

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Kathe Decker at 9:00 A.M. on February 9, 2006 in Room 519-S of the Capitol.

All members were present except:

Judith Loganbill- excused
Dale Swenson- excused
Valdenia Winn- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research
Carolyn Rampey, Kansas Legislative Research
Art Griggs, Revisor of Statutes Office
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

Rep. Candy Ruff
Rep. Anthony Brown
Rep. Don Grange
Rep. Bill Otto
Rep. Sue Storm
Rep. Marti Crow
Corey Peterson, Assoc. of Gen. Contractors
Mark Tallman, KASB
Ken Willard, State Bd. Of Ed, Dist. 7
Kathy Cook, Ks Families United for Public Ed.
Joan Leavens, educator

The Chair introduced Representative Ruff who spoke in support of **HB 2684**. (Attachment 1).

Representative Brown gave a brief outline of the issues concerning **HB 2684**. (Attachment 2).

A letter of support for **HB 2684** was provided by Representative Grange. (Attachment 3).

Offering testimony in support of **HB 2684** was Representative Otto. (Attachment 4).

Corey Peterson spoke in support of **HB 2684** and requested that the Committee report it favorably for passage. (Attachment 5).

Mark Tallman offered comments regarding his organization's position on **HB 2684**. (Attachment 6).

The hearing was closed on **HB 2684**.

HB 2711 - Concerning appointment of Commissioner of Education.

Representative Storm addressed the Committee in support **HB 2711**. (Attachment 7).

Testimony in favor of the passage of **HB 2711** was offered by Representative Crow. (Attachment 8).

Kathy Cook testified in support of **HB 2711**. (Attachment 9).

CONTINUATION SHEET

MINUTES OF THE House Education Committee at 9:00 A.M. on February 9, 2006 in Room 313-S of the Capitol.

Joan Levens spoke in favor of the passage of **HB 2711**. (Attachment 10).

Written testimony from Mark Desetti, KNEA, in support of **HB 2711** was distributed. (Attachment 11).

Ken Willard appeared in opposition of **HB 2711**. (Attachment 12).

The hearing was closed on **HB 2711**.

The meeting was adjourned at 10:40. The next meeting is scheduled for Friday, February 10, 2006.

STATE OF KANSAS

L. CANDY RUFF
REPRESENTATIVE FORTIETH DISTRICT
LEAVENWORTH COUNTY
321 ARCH
LEAVENWORTH, KANSAS 66048
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COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: COMMERCE & LABOR
MEMBER: FEDERAL AND STATE
AFFAIRS
WILDLIFE, PARKS &
TOURISM

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TOPEKA
HOUSE OF
REPRESENTATIVES

To: House Education Committee

From: Rep. L. Candy Ruff

Re: Support of HB 2684

In supporting HB 2684, Rep. Anthony Brown and I are asking you to respond to the needs of a special group of students. In Kansas high schools today there are students ready to graduate but must attend one more year of school. These students are usually boys, have an idea of a trade in which to train, are ready to get out of school early and see the path stretch before them to start their training. HB 2684 gives them a boost in that direction.

This legislation is meant for those students headed to a vocational or technical training school or apprenticeship program. This is not for those students going to community college or a regent's university. This is for students interested in joining a trade and becoming a skilled worker. The bill first and foremost offers students a way to graduate a year early, but only if they have meet all the requirements. That does not mean a GED. This is for those who have attended high school faithfully, have earned all the credits necessary to graduate and want to get out of school a year early.

The first benefit from this legislation is a \$1,000 cash payment in which students may purchase their tools. That is the intent of the legislation but we are not going to verify that expenditure. This portion of the bill simply allows them to use that \$1,000 payment for their tools. The next portion is a \$3,000 scholarship applied to a vocational training school, technical school or a training program registered with the Kansas State Apprenticeship Council.

HB 2684 is a two-part package that addresses the needs of a special group of students. Attending a community college or a regent's university is not for everyone. Going down the college path does not fit everyone's talents and abilities. Attending a vocational, technical or apprenticeship school offers students a way to a solid future and a profession that pays well. By giving students the ability to graduate early, offering them \$1,000 in which to purchase the tools of the trades, and a \$3,000 scholarship for their first year in training, Kansas lawmakers are recognizing a need to support the trades. This legislation is intended to go a long way toward recognizing the importance of encouraging those students.

House Education Committee
Date: 2-9-06
Attachment # 1

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TOPEKA

HOUSE OF
 REPRESENTATIVES

TAXATION
 FEDERAL AND STATE AFFAIRS
 FINANCIAL INSTITUTIONS
 ECONOMIC DEVELOPMENT

Thank you Chairperson Decker, Vice-Chair Horst and Honorable Education Committee for allowing me to discuss a few issues concerning HB 2684 an early graduation incentive program. Rather than reading my testimony to the committee I will go over a brief outline and stand for questions regarding this legislation.

I. Introduction

- A. Kansas must meet the student at their need.
 - 1. Modifies the System to Student's Need
 - 2. Does not mold the Student to the System's Need
- B. 21st Century provides new challenges
 - 1. Less than 30% of all jobs require a Bachelor's Degree
 - 2. Administrators acknowledge a need for change
 - 3. Over a generation trying to force "Square Pegs in Round Holes"
 - a. Quit Whittling the Peg (Student) to fit into the Hole (System)
 - b. Allow student to pursue interest outside of tradition teaching
- C. Well educated workforce makes Kansas more competitive.
 - 1. Well educated no longer means university educated
 - 2. Market place is changing with less careers demanding traditional education
 - 3. Kansas should lead in this educational opportunity

II. What does the Bill do?

- A. Encourages students to graduate early
 - 1. Only applies to students in public education
 - 2. Must complete all requirements of local district
 - 3. No GED's
 - 4. Only applies to one full year early May of junior year
- B. Cash award of \$1000
- C. One-time scholarship up to \$3000
 - 1. Only in-state vocational or technical college
 - 2. Narrow scope
- D. Fiscal note
 - 1. December 6 letter
 - 2. Estimated no more than 200 students would qualify
 - 3. Each would receive \$1000 bonus = \$200,000
 - 4. Estimated 50 students to enroll in prescribed colleges

