

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:35 p.m. on March 13 2003 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Carolyn Rampey, Legislative Research  
Kathie Sparks, Legislative Research  
Theresa Kiernan, Revisor of Statutes  
Judy Steinlicht, Secretary

Conferees appearing before the committee: Carolyn Rampey, Legislative Research  
Theresa Kiernan, Revisor of Statutes  
Mark Tallman, KASB

Others attending: See attached list

**SCR 1601–Proposition to amend sections 3 & 7 of the constitution of the state of Kansas**  
**SCR 1611–State Board of Education; elected by members of local boards of education**  
**SB 190–State Board of Education; nonpartisan election**

Carolyn Rampey, Legislative Research, gave the Committee a report from the National Association of State Boards of Education showing how each state elects or appoints their state board of education, the number on the board, length of term, etc. Carolyn presented a summary of the elementary-secondary education governance among the states. The most common method of selection of members of state-level boards of education was by gubernatorial appointment with thirty states using this method. Five states elect board members by partisan election and four by non-partisan elections. Four states use a combination of election and gubernatorial appointment. Two states have no state-level boards of education and the remaining five states and the District of Columbia use other, less common, methods of selection. Most states have an uneven number of members and Texas appears to be the only state that has an elected state board by a partisan election and a chief state school officer who is appointed by the Governor. ([Attachment 1](#))

Carolyn continued with a overview of governance of elementary-secondary education in Texas. In 1949, an elected State Board of Education was created. The State Board appointed the Commissioner of Education. In 1995, the law was changed to make the Commissioner an appointee by the Governor. Since that time, an erosion of powers has occurred. Law provides that the board meet quarterly, but until 1996, the board met much more frequently. The past two years, the board met approximately every other month and now has not met for two months because it has no chair. They may however, have subcommittees that are active. The chair is appointed by the Governor and is selected from the 15 member board. The appointee must be confirmed by the state. The Commissioner is an ex officio member of the Board and attends meetings, serves a four year term commensurate with the term of the Governor and serves as the head of the Texas Education Agency. ([Attachment 2](#))

Carolyn provided the background of the Kansas Constitution. Article 6 was adopted in its present form in 1966. Thirty-two resolutions have been introduced since 1973 to change the constitution and only three of those were submitted to the voters, but none have passed. ([Attachment 3](#))

Theresa Kiernan, Legislative Research, explained **SB190**, and two resolutions, **SCR1601** and **SCR1611**.

**SB190** provides for the non partisan election of the State Board of Education and elections would be held in the spring of odd-numbered years.

**SCR1601** provides for an appointed nine-member board of education and members would be subject to confirmation by the Senate.

## CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:35 p.m. on March 13 2003 in Room 123-S of the Capitol.

**SCR1611** continues the elected ten-member board of education and members would be elected by members of local boards of education.

Theresa also explained two new proposed Senate Concurrent Resolutions. The first adds three appointed members to the State Board of Education and each appointed and elected member would serve a four-year term. The second resolution, removes self-executing powers of the State Board of Education, replaces the commissioner of education appointed by the State Board of Education with a secretary of education appointed by the Governor, subject to confirmation by the Senate, and the secretary would exercise supervision over the maintenance, development and operation of elementary and secondary schools as provided by law. (Attachment 4)

Committee discussion followed. Chairman Umbarger advised the Committee that he would be open to other options, that he would like to consider this matter further and come to some conclusion next week. Feedback from the Committee showed interest in an uneven number of board members, input from the Governor on the board through appointment of one to three members and some interest in a non-partisan election.

Mark Tallman, KASB, stated that his organization has not considered gubernatorial appointments. Their position is to support an elected board. KASB believes that this would not be on the election ballot until the 2004 election. In that case, they would take a look at the proposal and may be in a position to support it by that time. In the past, Mark believes that resolutions have failed because the State Board was against them and that there was no strong advocate behind the changes.

Chairman Umbarger adjourned the meeting with the comments that he wishes to take final action on the matter of changes for the State Board of Education next Tuesday at the next hearing on this bill. The next meeting is scheduled for Monday, March 17, 2003 at 1:30 p.m. in Room 123S.