



Oral opponent testimony on

SB 427

Requiring school districts to publicly list the names and email addresses of current school board members, authorizing local school board members to add new items to board meeting discussions, ask questions or engage in discussion with members of the public and access school property, authorizing members of the public to address school boards at board meetings and authorizing payment of annual dues to any not-for-profit organization that provides services to member school districts

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In

Senate Education Committee

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Madam Chair and Members of the Committee,

Thank you for the opportunity to provide opponent testimony on SB 427.

As KASB members state in their Permanent Policies, “Kansas public education is governed by locally elected, non-partisan boards of education, citizens from varied backgrounds serving their district without pay and accountable to their district’s voters for their actions.” The Kansas Constitution, Article 6, Section 5 squarely places the operation of school districts in the hands of local boards of education: “Local public schools under the general supervision of the state board of education shall be maintained, developed and operated under locally elected boards.” KASB’s member districts, through their 2024 legislative resolutions, have reaffirmed their unwavering support for local boards’ responsibility for the “management of public schools under locally elected boards of education, including setting curriculum, staffing, financial management and policies.”

SB 427’s provisions violate local school boards’ constitutional rights to oversee their districts by imposing unnecessary and disruptive procedures and interfering with the efficient and effective governance of local public schools. The bill imposes meeting requirements on local boards of

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education that go beyond what is required of any other public bodies, including beyond what the members of the Legislature impose upon themselves.

Section 1 subpart 4 of the bill amends state law to require that all board members' emails be disclosed and publicized. The bill presumes that each of the approximately 2000 school board members in this state has access to a sophisticated level of tech support and cybersecurity protection. That is not necessarily true, and it is why local control over this issue is so important.

The bill's directives to both local boards and to KSDE override KASB members' collective judgments as how best to protect their districts from cybersecurity attacks. For example, one of the simplest ways to hack into a school district's tech system is to send a spoofing or phishing email to board members or employees. If one person takes the bait, the entire district is at risk of a cybersecurity attack. This is why many districts have a fillable form on their website for those who want to email a person with a district account. The legislature has been vocal, and rightfully so, about how school districts and other Kansas governmental entities are addressing their vulnerability to cyberattacks. We urge the committee to reject this bill's attempt to impose a statutory one-size-fits-all directive on local boards on this important issue.

In addition to the cybersecurity issues raised by the proposed new language in Section 1, the proposed new language of subparts 5 and 6 interferes with local control and impedes the efficient, transparent management of school district business by boards of education.

The new language in subpart 5 would grant a single board member the unlimited right to place new items on a board meeting agenda. This expansion of the authority of a single board member is contrary to other state law and principles of good board governance. It would also decrease the transparency of board meetings.

It is well established that a single school board member, on their own, does not have the authority to act on behalf of the entire board of education or on behalf of the district. The agenda for a board meeting is not the "board's" agenda until it has been voted on for adoption by a majority of the board at a properly noticed meeting with a quorum present. Currently, any school board member may request to add an item to the agenda of a board meeting; that member needs only secure a second and the votes of three other members to have that item placed on the meeting agenda. This is standard practice for governing bodies, to ensure that the agenda of the body is agreed upon by a majority of its members. No single board member has the sole authority to change an adopted agenda, nor should they. To provide otherwise would remove the inherent authority of the body itself, acting as a whole, to conduct its business in an agreed-upon, efficient, and transparent manner.

In addition to being an unwarranted expansion of the power of a single board member over district business, this provision would make school board meetings less transparent rather than more transparent. Districts in Kansas post their board meeting agendas in advance, so that their communities know what is planned to be discussed at the upcoming board meeting. The

procedure contemplated in this bill would allow a single board member to add items without notice and without support from a majority of the board and without providing any level of transparency to staff, students, families, the community, or the media about the issues to be discussed at a board's meeting.

The new language in subpart 6 regarding unlimited discussions with members of the public during board meetings, and requiring public comment at all meetings of the board, also intrudes upon local governance decisions, overrides a board president's ability to keep order in a meeting, and subjects boards of education to meeting requirements that no other public body in the state would be similarly required to follow. We urge the committee to consider the optics of requiring school boards to follow directives the Legislature would not adopt for other public bodies or for itself.

Our boards go to great lengths to ensure board meetings are accessible to the public, as the law requires, and to seek input from individuals in attendance in most meetings. Similarly, there are several instances where the law requires boards to have public hearings, which they dutifully hold. Board meetings are led by the board president, who is elected to that role by the majority vote of fellow board members. Much like a state legislative committee chair, the president of the school board facilitates meetings, follows an agenda, provides opportunity for all relevant parties to be heard, and has authority to call a point of order when rules of engagement are not being followed.

Further, the bill ignores that all school districts have board policy that governs issues such as how a parent or community member should bring forward a concern or complaint to the district. Kansas school districts also have policies on rules of order, public participation, and public hearings. This proposed bill's language needlessly invites the legislature to trample on these policies and procedures, and thus on the principle of local control.

Finally, Section 3 of the bill requires that board members be given unlimited access to school district property at any time the property is open to school district employees. The bill again inappropriately gives a single board member power and authority that should only reside with the board as a whole. Board members are not district employees; they are individual members of the public and can exercise authority on behalf of the district only by action of the whole body through a majority vote, in a properly noticed public meeting. This section flies in the face of good governance practices and represents an expansion of authority to a single board member that is unnecessary and likely to result in violations of board policy, state and federal law, and could even create individual liability for board members who would be acting outside the scope of their appropriate authority to insist upon unlimited access to all district property for any reason or no reason at all at any time. Finally, there are times and places where school board members' individual presence would violate student and staff privacy rights. The bill does not account for this concern, nor does it appear to allow districts to adopt policy to protect these interests.

For these reasons, KASB opposes SB 427 and respectfully asks that the committee decline to advance this bill.

***KASB is a non-profit service organization built on an abiding belief in Kansas public schools.
We have put the needs of students and K-12 leaders first since 1917.***