House Education Committee

Date: 2-9-06

Attachment # 2-1

D. Fiscal note (cont.)

5. 50 students at full scholarship of \$3000 = \$150,000

6. Net Savings in the Base State Aid only, **\$500,400**

III. Conclusion

A. Allows Kansas to meet the needs of the student.

B. This is a 21st century solution

C. Makes Kansas more competitive

JOHN C. GRANGE
 REPRESENTATIVE, 75TH DISTRICT
 BUTLER COUNTY



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMERCE AND LABOR
 ECONOMIC DEVELOPMENT
 REVENUE, JUDICIAL TRANSPORTATION AND
 RETIREMENT BUDGET
 WILDLIFE, PARKS AND TOURISM

Support of HB 2684

February 9th 2006

I am providing this letter of support for HB2684 as it will provide a "Bonus" for completion of the Kansas Regents Requirements for qualified graduating students from high school a year early. The proposed legislation will reward the student that has the ability and desire to complete his or her course study and pursue their personal goals. Currently the amount of the bonus is set as \$1,000.00 and would be a significant incentive for this achievement.

I am aware this program would not be for everyone and should be an option after careful consideration with parents, counselors, teachers, and the student. The additional incentive of a \$3,000 monetary reward or scholarship to an accredited technical school could lead to a career in any number of fields.

As you know I am a mechanical contractor. The construction industry is experiencing a shortage of skilled carpenters, electricians, welders, HVAC technicians, and plumbers. The aircraft maintenance industry is reporting shortages of skilled workers as well. Another issue is a shortfall in students enrolled for apprentice programs or those taking training at trade specific technical colleges. I believe the early entry possibility could provide incentive to assist in correcting these shortfalls.

I would further support extension of this legislation to include any accredited post secondary institution including; Regents School, Private Colleges, and Community Colleges. I would hope this early release would save the State of Kansas taxpayers precious education dollars and at the same time provide for a skilled workforce. I encourage passage of HB 2684.


 John C. Grange
 Representative 75th District
 Room 531-N

HB 2684

I wish to speak in support of HB 2684. There will not be a glut of students taking advantage of this program because early graduation is a requirement. I am very interested in giving children who want to be doctors or fields requiring 7 years or more of college a little edge. One of my daughters good friends will start her practice as a physician at age 32. I see a significant advantage if we can shorten that time frame.



House Education Committee
Date: 2-9-06
Attachment # 4



Building a Better Kansas Since 1934
200 SW 33rd St. Topeka, KS 66611 785-266-4015

**TESTIMONY OF
ASSOCIATED GENERAL CONTRACTORS OF KANSAS
BEFORE HOUSE COMMITTEE ON EDUCATION
HB 2684**

February 9, 2006

By Corey D Peterson, Associated General Contractors of Kansas, Inc.

Madam Chairman and members of the committee, my name is Corey D Peterson. I am the Executive Vice President of the Associated General Contractors of Kansas, Inc. The AGC of Kansas is a trade association representing the commercial building construction industry, including general contractors, subcontractors and suppliers throughout Kansas (with the exception of Johnson and Wyandotte counties).

The AGC of Kansas supports House Bill 2684 and requests that you report it favorably for passage as introduced.

Developing the future workforce has been a top priority for AGC of Kansas for several years. Demographics show that the construction industry will be losing a significant portion of its skilled workforce in the next 10 years due to retirement. While our industry realizes this is looming and is trying desperately to prepare for it, it also recognizes the challenges that lie ahead.

AGC understands it and other construction related groups face an up-hill battle in bringing young people into our industry. There has been a stigma attached to construction that it is not a good place to have a career. While in reality, the construction industry provides good paying jobs, benefits and opportunities for advancement. Often times, compensation in construction is far superior to those careers offered to four year college degree recipients.

In addition, parents, teachers, counselors, and school administrators all tend to focus on getting students prepared for four year colleges and overlook technical education and the rewarding careers industries like construction have to offer. Many times it is only after the system has failed a student, be it trying to get into college or after arriving on campus and realizing it "is not for them," does the student get steered to technical education and informed of the careers that await. There should be a direct career path that is developed, funded, and promoted.

Workforce development is both an education and economic development issue. The benefits of technical education should be considered, both for the opportunities it can create for the citizens of Kansas, and for our state's ability to grow economically. Kansas must have a trained workforce, including technical professions.

HB 2684 provides awareness to opportunities in technical careers and an incentive to continue education after high school. **The AGC of Kansas respectfully request that you recommend SB 382 for passage.**

Thank you for your consideration.

House Education Committee
Date: 2-9-06
Attachment # 5

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony on **HB 2684**
before the
House Education Committee

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

February 9, 2006

Madam Chair, Members of the Committee:

Thank you for the opportunity to offer comments on **HB 2684**. Our Association has not taken a position on the issue of early high school graduation incentives; therefore, we appear today as neutral on this bill. However, we do have several questions that we think the committee should consider.

First, the bill directs the Kansas State Board of Education to develop a program that would provide a \$1,000 incentive bonus for students who graduate from high school one year earlier than the usual graduation time. However, local school boards may adopt graduation requirements that exceed the State Board's. Which standards would apply?

Second, what is the purpose of the bill? As long as the State Board and local boards are required to use credit hour units for graduation, it may be very difficult for students to pass in three years the number of credits required for graduation.

Third, the bill provides scholarship assistance to students attending technical colleges and vocational schools, but not other postsecondary programs. Why are two- and four-year colleges not included?

Fourth, how is this bill intended to work with the dual credit programs already in operation where students can receive credit for both high school and postsecondary courses at the same time?

If the committee does not act on this bill during this legislative session, KASB is certainly willing to participate in further study of the concept and determine if our members wish to take a position on the issue.

Thank you for your consideration.

