

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. On March 3, 2011, in Room 784 of the Docking State Office Building.

All members were present except:

Representative Sheryl Spalding, excused
Representative Barbara Bollier, excused
Representative Amanda Grosserode, excused

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Eunice C. Peters, Kansas Revisor of Statutes
Norm Furse, Kansas Revisor of Statutes
Jan Johnston, Committee Assistant

Conferees appearing before the Committee:

Speaker Michael O'Neal
Mark Tallman, Kansas Association of School Boards
Kathy Cook, Kansas Families for Education
Bill Reardon, Kansas City, Kansas Public Schools

Others attending, see attached sheet.

HCR 5010 - School finance; equitable distribution of public school funds in the amount and manner determined by the legislature

Representative Aurand opened the hearing on **HCR 5010**.

Eunice Peters, Office of the Revisor of Statutes, explained to the committee the purpose of **HCR 5010**.

Sharon Wenger, Kansas Legislative Research Department, gave a handout to the Committee Defining a Suitable Education. (Attachment 1)

A question and answer session followed Ms. Wenger explanation.

Speaker Michael O'Neal, appeared before the committee as a proponent of **HCR 5010**, a proposed constitutional amendment to clarify Art. 6, Sec. 6 of the Kansas Constitution. Until the Montoy decision, this education article in our state constitution was well understood and its interpretation by the state's highest court was consistent with the legislative history of the article's enactment by the voters of Kansas.

In considering the court's responsibility under the separation of powers, doctrine, the court noted that *“the determination of the amounts, sources, and objectives of expenditures of public moneys for educational purposes, especially at the state level, presents issues of enormous practical and political complexity, and resolution appropriately is largely left to the interplay of the interests and forces directly and indirectly affected, in the arena of legislative and executive activity. This is of the very essence of our governmental and political polity. It would normally be inappropriate, therefore, for the courts to intrude upon such decision-making.”* (Attachment 2)

Mark Tallman appeared before the committee in opposition of **HCR 5010**. Mr. Tallman thanked the Committee for the opportunity to share his concerns about **HCR 5010** which would remove the Legislature's constitutional duty to make suitable provisions for education finance and instead direct the Legislature to “provide for the equitable distribution of public school funds in a manner and amount as may be determined by the Legislature.” KASB opposes this proposal because we support the current constitutional provision which gives the Legislature responsibility for providing suitable funding for the educational interests of the state, which are defined to include providing intellectual, educational, vocational and scientific improvement. (Attachment 3)

A summary for Public School Regulations, Statutes and Requirements handout by Mark Tallman. (Attachment 4)

CONTINUATION SHEET

Minutes of the House Education Committee at 9:30 a.m. on March 3, 2011, in Room 784 of the Docking State Office Building.

Chairman Aurand said we would have questions and answers after all conferees spoke to the Committee.

Kathy Cook, appeared before the committee in opposition of **HCR 5010**. Kansas has a long and proud history when it comes to public education, from Brown vs. Board of Education to the legislative body and public that made sure public education was provided for under our constitution. Article 6 of the Kansas constitution is there to protect the rights of our students, and we believe that a quality public education is a fundamental right of Kansas children. (Attachment 5)

Bill Reardon, KCKPS, appeared before the committee in opposition of **HCR 5010**. Mr. Reardon said he was certainly not a constitutional scholar. In fact, he was not sure what the impact of **HCR 5010** will have on public education in Kansas. He suspected that part of the intent of **HCR 5010** is to change the constitution before the current education lawsuit reaches the Kansas Supreme Court. He was certainly unable to divine how the court would react to this eleventh hour change in the constitution. (Attachment 6)

A question and answer session followed the presentations.

Representative Aurand closed the hearing on **HCR 5010**.

The meeting was adjourned at 10:45 a.m. The next meeting will be March 8, 2011.