

## House Concurrent Resolution No. 5018

By Committee on Education

2-17

1 A PROPOSITION to revise article 6 of the constitution of the state of  
2 Kansas; relating to education.

3 *Be it resolved by the Legislature of the State of Kansas, two-thirds of*  
4 *the members elected (or appointed) and qualified to the Senate and two-*  
5 *thirds of the members elected (or appointed) and qualified to the House*  
6 *of Representatives concurring therein:*

7 Section 1. The following proposition to amend the constitution of  
8 the state of Kansas shall be submitted to the qualified electors of the state  
9 for their approval or rejection: Article 6 of the constitution of the state of  
10 Kansas is hereby revised to read as follows:

11 **"Article 6. -- EDUCATION**

12 **~~"§ 1. Schools and related institutions and activities~~ *System of***  
13 ***public education.*** The legislature shall provide for intellectual,  
14 educational, vocational and scientific improvement by establishing and  
15 maintaining ~~public schools, educational institutions and related activities~~  
16 *a system of public education* which may be organized and changed in  
17 such manner as may be provided by law.

18 **~~"§ 2. State board of education and state board of regents~~**  
19 ***Governance.*** (a) The legislature shall provide for a state board of  
20 education which shall have general supervision of public schools,  
21 educational institutions and all the educational interests of the state,  
22 except educational functions delegated by law to the state board of  
23 regents. The state board of education shall perform such other duties as  
24 ~~may be provided by law.~~ *The legislature shall make suitable provision*  
25 *for the governance of the system of public education and the schools and*  
26 *institutions that are parts of the system.*

27 (b) *The legislature shall provide for the supervision of*  
28 *elementary and secondary schools and such other educational*  
29 *institutions and interests.*

30 ~~(b) (c)~~ (c) The legislature shall provide for a ~~state board of~~  
31 ~~regents and for its control and~~ the supervision of public institutions of  
32 higher education. ~~Public institutions of higher education shall include~~  
33 ~~universities and colleges granting baccalaureate or postbaccalaureate~~  
34 ~~degrees and such other educational institutions and educational interests~~  
35 as may be provided by law. ~~The state board of regents shall perform such~~  
36 ~~other duties as may be prescribed by law.~~

1           (d) *The legislature may provide for such other*  
2 *instrumentalities of governance, supervision or control of the schools,*  
3 *educational institutions and interests of the state as the legislature may*  
4 *deem necessary. Such instrumentalities shall perform such duties as*  
5 *may be provided by law.*

6           (e) (e) Any municipal university shall be operated, supervised  
7 and controlled as *may be provided by law.*

8           "~~§ 3. Members of state board of education and state board~~  
9 ~~of regents.~~ (a) ~~There shall be ten members of the state board of~~  
10 ~~education with overlapping terms as the legislature may prescribe. The~~  
11 ~~legislature shall make provision for ten member districts, each comprised~~  
12 ~~of four contiguous senatorial districts. The electors of each member-~~  
13 ~~district shall elect one person residing in the district as a member of the~~  
14 ~~board. The legislature shall prescribe the manner in which vacancies~~  
15 ~~occurring on the board shall be filled.~~

16           ~~(b) The state board of regents shall have nine members with~~  
17 ~~overlapping terms as the legislature may prescribe. Members shall be~~  
18 ~~appointed by the governor, subject to confirmation by the senate. One~~  
19 ~~member shall be appointed from each congressional district with the~~  
20 ~~remaining members appointed at large, however, no two members shall~~  
21 ~~reside in the same county at the time of their appointment. Vacancies~~  
22 ~~occurring on the board shall be filled by appointment by the governor as~~  
23 ~~provided by law.~~

24           ~~(c) Subsequent redistricting shall not disqualify any member of~~  
25 ~~either board from service for the remainder of his term. Any member of~~  
26 ~~either board may be removed from office for cause as may be provided~~  
27 ~~by law.~~

28           "~~§ 4. § 3. Commissioner Secretary of education.~~ The state  
29 board of education shall appoint a commissioner of education who shall  
30 serve at the pleasure of the board as its executive officer. *The governor*  
31 *shall appoint a secretary of education, subject to confirmation by the*  
32 *senate. The secretary shall serve at the pleasure of the governor and*  
33 *exercise such powers and perform such duties as may be provided by*  
34 *law.*

35           "~~§ 5. § 4. Local Public elementary and secondary schools.~~  
36 ~~Local Public elementary and secondary schools under the general~~  
37 ~~supervision of the state board of education shall be maintained,~~  
38 ~~developed and operated by locally elected boards. When authorized by~~  
39 ~~law, such boards may make and carry out agreements for cooperative~~  
40 ~~operation and administration of educational programs under the general~~  
41 ~~supervision of the state board of education, but . All such agreements~~  
42 ~~shall be subject to limitation, change or termination by the legislature.~~  
43 *The secretary of education shall exercise such supervision over the*

1 maintenance, development and operation of public elementary and  
2 secondary schools as may be provided by law.