House Education Committee

Date: 2-9-06

Attachment # 6



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: EDUCATION
HIGHER EDUCATION
HEALTH & HUMAN SERVICES
LOCAL GOVERNMENT

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**Testimony on HB2711
February 9, 2006**

Madame Chair and colleagues on the Education Committee, I appreciate your willingness to introduce HB2711 as a committee bill. I realize this may be a touchy situation and put some people in a tight spot.

HB2711 establishes some minimum credentials for the position of Commissioner of Education. If you will look at lines 18-21, you will see that these standards are truly minimal. Under 2711, the Commissioner would be required to hold a current license as a teacher or school administrator, or to have significant training or experience as a teacher or school administrator. The bill would take effect with the appointment of any commissioner after July 1, 2006.

There are no requirements nor is there a job description for the position of Commissioner in statute or in Department of Education regulations. However, in a brochure soliciting applications for the position of Commissioner, the State Board did list the duties and the qualifications of Commissioner. An abbreviated list of duties includes the following:

- ...provide necessary information to aid the Board in making decisions...
- Envision needs and provide leadership for educational improvement.
- Develop recommendations for educational goals and priorities, initiatives, fiscal needs, policies, rules and regulations and guidelines.
- Oversee operation of the KSDE.
- Establish and maintain good working relationships with thebranches of state and federal government and with business and educational leaders...in the state.
- Implement and interpret State Board policies, school laws, and rules and regulations.
- Serve in a supervisory capacity for the State Schools for the Deaf and Blind.....
- Oversee development of the budgets of the State Board of Education and the State Schools for the Deaf and Blind for presentation to the Board and Legislature.

A person could not be expected to carry out those responsibilities ably without experience in educational leadership.

The required qualifications are that the applicant have the following experience in education or comparable business leadership:

- Experience in educational policy development.
- Experience working with elected or appointed educational leaders.
- Experience working with educational organizations and other stakeholders.
- Experience implementing federal and state educational legislation.
- Experience in leadership and management of a large educational organization.

In the experience requirements the Board did not outline what the business leadership counterpart is to educational leadership. I contend that, for the most part, they are quite dissimilar. For example, what experience in business leadership is the parallel for educational policy development? Business policy and educational policy are miles apart.

House Education Committee

Date: 2-9-06Attachment # 7-1

Going further, educators and employees of the State Department of Education expect the Commissioner to be the chief cheerleader for Kansas' public schools within the state and across the country, just as the Governor is the chief cheerleader for this great state. How can a person realistically be expected to carry the message and the accomplishments of our public schools unless that person is himself/herself an educator? Educators, both teachers and administrators, expect the Commissioner to be a resource for encouragement, information, innovation, motivation and educational leadership. They want to believe that the chief education officer of Kansas knows their experiences and the problems and the challenges they face in school everyday. They want someone who has the last word in explaining and assisting with the demands of programs like No Child Left Behind. How can a person meet those expectations if that person is not an educator? I don't believe it is realistic to expect that anyone other than an experienced educator could fulfill those obligations.

Ladies and gentlemen, this is a conversation we need to have. Kansas educators and Kansas children need and deserve a true educational leader if they are to attain their educational goals. I hope you will give serious consideration to HB2711 and move it out favorably.

Thank you for listening.

Sue Storm

A handwritten signature in cursive script that reads "Sue Storm". The signature is written in dark ink and is positioned below the printed name.

STATE OF KANSAS



TOPEKA

HOUSE OF REPRESENTATIVES

DEMOCRAT AGENDA CHAIR

COMMITTEE ASSIGNMENTS

- EDUCATION
- JUDICIARY
- SCHOOL FINANCE
- JOINT COMMITTEE ON CHILDRENS ISSUES

2711

MARTI CROW

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The Commissioner of Education and the 10 elected members of the Kansas State Board of Education oversee the public education system of Kansas in accordance with the laws passed by the Kansas Legislature. As education leader of the state, the Commissioner recommends legislative initiatives and changes, suggests rules and regulations for state board consideration, produces educational research, conducts initiatives to meet the state's educational needs, and serves as liaison between the local school districts and the federal government.

The Constitution tasks the Legislature with providing for the intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law. At the same time, the Kansas State Board of Education is charged with the general supervision of public education and other educational interests in the state. Although the Kansas State Board of Education is tasked by the Kansas Constitution with appointment of the Commissioner of Education as its executive officer, the Constitution is silent about qualifications for the Commissioner of Education and the duty or power to define those qualifications. The silence of the Constitution is not a prohibition; the Legislature may define qualifications for the Commissioner of Education, as may the State Board.

The Kansas Constitution says that the state board of education "shall perform such other duties as may be provided by law." The Legislature is vested with the power to pass laws including laws that define the duties of the Board. Although, arguably, the State Board may be empowered to prescribe qualifications for the Commissioner, that power is at least shared by the Legislature. Absent a specific provision in the Constitution, defining the qualifications of the Commissioner by legislative act is within the defined powers of the Legislature.

Laws have been passed to define and change the qualifications of other officials who are appointed to executive branch positions. Secretary of Wildlife & Parks (K.S.A. 32-801(b) ("fully qualified by education, training and experience in wildlife, parks or natural resources or a related field and shall have a demonstrated executive and administrative ability to discharge the duties of the office . . ."); Board of Tax Appeals (K.S.A. 74-2433); Director of the Division of Health (K.S.A. 75-5603). The fact that the Commissioner is appointed by the State Board of Education and not by the Governor does not limit the power of the Legislature to prescribe qualifications for the Commissioner.

House Education Committee

LEGISLATIVE HOTLINE 1-800-432-3924 (DURING

Date: 2-9-06

Attachment # 8-1

18, § 1; L. 1992, ch. 1; L. 1995, ch. 164,

32-157, 32-158, 32-167, 4-4509b.

ment. It shall be the duty of the secretary to protect, provide information and natural resources and provide for the use of the state's natural resources to and benefiting cultural, recreational and other purposes, the secretary and the department are authorized to exercise the powers here-

35, § 1; L. 1989, ch. 118, § 195; July 1.

