

Approved: 3-8-93
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Duane Goossen at 3:30 p.m. on February 23, 1993 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Dale Dennis, Deputy Commissioner, Department of Education
Avis Swartzman, Revisor of Statutes
Joyce Harralson, Committee Secretary

Conferees appearing before the committee: Ben Barrett, Legislative Research
Kenda Bartlett, Concerned Women of America of Kansas
Connie Hubbell, State School Board
John Koepke, Kansas Association of School Boards
Craig Grant, Kansas National Education Association
Jim McDavid, Parent
Gerry Henderson, United School Administrators

Others attending: See attached list

Ben Barrett presented background information regarding HCR 5016 and HB 2501. The resolution basically provides for three changes to the Kansas State Board of Education:

1. Power of the board will be delegated by statute, not self-executing as it is presently
2. Elimination of the power to self-execute
3. Restructure the board from 10 members to 11 chosen as follows:
 - 4 members elected (1 from each congressional district)
 - 4 members appointed by the Governor (3 business/Fortune 500 CEOs, 1 parent)
 - 1 member of the Board of Regents
 - 2 members of the Legislature

Chairperson Goossen stated the legislation was necessary to make clear who is accountable for education in Kansas. Since the passage of the school finance bill last year, the necessity of a larger finance and policy roll for the legislature has come clear. This bill will make the State School Board more accountable to the legislature, business, the Regents and more responsive to the people of Kansas.

Avis Swartzman stated that currently the legislature has control over the Board of Regents. That is not the case with the State School Board. Legislation states that the legislature may provide for the general supervision, but the Supreme Court has never defined what general supervision is.

The floor was opened for questions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on February 23, 1993.

The following individuals also addressed HCR 5016:

Kenda Bartlett (Attachment #1)
Connie Hubbell (Attachment #2)
John Koepke (Attachment #3)
Craig Grant (Attachment #4)
Jim McDavid (Attachment #5)
Gerry Henderson (Attachment #6)

The following individuals also addressed HB 2501:

Connie Hubbell (Attachment #2)
John Koepke (Attachment #3)
Kenda Bartlett (Attachment #1)
Gerry Henderson (Attachment #6)

The meeting adjourned at 5:12pm.

The next meeting is scheduled for 3:30pm, February 24, 1993, in Room 519-S.

GUEST LIST

COMMITTEE: House Education

DATE: 2/23/93

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
<i>Deerney (Parents)</i>	<i>Wichita</i>	<i>Lytle</i>
John Marshall	Topeka	Harris News Service
John Hanna	Topeka	AP
Connie Threlka	Topeka	St Bd of Ed
Paul Adams	OSAGE CITY	" " "
<i>W Blaney (unlabeled)</i>	<i>Syracuse</i>	<i>" " "</i>
Verna M Rindell	"	City of
Kathleen White	Ravie Village	St. Bd. of Educ.
Frederic S. McMillan	Langston	St. Bd. of Ed.
John Kogach	Topeka	KASB
GERALD HENDERSON	TOPEKA	USA of KS
Anne Thornton	Olathe	Parent
<i>Cathy Hitchman</i>	<i>Seneca</i>	<i>taxpayer</i>
Jim McDAVID	Valley Center	Parent/KEN-NET
<i>Marlene Sitabon</i>	<i>Salina</i>	
Kenda Battlett	Leavenworth	CWA of KS
Merle Hise	Topeka	KACC
Jim Allen	"	K FLC
Craig Grant	Topeka	KNEA
Ben Grove	Lawrence	Univ. Daily Kansan
Steve DeLue	Topeka	KCOVE
Rob Nichols	Overland Park	



Concerned Women for America

370 L'Enfant Promenade, S.W., Suite 800 Washington, D.C. 20024 (202) 488-7000
P.O. Box 46 Leavenworth, KS 66048 (913)682-8393

Beverly LaHaye
President

Kenda Bartlett
Kansas
Area Representative

February 23, 1993

HOUSE EDUCATION COMMITTEE
Duane Goossen, Chairman
HCR 5016 and HB 2501

Mr. Chairman and Members of the Committee:

Concerned Women for America of Kansas rises in support of HCR 5016 with amendments and in opposition to HB 2501.

