman
President
Manhattan-Ogden USD 383 Board of Education

Manhattan-Ogden USD 383
Manhattan, Kansas

RESOLUTION 1314-10

Kansas State Legislative Actions Relating to School Board Elections

BE IT RESOLVED, by the Board of Education of Unified School District No. 383, Riley County, Kansas regarding the Kansas State Legislature's proposed bills to alter the process for electing public board of education members in Kansas.

WHEREAS, the Founders of the State of Kansas provided in Article 6 of the State's Constitution for the establishment and maintenance of public schools; and

WHEREAS, the people of Kansas approved by popular vote an amendment in 1966 endowing locally-elected boards of education with the sole responsibility of maintaining, developing and operating local public schools; and

WHEREAS, all children in Kansas deserve access to a public education absent of potentially divisive partisanship; and

WHEREAS, we promote responsible citizenship with those who are members of the Armed Forces and encourage them to compete in nonpartisan elections. DoD Directive 1344.10 Sec 4.1.2.4 orders: *A member of the Armed Forces on active duty shall not serve in any official capacity with or be listed as a sponsor of a partisan political club*; and

WHEREAS, moving local public school board elections to November of even-numbered years would reduce focus on school board candidates as they compete for attention with all other candidates for every federal, state and local office; and

WHEREAS, moving school board elections from the spring to fall would impair a school district's efficient operation based on a fiscal year of July 1 to June 30; and

WHEREAS, moving school board elections from the spring to fall would potentially create a "lame duck" board, thereby impeding discussions of administrator evaluations, contract extensions, teacher evaluations, teacher negotiations and budget preparation; and

WHEREAS, the current election cycle for electing local public education board members has and will continue to serve the children of Kansas well.

NOW, THEREFORE, BE IT RESOLVED that we as a Locally-Elected Board of Education call upon the Kansas State Legislature to pass no law changing the election cycle for local boards of education; and

FURTHERMORE, BE IT RESOLVED that we as a Locally-Elected Board of Education call upon the Kansas State Legislature to pass no law changing the nonpartisan status of local board of education elections.

ADOPTED by the Board of Education of Unified School District No. 383, Riley County, Kansas on this day, the 5th of March, 2014.



President, Board of Education
Manhattan-Ogden USD 383