PROVISIONS

with respect to the capsizing of Whippoorwill in granting summary judgment in *v. Rogers*, 232 K. 168,

regarding use of donated land in *Binney v. Kansas Fish & Game Commission*, 10 P.2d 1290 (1985).

Ownership of wildlife. The ownership of wildlife, both resident and nonresident, shall be, and are to be, held by the state.

98, § 11; R.S. 1923, ch. 118, § 195; July 1.

Continuity of rules and regulations. The rules and regulations of the department, adopted on or before June 30, 1989, shall remain in effect unless amended or revoked.

Other provisions of law shall not apply to the department or rules and regulations adopted on June 30, 1989, in effect until otherwise provided by law.

8, § 194; July 1.

32-705. Severability. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or application and to this end the provisions of this act are severable.

History: L. 1989, ch. 118, § 195; July 1.

Article 8.—DEPARTMENT OF WILDLIFE AND PARKS

ORGANIZATION AND POWERS

32-801. Establishment of department; secretary; application of K-COAL. (a) In order to reorganize the administration, planning and regulation of the state's parks, wildlife and other natural resources, there is hereby established within the executive branch of government the Kansas department of wildlife and parks, which shall be administered under the direction and supervision of a secretary of wildlife and parks who shall be appointed by the governor, with the consent of the senate as provided in K.S.A. 75-4315b and amendments thereto.

(b) The secretary shall be fully qualified by education, training and experience in wildlife, parks or natural resources, or a related field, and shall have a demonstrated executive and administrative ability to discharge the duties of the office of secretary. The secretary shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor.

(c) The provisions of the Kansas governmental operations accountability law apply to the office of secretary of wildlife and parks and the Kansas department of wildlife and parks, and the office and department are subject to audit, review and evaluation under such law.

History: L. 1987, ch. 417, § 1; L. 1989, ch. 118, § 4; L. 1992, ch. 116, § 26; July 1.

Source or prior law: 75-3901.

Revisor's Note:

The department of wildlife and parks was created by executive reorganization order No. 22, on Feb. 10, 1987 (L. 1987, ch. 417, §§ 1 to 10).

Attorney General's Opinions:

Department of wildlife and parks; organization and powers; secretary of wildlife and parks; qualifications. 92-16.

32-802. Assistant secretaries; employees; offices; wildtrust program. (a) The secretary shall appoint an assistant secretary for administration and an assistant secretary for operations. The assistant secretary for administration shall be fully qualified by education, training and experience in administration. The assistant secretary for operations shall be fully qualified by education, training and experience in wildlife, parks or natural resources, or a related field. Both assistant secretaries shall have a demonstrated executive and administrative ability to discharge the duties of the office of assistant secretary. The assistant secretaries shall serve at the pleasure of the secretary. The assistant secretaries shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary with the approval of the governor. The secretary also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of the office. Except as otherwise provided in this section, K.S.A. 75-2935 and 32-801, and amendments thereto, such staff assistants and employees shall be within the classified service under the Kansas civil service act.

(b) The assistant secretaries and such other staff assistants and employees shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretaries, staff assistants and employees shall act for and exercise the powers of the secretary to the extent authority to do so is delegated by the secretary.

(c) The assistant secretary for administration shall maintain an office in Shawnee county, Kansas. The assistant secretary for operations shall maintain an office in Pratt county, Kansas. The secretary may maintain offices and facilities to carry out the functions of the department in other locations in this state.

(d) The secretary shall supervise the wildtrust program which shall be responsible for the receipt and expenditure of moneys through gifts and donations.

History: L. 1987, ch. 417, § 2; L. 1989, ch. 118, § 5; July 1.

Source or prior law: 75-3902.

32-803. Department and secretary continuation of fish and game commission. (a) Except as otherwise provided by law, whenever the

Board of Tax Appeals

BOARD OF TAX APPEALS; MISCELLANEOUS TAXATION PROVISIONS

74-2433

Article 21.—KANSAS HIGHWAY PATROL

74-2105.

CASE ANNOTATIONS

2. State officials had sufficient connection with enforcement of tribal laws at issue to fall within *ex parte* Young exception. *Prairie Band of Potawatomi Indians v. Wagnon*, 276 F.Supp.2d 1168, 1171 (2003).

74-2108.

Attorney General's Opinions:

Jurisdiction of school law enforcement officer based on location, as well as control or ownership of property. 2002-39.

74-2109.

Attorney General's Opinions:

Jurisdiction of school law enforcement officer based on location, as well as control or ownership of property. 2002-39.

74-2113.

Attorney General's Opinions:

Kansas highway patrol trooper may not hold second commissioned law enforcement position. 2003-13.

Article 24.—BOARD OF TAX APPEALS; MISCELLANEOUS TAXATION PROVISIONS

74-2433. State board of tax appeals; membership, qualifications, appointment and confirmation, terms, continuing education requirements; executive director; publication of decisions; no capacity to sue or be sued. (a) There is hereby created a state board of tax appeals, referred to in this act as the board. The board shall be composed of three members who shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. After the effective date of this act, one of such members shall have been regularly admitted to practice law in the state of Kansas and for a period of at least five years, have engaged in the active practice of law as a lawyer, judge of a court of record or any other court in this state; and one of such members shall have engaged in active practice as a certified public accountant for a period of at least five years. No successor shall be appointed for the two members of the board whose terms of office expired on January 15, 2003, and if any such appointment is made prior to the effective date of this act, any such member's term of office shall expire on the effective date of this act. Except as provided by K.S.A. 46-2601, no person appointed to the board shall exercise any power, duty or function as a member of the board until con-

firmed by the senate. Not more than two members of the board shall be of the same political party. Members of the board shall be residents of the state. Subject to the provisions of K.S.A. 75-4315c, and amendments thereto, no more than one shall be appointed from any one of the congressional districts of Kansas. The members of the board shall be selected with special reference to training and experience for duties imposed by this act and shall be individuals with legal, accounting or appraisal training and experience. Members shall be subject to the supreme court rules of judicial conduct applicable to all judges of the district court. The board shall be bound by the doctrine of *stare decisis* limited to published decisions of an appellate court other than a district court. Members shall hold office for terms of four years and until their successors are appointed and confirmed. Except as otherwise provided, such terms of office shall expire on January 15 of the last year of such term. If a vacancy occurs on the board, the governor shall appoint a successor to fill the vacancy for the unexpired term. The governor shall select one of its members to serve as chairperson. The votes of two members shall be required for any action to be taken by the board. Meetings may be called by the chairperson and shall be called on request of a majority of the members of the board and when otherwise prescribed by statute.