The government of this country has lasted longer than the government of any other nation in the world. At the Constitutional Convention in 1787 our Founding Fathers determined that the best form of government was one in which specific powers were relegated to separate and distinct branches and departments of government. Each of these branches would be responsible to the others through a system of checks and balances. This system of checks and balances would keep any one branch or department from becoming too powerful and would keep each branch accountable to the others.

Our autonomous, self-governing State Board of Education seems to be operating beyond this time-proven system of checks and balances. And because of past voter apathy, they have become virtually unaccountable to anyone. We have seen an example of this in the present legislative session as the legislature has been discussing QPA. The former chairman of the State Board now a State Senator stated that it did not matter what the Legislature did, the State Board would go right on with the implementation of QPA. I saw it also in August as I questioned the State Board on its authority to change law in regards to the School Finance Act and the ten outcomes of QPA which the State Board had changed. I was told that the State Board has the discretionary power to change law.

It is time to curb the power of the State Board of Education and put some checks and balances on them. The State Board makes policy which affects virtually every family in this state. They need to be accountable to the state legislature and to the voters of this state.

"Protecting the rights of the family through prayer and action"

2-23-93
Attachment-1
HE

We would ask that this resolution be amended to return the stricken language in Section 3. The State Board must remain an elected board. This makes them accountable to the people and that is where their greatest accountability should lie. There has been an awakening across the state among parents and taxpayers. They have become aware of how important this board and their decisions are. The voters of this state do not want their part in being a check on the State Board of Education removed.

CWA of Kansas will support the legislature in its attempt to check the power of the State Board of Education, but we cannot support the removal of that Board from their election by the people. Therefore, we will support HCR 5016 if Section 3 is left in its original language, and we will oppose HB 2501.

Thank you.

Kenda Bartlett
Legislative Liaison

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Attachment 1-2
2-23-93

Kansas State Board of Education

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

February 23, 1993

TO: House Education Committee

FROM: State Board of Education

SUBJECT: 1993 House Bill 2501 and 1993 House Concurrent
Resolution 5016

My name is Connie Hubbell, Legislative Coordinator of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

The State Board of Education has made a concerted effort during the past few years to increase school standards, to restructure Kansas school systems to meet the needs of students, our communities, higher education, and business and industry.

Many new programs have been developed, in cooperation with the Governor and Legislature, to restructure Kansas schools, including but not limited to, the following.

1. Development of a precertification testing program for Kansas teachers.
2. Implementation of an alternative certification program.
3. Establishment of school district inservice education programs.
4. Development of a new accreditation system that is premised upon outcomes based education.
5. Implementation of a parents as teachers program.
7. Implementation of an educational enhancement grant program.
8. Implementation of statewide assessment programs.
9. Implementation of competency based programs in vocational education.
10. Implementation of a tech-prep program.
11. Integration of academic and vocational education programs.
12. Implementation of the Kansas Governor's Academy.

We believe the goals and objectives of quality performance accreditation are far reaching and is one of the best accreditation programs in the nation. We also recognize there may be changes which need to be made and we are willing to review and make necessary changes.

(over)

Dale M. Dennis
Deputy/Assistant Commissioner
Division of Fiscal Services and Quality Control
(913) 296-3871

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Attachment 2-1
2-23-93

In light of these programs and accomplishments, it is our opinion that the general supervisory powers of the State Board of Education have been used wisely to respond to the educational needs of our state.

The State Board has made every effort to obtain public input through public hearings on any major issue being considered for implementation. We have also provided opportunities to any legislator who desires to submit written or oral comments regarding various proposals.

We believe amending the Constitution to reduce the State Board's self-executing authority is unnecessary and not in the best interest of education for our state.

Education is a very complex and difficult area to analyze and to determine the proper decisions which must be made. It is the State Board's opinion that the electorate should be given the opportunity to choose their State Board of Education members. An independent study conducted by The Governor's Commission on Reform of Educational Governance (appointed by Governor Mike Hayden) recommended that Article 6, Section 3(a) of the Kansas Constitution should continue to stipulate that the State Board of Education will be an elected board.

