

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

68-West-Statehouse, 300 SW 10th Ave.
Topeka, Kansas 66612-1504
(785) 296-3181 • FAX (785) 296-3824

kslegres@klrd.ks.gov

<http://www.kslegislature.org/klrd>

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To: 2015 Special Committee on Ethics, Elections, and Local Government
From: Martha Dorsey, Principal Research Analyst
Re: Survey of School Board Members Regarding Conflict of Interest Provisions in 2015 HB 2345

Kansas Legislative Research Department (KLRD) staff were asked to obtain information regarding how many school board members would be disqualified under the provisions of 2015 HB 2345. To do so, a survey was conducted of all Kansas local board of education members. This memorandum summarizes the survey instrument, procedure, and results.

BACKGROUND

HB 2345 was introduced on February 13, 2015. Originally assigned to the House Education Committee, on February 26 it was withdrawn from the Education Committee and re-referred to the House Committee on Appropriations. That same day it received an informational hearing in the House Education Committee. No further action has been taken. However, concern was voiced that the bill, as written, would eliminate a large number of members currently serving on local school boards.

The bill would prohibit a person from serving as a local school board member or a member of the State Board of Education if the person had a conflict of interest. A conflict of interest is defined in the bill as a person who:

- Has a substantial interest¹ in any business that works directly with or provides services to this state or the school district in which the person resides;
- Holds a position of administrator, teacher, or employee of a school district or the state department of education;

¹ The bill would define "substantial interest" to mean any of the following: (a) An individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest; (b) an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000; or (c) an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses that works directly with or provides services to the state of Kansas or the school district where such individual resides, provided the aggregate amount of such fees or commissions the individual or the individual's spouse, either individually or collectively, received is \$2,000 or more in t

- Resides in a home where an employee of a school district or the department of education also resides; or
- Has a spouse, sibling, or parent who is an employee of a school district or the department of education.

SURVEY QUESTIONS AND RESULTS

With the help of the Kansas Department of Education and the Kansas Association of School Boards, KLRD staff distributed a confidential survey to all members of local school boards in Kansas.² Survey questions were as follows, with instructions to answer each and every condition for which the answer was affirmative:

1. _____ I am employed by a (*any*) Kansas school district.
2. _____ I am employed by the Kansas State Department of Education (KSDE).
3. _____ My spouse, sibling, or parent is employed by a (*any*) Kansas school district.
4. _____ My spouse, sibling, or parent is employed by KSDE.
5. _____ I reside in a home where an employee of any Kansas school district or the KSDE also resides.
6. _____ I have a substantial interest [defined in the survey] in a business that works directly with or provides services to the State of Kansas or my own school district of residence.

Optional: I am a member of USD # _____.

A total of 1,136 responses, or 56.9 percent of a total possible from 1,998 board members, were received as of October 22, 2015. The percentage of respondents out of the total number of *filled* board positions might be higher, as we do not know how many of the 1,998 possible positions were vacant at the time of the survey.

It is important to note these survey results should not be generalized to the entire population of 1,998 Kansas school board members. We do not know why those who did not respond did not do so.

A majority (59.1 percent) of respondents reported having none of the listed conflicts. The remaining 40.9 percent of the respondents reported having at least one of the conflicts. Details follow.

² KSDE staff emailed the survey to all school district administrative offices. The superintendents or clerks of the school districts then distributed the survey to their respective board members.

Analysis by Specific Area of Conflict. A total of 685 “Yes” responses were received to the 6 items listed above. This does not represent 685 separate respondents, as some respondents reported more than 1 conflict. The following two tables provide a detailed summary of the positive responses to the six items.

**HB 2345 AREAS OF CONFLICT RELATED TO
THE ACTUAL BOARD MEMBER**

Item #	Description	# Yes
1	Member is employed by any Kansas school district	34
2	Member is employed by the Kansas Department of Education (KSDE)	1
5	Member resides in a home where a school district or KSDE employee also resides	173
6	Member has a substantial interest in a business that works directly with or provides services to the State of Kansas or a member’s own school district of residence	122
	SUBTOTALS FOR CONFLICT AREAS RELATED TO ACTUAL BOARD MEMBER	330

**HB 2345 AREAS OF CONFLICT RELATED TO A
BOARD MEMBER’S SPOUSE, SIBLING, OR PARENT***

Item #	Description	# Yes
3	Spouse, sibling, or parent is employed by any Kansas school district	339
4	Spouse, sibling, or parent is employed by KSDE	16
	SUBTOTALS FOR CONFLICT AREAS RELATED TO MEMBER’S SPOUSE, SIBLING OR PARENT*	355

**Note:* In a note added to the survey, one respondent mentioned an adult child who was employed by a school district. However, adult children of board members are not mentioned in the bill. Therefore, no question was asked of board members regarding whether their adult children might fall into one of the categories listed above.

The 2 tables above reveal school district employment by a relative (*i.e.*, spouse, sibling, or parent) is the area for which most of the 1,136 respondents (339, or 29.8 percent) reported a conflict. As mentioned in the footnote for the second table, these numbers do not reflect those board members who have an adult child who works for a school district. The affirmative responses to Item 5, which generated the next highest number of affirmative responses (173, or 15.2 percent), relate to school district and KSDE employment of someone living in the same household.

Third highest in the number of affirmative responses was Item 6, where a member has a substantial interest in a business that works directly with or provides services to the State of Kansas. A total of 122 respondents, or 10.7 percent, responded affirmatively to this item. Please note the definition of “substantial interest” in the footnote on Page 1.

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Analysis by Number of Conflicts per Respondent. Of the total 1,136 respondents, 671 reported no HB 2345 conflicts and 465 individuals reported at least 1 HB 2345 conflict. Of these, 186 reported multiple conflicts. The following table shows the number of respondents by the number of conflicts reported.

NUMBER OF HB 2345 AREAS OF CONFLICT REPORTED PER RESPONDENT

Number of Conflicts Reported	Number of Respondents	Percentage of the 462 Respondents With 1 or More Conflicts
0	671 (59.1%)	n/a
1	279	60.0%
2	154	33.1%
3	31	6.7%
4	1	0.2%
5	0	0.0%
6	0	0.0%
	1,136 TOTAL	

The most frequent combination involved affirmative answers to item 3 (a spouse, sibling, or parent is employed by any Kansas school district) and item 5 (member resides in a home where a school district or KSDE employee also resides). Of those who answered "yes" to two or more questions, 84.4 percent said "yes" to those two. Of 154 who answered "yes" to only 2 questions, 126 (81.8 percent) said "yes" to questions 3 and 5.

Please let us know if we can provide additional information.

MBD/kal