(b) Any member of the state board of tax appeals may be removed by the governor for cause, after public hearing conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The state board of tax appeals shall appoint, subject to approval by the governor, an executive director of the board, to serve at the pleasure of the board. The executive director shall: (1) Be in the unclassified service under the Kansas civil service act; (2) devote full time to the executive director's assigned duties; (3) receive such compensation as determined by the board, subject to the limitations of appropriations thereof; and (4) have familiarity with the tax appeals process sufficient to fulfill the duties of the office of executive director. The executive director shall perform such duties as directed by the board.

(d) Appeals decided by the state board of tax appeals which are deemed of sufficient importance to be published shall be published by the board.

a law enforcement
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S.A. 74-2022, and
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e and any person to
ed to furnish infor-
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the cost of produc-
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t for motor vehicle
bsection pertaining
or vehicle registra-
ion (c)(1)(B)(ii) or
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each motor vehicle
n of vehicles.

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necessary to imple-
ction.

§ 4; L. 1945, ch. 88,
1961, ch. 381, § 1;
75, ch. 400, § 1; L.
h. 301, § 1; L. 1984,
§ 6; L. 1989, ch. 38,
1992, ch. 2, § 1; L.
i. 299, § 4; L. 1995,
, § 11; L. 1999, ch.
1; L. 2002, ch. 92, §
05, ch. 128, § 1; July

ssuance of certifi-
cation signed by the
nd payment of a fee
original title together
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y authorized to grant
itle showing the ve-

3, § 3; L. 1972, ch.
4; L. 1987, ch. 42, §
.996, ch. 260, § 8; L.
1. 134, § 13; L. 2003,

References:

T. Davis, 71 J.K.B.A. No.

Director of the Division of Health

75-5603 STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

department of health and environment, and the department is subject to audit, review and evaluation under such law.

History: L. 1974, ch. 351, § 1; L. 1978, ch. 308, § 76; L. 1982, ch. 347, § 74; L. 1992, ch. 116, § 50; L. 2001, ch. 86, § 14; April 12.

Cross References to Related Sections:

Kansas health policy authority, see 75-7401 et seq.

75-5603. Division of health, establishment and administration; director of the division of health, qualifications, appointment, compensation. There is hereby established within and as a part of the department of health and environment a division of health, the head of which shall be the director of the division of health. Under the supervision of the secretary of health and environment, the director of the division of health shall administer the division of health. The director shall be a physician, hold a valid license to practice medicine and surgery, and have experience and educational training in the field of public health. The secretary of health and environment shall appoint the director of the division of health. Each person appointed shall serve for a term of four years from and after the date of such appointment, and thereafter at the pleasure of the secretary. The director shall be in the unclassified service and shall receive an annual salary fixed by the secretary and approved by the governor.

History: L. 1974, ch. 351, § 3; L. 1974, ch. 352, § 186; L. 1993, ch. 169, § 1; L. 2005, ch. 122, § 6; Apr. 21.

75-5611a.

History: L. 1982, ch. 258, § 10; Repealed, L. 2004, ch. 145, § 51; July 1, 2005.

75-5655.

History: L. 1990, ch. 271, § 1; L. 1992, ch. 116, § 51; Repealed, L. 2000, ch. 10, § 1; July 1.

75-5660. Driving under the influence equipment fund; disposition of moneys. (a) There is hereby established in the state treasury the driving under the influence equipment fund.

(b) Moneys in the driving under the influence equipment fund shall be used by the department of health and environment only for the purposes of purchasing breath alcohol concentration testing equipment, including but not limited to, laboratory enhancement and for purposes relating to presentation of evidence in prosecution in cases

involving driving under the influence, or establishing and maintaining drivers' safety programs.

(c) All expenditures from the driving under the influence equipment fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

History: L. 1995, ch. 208, § 4; L. 2002, ch. 33, § 1; July 1.

75-5662. Publication of certain documents required; fee. (a) The secretary of health and environment shall publish all general policies, guidelines, standards and other documents that are used by the division of environment as part of the division's regulatory functions. The publication shall be supplemented at least annually. The division of the environment shall make the publication available upon request for a fee to be fixed by the secretary in an amount which will recover only the cost incurred by the division for printing and binding such materials, except that the fee for the original publication of all such documents shall not exceed \$75 and the fee for the annual supplement shall not exceed \$15. The publication or supplement may incorporate by reference or contain a bibliographic listing of documents that are published or protected by copyright if such documents are generally available to the public or are provided by the division to any citizen upon request in accordance with the provisions of K.S.A. 45-219 et seq., and amendments thereto.

(b) There is hereby established in the state treasury the health and environment publication fee fund. All moneys received by the department of health and environment from fees received pursuant to subsection (a) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the health and environment publication fee fund. Moneys in such fund shall be used only for paying the expenses of publishing documents as required by subsection (a). Expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or a person designated by the secretary.

History: L. § 404; July 1.

ADVISORY S

75-5663.

2005 Supp. 75-amendments the (a) "Advisor committee on t 2005 Supp. 75-5 (b) "Council trauma councils.

(c) "Hospital K.S.A. 65-425, a (d) "Physici the state board cine and surgery (e) "Secreta and environmer

History: L.

75-5664.