We believe the State Board of Education should follow procedures similar to the election of local board members and legislators. Board members should be responsible to the people.

The State Board is also concerned about Section 7 of House Bill 2501 concerning the qualifications of future appointed Board members. Many highly qualified State Board members would not meet this criteria. Current Board members are an excellent cross section of Kansas citizens. We presently have as members a physician, an attorney, a farmer, former educators, parents, and community volunteers.

Also, it is extremely difficult to campaign on limited resources. We believe Congressional district campaigns, with the amount of money available, would create serious problems.

The State Board members make a concerted effort to work with the educational communities within their districts. They are better known among their constituency than many members of appointed boards.

The removal of the State Board's constitutional authority has been presented to the voters on several occasions and defeated each time. We believe this is a strong indication by the people to continue under the current constitutional provisions.

We also encourage you to review the explanatory statement to insure it adequately describes this proposed constitutional amendment.

The State Board believes that education should be a cooperative effort involving the Governor, Legislature, State Board of Education, parents, students, patrons, higher education, and business and industry. Every effort has been made to follow this concept. Teaming is required if we are to be successful.

The State Board of Education opposes House Concurrent Resolution 5016 and House Bill 2501 which would have the effect of changing the State Board's constitutional powers and not allowing the electorate to choose their representation.

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Attachment 2-2
2-23-93



Testimony on HCR 5016 and HB 2501
before the
House Committee on Education
by
John W. Koepke, Executive Director
Kansas Association of School Boards
February 23, 1993

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the member boards of education of the Kansas Association of School Boards. The issue of education governance is one that is of vital interest to our members and one to which we have devoted extensive study and discussion.

As a result of that study and discussion, our Delegate Assembly has expressed its view that the constitutional provision for an elected State Board of Education should be an integral part of our system of education governance. Therefore, we cannot support HCR 5016 and HB 2051, since in combination, they would leave the method of selecting State Board members to annual legislative action.

We would support, however, a constitutional amendment which embodied the concepts involved in lines 20-27 of HCR 5016. We have long advocated an amendment which dealt solely with the issue of the self executing powers of the State Board of Education. We do not believe the possession of such powers is in the best interest of either the State Board or education in general. We would urge your consideration of an amendment which deals solely with this subject and does not get mixed up with the issue of how State Board members are chosen.

We thank you for allowing us to express these views and I would be happy to answer any questions.

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Attachment - 31
2-23-93



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before
House Education Committee
Tuesday, February 23, 1993

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to speak to the committee about both HCR 5016 and HB 2501, which would change the State Board of Education.

I felt I must sign up as an opponent, even though there is a part of the resolution which we can support. We have long supported the removal of the self-executing authority of the State Board of Education. We believe that this "fourth branch of state government" is not what was intended by the framers of Article 6 of our Constitution. This portion of the Constitution should be changed.

Our opposition is in regard to the appointment, rather than the election, of State Board of Education members. We believe in the election process and the right of the people to vote on their Board members. This process has produced presently a very strong Board of Education, one which has very capable and knowledgeable members. That may not always have been the case with 100% of the members in the past, but I certainly believe the quality today is equal to or surpasses that of other Boards in Kansas. The election process can and does work.

Kansas NEA believes that HCR 5016 would need substantial changes before it could support it. Those changes would make HB 2501 unnecessary. Thank you for listening to our concerns.

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Attachment 4-1
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Testimony of James N. McDavitt
Before the House Committee on
Education
Feb. 23, 1993

Mr. Chairman, members of the committee,
Thank you for allowing me to address you today.

I am before you as Executive Director of the Kansas Education Watch Network, KEW-NET, and also as a concerned father of 2 children in the public schools. I am a proponent of HB 5016.

In my travelling across Kansas discussing QPA, I find the same concerns being expressed over and over. Those concerns focus on;

1. the demeaning of academics in the material restructuring the education of our children,
2. the unresponsiveness of the State Board to patrons.

