

SESSION OF 2003

**SUPPLEMENTAL NOTE ON
SENATE CONCURRENT RESOLUTION NO. 1612**

As Recommended by Senate Committee on
Education

Brief*

SCR 1612 proposes to amend Article 6 of the *Kansas Constitution*, which pertains to the State Board of Education. The amendment would expand the State Board by adding three members who would be appointed by the Governor and confirmed by the Senate. Ten members of the State Board would continue to be elected from single-member districts, as they are now. No change would be made to the powers and duties of the State Board or to the position of Commissioner of Education.

If approved by two-thirds of all members of each house of the Kansas Legislature, SCR 1612 would be submitted to the voters at the general election of 2004.

Background

The concurrent resolution proposed by the Senate Education Committee would expand the State Board of Education from 10 to 13 members by the addition of three members who would be appointed by the Governor and confirmed by the Senate. The present method of selection would be retained for ten members of the State Board, who, by virtue of the *Kansas Constitution*, are elected from single-member districts comprised of four contiguous senatorial districts. New members of the State Board who are appointees of the Governor would have the same authority and responsibilities as elected members.

According to the National Association of State Boards of Education, 30 states have state boards of education whose members all are

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

appointed by the governor. Nine states, including Kansas, elect their state board members, either in partisan elections (five states) or non-partisan elections (four states). Indiana, Louisiana, New Mexico, and Ohio select their state board members by a combination of election and gubernatorial appointment, as is proposed by SCR 1612. The remaining states use a variety of methods and combinations, including legislative appointment of some or all members (three states) and election of the state board by local school board members (one state). Minnesota and Wisconsin have no state-level boards of education.

The present Education Article of the *Kansas Constitution* was adopted in 1966. Since then, numerous concurrent resolutions have been proposed to amend it, but only three have received the necessary two-thirds votes in both houses of the Legislature and have been submitted to the voters. All three failed to receive the necessary votes to pass. Two of the failed proposals would have removed the State Board's "self-executing" powers and the third would have deleted references entirely to the State Board of Education and the State Board of Regents from the *Kansas Constitution*.