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84

State Transportation Engineer

75-5004 STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

75-5004. Abolition of highway commission and director of highways; transfer of powers, duties and functions to secretary; provisions for transition and continuity; preservation of rules, regulations, orders and directives. (a) On August 15, 1975, the state highway commission created by K.S.A. 74-2001 and the office of director of highways established by K.S.A. 74-2004 shall be and are hereby abolished, and on said date, except as otherwise provided in this act, all of the powers, duties and functions of the state highway commission and the director of highways shall be and are hereby transferred to and conferred and imposed upon the secretary of transportation. Except as otherwise provided in this act, the secretary of transportation shall be the successor in every way to the powers, duties and functions of the state highway commission and director of highways, respectively, in which the same were vested prior to August 15, 1975. The secretary of transportation shall be a continuation of the state highway commission and director of highways, respectively, and every act performed under the authority of the secretary of transportation shall be deemed to have the same force and effect as if performed by the state highway commission or director of highways, respectively, in which such functions were vested prior to August 15, 1975.

(b) Except as otherwise specifically provided in this act or in subsection (d) of K.S.A. 75-5111, on and after August 15, 1975, whenever the state highway commission, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of transportation, and whenever any such reference or designation concerns the power and authority of the state highway commission to acquire or dispose of land or any interest in land, the secretary of transportation shall succeed to such power and authority.

(c) On and after August 15, 1975, whenever the director of highways, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of transportation.

(d) All rules or regulations and all orders or directives of the director of highways or state highway commission, respectively, in existence on August 15, 1975, shall continue to be effective and shall be deemed to be the rules or regulations and

orders or directives of the secretary of transportation, until revised, amended, repealed or nullified pursuant to law.

History: L. 1975, ch. 426, § 4; July 1.

75-5005. State transportation engineer; appointment, qualifications and salary; additional staff assistants and employees of secretary; powers, duties and functions of transportation engineer, staff assistants and employees. The secretary of transportation shall appoint a state transportation engineer, who shall be a licensed professional engineer. The state transportation engineer shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of transportation and approved by the governor. The secretary of transportation also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of his or her office. Such staff assistants and employees shall be within the classified service under the Kansas civil service act unless otherwise specifically provided by law. The state transportation engineer and such other staff assistants and employees shall be within the office of the secretary of transportation and shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. Such state transportation engineer, staff assistants and employees shall act for and exercise the powers of the secretary of transportation to the extent authority to do so is delegated by the secretary of transportation.

History: L. 1975, ch. 426, § 5; L. 1978, ch. 332, § 47; July 1.

75-5006. Division of transportation administration; director of transportation administration, appointment and salary. There is hereby established within and as a part of the department of transportation a division of transportation administration, which shall be administered, under the supervision of the secretary of transportation, by the director of transportation administration, who shall be the chief administrative officer of said division. The director of transportation administration shall be appointed by the secretary of transportation and shall serve at the pleasure of the secretary. The director of transportation administration shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary

tary of transportation
state finance commission

History: L. 1975, ch. 426, § 4; July 1.

75-5007. Divisions; director of transportation; appointment and salary; powers, duties and functions of transportation engineer, staff assistants and employees. The secretary of transportation shall appoint a state transportation engineer, who shall be a licensed professional engineer. The state transportation engineer shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of transportation and approved by the governor. The secretary of transportation also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of his or her office. Such staff assistants and employees shall be within the classified service under the Kansas civil service act unless otherwise specifically provided by law. The state transportation engineer and such other staff assistants and employees shall be within the office of the secretary of transportation and shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. Such state transportation engineer, staff assistants and employees shall act for and exercise the powers of the secretary of transportation to the extent authority to do so is delegated by the secretary of transportation.

History: L. 1975, ch. 426, § 5; L. 1978, ch. 332, § 47; July 1.

75-5008. Division of transportation design; director of transportation design, appointment and salary; powers, duties and functions of transportation design engineer, staff assistants and employees. There is hereby established within and as a part of the department of transportation a division of transportation design, which shall be administered, under the supervision of the secretary of transportation, by the director of transportation design, who shall be the chief administrative officer of said division. The director of transportation design shall be appointed by the secretary of transportation and shall serve at the pleasure of the secretary. The director of transportation design shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of transportation and approved by the governor. The secretary of transportation also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of his or her office. Such staff assistants and employees shall be within the classified service under the Kansas civil service act unless otherwise specifically provided by law. The state transportation design engineer and such other staff assistants and employees shall be within the office of the secretary of transportation and shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. Such state transportation design engineer, staff assistants and employees shall act for and exercise the powers of the secretary of transportation to the extent authority to do so is delegated by the secretary of transportation.

History: L. 1975, ch. 426, § 5; L. 1978, ch. 332, § 47; July 1.

75-5009. Division of transportation development; director of transportation development, appointment and salary; powers, duties and functions of transportation development engineer, staff assistants and employees. There is hereby established within and as a part of the department of transportation a division of transportation development, which shall be administered, under the supervision of the secretary of transportation, by the director of transportation development, who shall be the chief administrative officer of said division. The director of transportation development shall be appointed by the secretary of transportation and shall serve at the pleasure of the secretary. The director of transportation development shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of transportation and approved by the governor. The secretary of transportation also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of his or her office. Such staff assistants and employees shall be within the classified service under the Kansas civil service act unless otherwise specifically provided by law. The state transportation development engineer and such other staff assistants and employees shall be within the office of the secretary of transportation and shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. Such state transportation development engineer, staff assistants and employees shall act for and exercise the powers of the secretary of transportation to the extent authority to do so is delegated by the secretary of transportation.

Secretary of Agriculture

DEPARTMENT OF AGRICULTURE

74-561

ture or the secretary's designee. The Kansas dairy association may make nominations to the governor for consideration as appointments to the dairy marketing advisory board.