3 ~~"§ 6. §5. Finance.~~ (a) The legislature shall make suitable  
4 provision for finance of the system of public education. The legislature  
5 may levy a permanent tax for the use and benefit of state institutions of  
6 higher education and ~~apportion among and appropriate the same to the~~  
7 ~~several institutions, which levy, provide for~~ apportionment and  
8 appropriation shall ~~continue until changed by statute.~~ of the proceeds of  
9 such tax. Further appropriation and other provision for finance of  
10 institutions of higher education may be made by the legislature.

11 (b) ~~The legislature shall make suitable provision for finance of~~  
12 ~~the educational interests of the state.~~ No tuition shall be charged for  
13 attendance at any public school or other public educational institution to  
14 ~~pupils persons~~ required by law to attend such school, ~~except such fees or~~  
15 ~~supplemental charges as may be or institution.~~ Fees other than tuition  
16 may be charged to such persons when authorized by law. The legislature  
17 may authorize ~~the state board of regents to establish or require the~~  
18 ~~charging of tuition, and other fees and charges at institutions under its~~  
19 ~~supervision.~~ for attendance at any public school or other public  
20 educational institution to persons who are not required by law to attend  
21 such school or institution.

22 (c) No religious sect or sects shall control any part of the  
23 public educational funds.

24 ~~"§ 7. §6. Savings clause.~~ (a) All laws in force at the time of  
25 the adoption of this amendment and consistent therewith shall remain in  
26 full force and effect until amended or repealed by the legislature. All  
27 laws inconsistent with this amendment, unless sooner repealed or  
28 amended to conform with this amendment, shall remain in full force and  
29 effect until July 1, ~~1969~~ 2012.

30 (b) ~~Notwithstanding any other provision of the constitution to~~  
31 ~~the contrary, no state superintendent of public instruction or county~~  
32 ~~superintendent of public instruction shall be elected after January 1,~~  
33 ~~1967.~~

34 (e) ~~The state perpetual school fund or any part thereof may be~~  
35 ~~managed and invested as provided by law or all or any part thereof may~~  
36 ~~be appropriated, both as to principal and income, to the support of the~~  
37 ~~public schools supervised by the state board of education."~~

38 Sec. 2. The following statement shall be printed on the ballot with  
39 the amendment as a whole:

40 *"Explanatory statement.* The education article of the state constitution  
41 is very explicit in specifying the manner in which certain functions in the  
42 field of public education are to be performed. For example, the education  
43 article specifies that the function of governance of public schools and

1 other public education institutions will be performed by the state board  
2 of education or the state board of regents. Since the education article is  
3 so explicit with regard to the performance of certain functions in the field  
4 of public education, the legislature is restrained from providing for  
5 changes in the performance of such functions by statute even though  
6 changes may be deemed necessary or desirable by the people.

7 “A vote for this proposition would not mandate a change in public  
8 education policy or governance. A vote for this proposition would amend  
9 the education article to make its operation more flexible so that the  
10 legislature, and through its members, the people, would have more  
11 freedom in providing for public education policy and governance.

12 “A vote against this proposition will continue in effect the present  
13 operation of the education article.”

14 Sec. 3. This resolution, if approved by two-thirds of the members  
15 elected (or appointed) and qualified to the Senate, and two-thirds of the  
16 members elected (or appointed) and qualified to the House of  
17 Representatives shall be entered on the journals, together with the yeas  
18 and nays. The secretary of state shall cause this resolution to be  
19 published as provided by law and shall cause the proposed amendment to  
20 be submitted to the electors of the state at the general election in the year  
21 2011 unless a special election is called at a sooner date by concurrent  
22 resolution of the legislature, in which case it shall be submitted to the  
23 electors of the state at the special election.  
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