It is our opinion that HB 5016 addresses the main reason for this problem.

First, as you read the material from the State Board of Educations restructuring program, QPA, it says that the focus of the system is not on academics. Page 1, para 3, of Quality Performance Accreditation, A Dynamic Changing Plan, says:

"The system's MAJOR FOCUS, ..is upon the higher level thinking skills needed for the 21st century."

It further states:

"These are addressed through an INTEGRATED, COMPREHENSIVE CURRICULUM with emphasis on creative thinking, problem solving, and communication."

It is the concept of INTEGRATED CURRICULUM being the "major thrust" of the QPA program that allows the entry into our schools of all kinds of NON-ACADEMIC MATERIAL in ever greater amounts. INTEGRATED CURRICULUM CAN LITERALLY BE ANYTHING.

The preface of the booklet "Design for Building Outcomes Focused Curricula", page 2, para 3, says:

"There is no singular answer to the question of what an INTEGRATED CURRICULUM is...."

This leaves the door wide open. The book "Being a Green Mother" that comes to you from the Valley Center High School Library, and it's introduction "To marry Satan", is a book that qualifies as INTEGRATED CURRICULUM.

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In the end of the book, the main character, a girl named ORB has her name changed by Satan to GAEA, which is also the main character in the game of the same name that is being used in some classrooms around the country to teach environmentalism.

So the door is open for academic quality goes rock bottom using the INTEGRATED APPROACH because the program is mis-focused. We must focus on teaching only academics.

It is also our assertion that focusing on "Higher Level Thinking skills is unacceptable because there is no set definition of that term. If one looks at resource material for companies producing Higher Level Skills programs, it is quickly seen that we are right back to the concept of opening the door for non-academic teaching in our classes. This material focuses on morals, values and attitudes rather than academics.

Again, we must get back to teaching only academics.

As to the unresponsiveness of the State Board, they repeatedly disavow in their meetings across the state that there is even any opposition to QPA, let alone respond to complaints of patrons.

American government has always functioned on the concept of the separate branches being a check and balance system on each other. The State Board having autonomous power to make all decisions, without any other government branch balancing it, defeats that traditional system.

Even Sen. Emmert, when he was State Board President, said in an interview with that giant of journalistic excellence, the Wichita Eagle on Dec. 5, 1992, page 3d:

"They could repeal the whole thing (QPA) in the state legislature, but the State Board is going to continue it." He went on to say that the legislature"Grab(ed) the State BOE's plan for QPA and endorsed it, which is great, but they didn't need to do that."

The bottom line is that HB 5016 removes from the State Board its ability to be a totally autonomous and unresponsive entity, with its strangle hold on educational mandate, and would re-introduce it to the concept of sharing power with a legislature to provide balance.

In short, we request Academics only and local control.

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Attachment 5-2
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HCR 5016 & HB 2501

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
February 23, 1993

Mister Chairman and Members of the Committee:

United School Administrators of Kansas (USA) rises in opposition to **HCR 5016 and HB 2501**. Our position on the matter of selection to the Kansas State Board of Education is simple.

We support current language in the Kansas Constitution which places the power to make policy affecting school children in the hands of officials who are directly responsible to the electorate. We therefore oppose any effort to make any part of the Kansas State Board of Education subject to political appointment from whatever source.

We believe that this committee has been presented with considerable evidence during the past month that the leadership of the current state board has Kansas education on the right track. The passage of **SCR 1609** by this committee would appear to illustrate acceptance of that evidence. We would encourage this committee and the entire legislature to grant educators of Kansas the time outlined by consultants to the Restructuring and Accountability Commission and by many conferees who have appeared in this room.

Doing business based on the outcomes produced is a monumental change for Kansas schools. Those who have been at it for five to ten years can demonstrate improvement right now. The rest of us are trying to get to that point. Changing how the Kansas State Board of Education is selected will not speed up the process. We would encourage you to reject both **HCR 5016 and HB 2501**.

LEG/HCR5016&HB2501

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Attachment 6-1
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