(c) Except as provided by this subsection, members of the board shall serve for three year terms and until successors are appointed and qualified. Of the first five members appointed, two shall serve for one year, two shall serve for two years, and one shall serve for three years. The terms of members who are serving on the board on the effective date of this act shall expire on March 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this act. Three members shall constitute a quorum. Vacancies on the board shall be filled in the same manner as original appointments are made. The board may remove any of the board members for cause after hearing. Not more than three members of the board shall be of the same political party.

(d) Members of the board shall receive no compensation for such members' services, but may be reimbursed for actual and necessary expenses incurred by such members in the performance of such members' duties.

(e) The dairy marketing advisory board shall:

(1) Study and evaluate the need for establishing a statewide milk marketing order;

(2) make recommendations as to the implementation of milk marketing orders; and

(3) prepare and submit to the standing agriculture committees of the legislature a report of its findings and recommendations on or before February 1 each year.

History: L. 1994, ch. 174, § 1; L. 1995, ch. 81, § 1; L. 1995, ch. 241, § 7; L. 2004, ch. 101, § 126; July 1.

74-560. Kansas department of agriculture; creation; appointment of secretary of agriculture; annual public informational meeting; application of K-GOAL. (a) On and after the effective date of this act, in order to reorganize the administration, planning and regulation of the state's agriculture industry there is hereby established within the executive branch of government the Kansas department of agriculture, which shall be administered under the direction and supervision of a secretary of agriculture.

(b) The secretary shall be appointed by the governor. The secretary shall have a demonstrated

executive and administrative ability to discharge the duties of the office of secretary. Every appointed secretary of agriculture shall be appointed subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The secretary shall be a member of the governor's cabinet. The secretary shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor. The acting secretary of agriculture who is serving as the secretary on the effective date of this act shall be the secretary of agriculture as established by this act, shall serve at the pleasure of the governor and shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Any action of the senate taken prior to the effective date of this act which confirms an individual as the secretary of agriculture is hereby validated and shall constitute confirmation by the senate of such individual as secretary of agriculture under this section.

(c) The secretary shall organize an annual public informational meeting. The meeting shall take place in each congressional district on a rotating basis.

(d) The provisions of the Kansas governmental operations accountability law apply to the Kansas department of agriculture, and the department is subject to audit, review and evaluation under such law.

History: L. 1995, ch. 236, § 1; L. 2001, ch. 86, § 5; L. 2004, ch. 147, § 15; July 1.

74-561. Appointment of assistant secretaries of agriculture, staff assistants and employees. The secretary of agriculture may appoint an assistant secretary or secretaries of agriculture, who shall serve at the pleasure of the secretary of agriculture. Any such assistant secretary of agriculture shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture with the approval of the governor. The secretary of agriculture also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of the office. Except as otherwise provided in this act and in K.S.A. 75-2935, and amendments thereto, such staff assistants and employees shall be within the classified service under the Kansas civil service act. The assistant secretary or secretaries of agriculture and such other staff assistants and em-

**Testimony by Kathy Cook, Executive Director,
Kansas Families United for Public Education
In Support of HB2711**

Presented Feb. 9, 2006

On behalf of Kansas Families United for Public Education, I offer my thanks to the committee for this opportunity.

Our members value the quality of public education in this state. We are committed to strengthening the system and to insuring that our students are prepared for 21st century learning and the 21st century job market.

The department of education has the largest budget of any state agency, and has the most important responsibility; educating our youth. Because it is the largest state agency and does fulfill the most important function of state government as mandated by the constitution, we believe that the leader of this department must have the necessary qualifications to lead our schools.

This state requires that many professions meet certain qualifications such as; architects, professional engineers, land surveyors, landscape architects, veterinarians, court clerks, optometrists, cosmetologists; the list goes on.

This state has a State Banking Board and those six members are required to have not less than 5 years actual banking experience.

Therefore it only goes to reason that the individual leading our schools and entrusted with our children's future should have a set of minimum qualifications.

We believe that the bill before you sets a minimum qualification guideline that should be adopted by the state of Kansas.

We all know that a teacher shortage is upon us and that we are competing for teachers with states across this country. Our neighboring states; Iowa, Missouri, Nebraska, Oklahoma, and Colorado all employ education department leaders with vast experience in public education. Will teachers choose to work in a department where the leader may not have this type of experience? That question may not be answered until it is too late for our students.

Kansas Families United for Public Education is concerned about our ability to recruit highly qualified teachers when the state has not set qualifications for the Commissioner of Education.

Therefore we stand in support of HB2711 and ask the committee members for their support of this legislation and of our students.

Kathy Cook
Kansas Families United for Public Education
(913) 825-0099

House Education Committee
Date: 2-9-06
Attachment # 9

Re: HB 2711

Date: February 8, 2006

My name is Joan Leavens, 9824 Briar Drive, Overland Park, KS. I hold a Bachelor of Science Degree in Elementary and Early Childhood Education from Southern Illinois University at Edwardsville. I hold a life-time teaching certificate from the state of Missouri. I have held licenses in North Carolina, Illinois, and Kansas. I taught five years in private schools in St. Louis, MO; Durham, NC; and at Notre Dame de Sion Lower School in Kansas City, MO. I served three years as a substitute in the Shawnee Mission School District.

Through December 2005, I served five years as Education Director for the Blue River Watershed Association. I delivered science education to students and teachers in ten school districts on both sides of the state line, including Shawnee Mission, Blue Valley, Kansas City Kansas, and Turner in Kansas, as well as Kansas City Missouri.

I also serve on various education and advisory committees, including the Mid-America Regional Council Water Resources Public Education Committee and the Kansas Association for Conservation and Environmental Education Education Committee. MARC serves an eight county region in the Kansas City metro. KACEE is a statewide education organization in Kansas.

I or my association have been recognized for our education efforts by the Daughters of the American Revolution, Bridging the Gap, Missouri Environmental Education Association, Kanza Sierra Club, and Missouri Department of Conservation. These are my credentials.

In addition, I wear a Kansas PTA life member pin with pride. Our three children have attended Kansas public schools since kindergarten. They are a freshman and a senior in high school and a sophomore in college. My youngest daughter and I served two years on our school site council.

I come before you as a concerned community member, educator, and parent. I have experienced education from each of these perspectives. And from these experiences, I can tell you that it is difficult for those outside of education to fully understand the experience of the administrator, teacher, or student.

My school district administrators and teachers provide for the care and well-being of my children. They deal with issues of safety, privacy, ethics, and health—all of which require sensitivity, but more importantly, experience and training—in addition to providing an excellent cognitive education. Our children's teachers invest their time, energy, and much of themselves to see that our daughters meet their potential. They spend countless hours outside of class time preparing to meet the requirements of the many federal and state mandates, as well as the expectations of parents and the needs of the children in their charge. Most of them hold masters degrees in education.

I am continually awed by the lack of sensitivity or understanding for these professionals and the issues they face by those outside the education community. "Can't we just email all the district superintendents (or curriculum coordinators) to tell all their teachers to come to our workshop, meeting, or training?" How many of those emails do you think they receive each day? What makes you think they have the time to respond, let alone participate? "Can't we get some pictures of some kids?" They're people, not props—and they're someone's children and those someones may not appreciate seeing their children's faces plastered across your poster, brochure, or news release. "Do we really need this much liability insurance?" Are you kidding?! Planning programs for children is vastly different than planning programs for adults—in many regards. Liability concerns is just one.

These are comments from otherwise intelligent, well-respected, community leaders--wonderful, good-hearted, well-meaning people. However, every one of them lacks the training or experience that makes them eligible to work in a classroom, let alone qualified to make the aforementioned recommendations regarding classroom settings.

The state commissioner of education must, at a minimum, have this training and experience and the credentials to go with them. The commissioner serves as a leader, a guide, a resource to administrators and teachers across the state. He or she is expected to draw upon the wisdom of his experience and training to help solve difficult problems. Although the school district must be run as an efficient business, the school is not a factory and my children are not widgets. Our proud education system requires a special set of qualifications for its leaders. Our public schools are the foundation of our democracy. When we lower the standards, minimize the credentials, denigrate the institution—we chip away at a fundamental building block of our nation.

House Education Committee

Date: 2-9-06

Attachment # 10 ~ 1

I want the policy-makers in this state to understand what you are doing not only to my children and to my neighbors, but to my fellow Kansans, all across this state. Over the past 15 years we have witnessed cuts in administration and programs while class sizes grew. At first, it might have been fat—we are now cutting muscle.

When you are deadest on requiring the citizens of Johnson County to lower the quality of education provided their citizens, you are also telling large corporations who might consider locating in Johnson County, that Kansas does not intend to provide a high quality education to their children and in essence, they might as well take their business and their tax dollars elsewhere.

Johnson County is the economic engine of this state. Almost a quarter of the state's population lives in the county. Taxes collected in Johnson County subsidize education, health, social welfare, and infrastructure across Kansas. By requiring Shawnee Mission, Blue Valley, and Olathe to lower the bar, you are lowering your income.

I'd like to share two anecdotes. Last winter a parent whose husband works at Sprint shared with our legislator that when it came time for those involved in the Sprint-Nextel merger to choose their headquarters, many thought the brand-new facility in Overland Park would be the obvious choice. But the word was that the folks in Reston, VA, refused to relocate to Kansas due to the national reputation of its schools.

Second, we have friends who live in Kansas City, MO. He is an executive. His children are preschoolers. They had always planned to move to Kansas when their children reached school age. But they are so concerned about the schools in Kansas, they have decided to continue to live in the Kansas City, MO, school district.

Granted these are anecdotes, not data derived from a scientifically designed random sample survey. But they illustrate a perception out there about Kansas schools that once it becomes widespread will be difficult to change. We consider ourselves refugees of the Kansas City, MO, School District—we knew our elementary schools to be good schools. Some of our friends taught there. But the good news about those schools was not able to out-shout the negative reputation of the district.

I implore all of you. Come to school. Spend some time. Find out what it is like to teach a classroom of 28 second-graders, several of whom may have special needs, and have the sum total of your efforts to provide a safe, caring, engaging education for all them tallied up on a scorecard that lists numbers and does not take into account parental involvement and support.

Kansas citizens have a reputation for hard work, honesty and integrity. In the old WWII movies, it's always the farm boy from Kansas whose courage and bravery saves his comrades, leads the charge, and saves the day. I always like to point out that Benjamin Franklin did not found the public library because he needed more books. He understood the success of this democracy depends upon a well-educated public.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

**Mark Desetti, Testimony
House Education Committee
February 9, 2006**

.House Bill 2711

Madame Chair, members of the committee, thank you for the opportunity to submit testimony on **House Bill 2711**.

The Kansas National Education Association strongly supports educator licensure. We do not have a quarrel with persons who bring additional experiences entering the profession but we believe that teaching is more than simply knowing one's content or being an expert on something. This is why we have always objected to proposals that abandon licensure based on demonstration of both content knowledge and pedagogical skills.

We also believe that teaching is a profession not unlike other professions – medicine and law for example. And like other professions we support professional oversight by those who hold a valid license and have experience in the profession.

To that end, we support **House Bill 2711**. It is appropriate that the person charged with oversight of the entire public education system should be qualified to serve as a teacher or administrator in that system.

House Education Committee
Date: 2-9-06
Attachment # 11



Division of Fiscal and Administrative Services

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February 9, 2006

TO: House Education Committee

FROM: State Board of Education

SUBJECT: House Bill 2711—Commissioner of Education

My name is Ken Willard, 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 does not support the passage of House Bill 2711 concerning qualifications necessary for a person to serve as the Commissioner of Education.

This bill provides that no person shall be appointed as Commissioner of Education unless they hold a current license as a teacher or as a school administrator or has significant training or experience in the field of education.

The State Board of Education believes the selection should be under criteria established by the State Board and should not be a part of Kansas statutes. If you look at other state agency heads, there is no specific statute, as a general rule, that specifies criteria for employment in those positions.

We believe the employment of a Commissioner of Education should be left to the elected State Board.