The Kansas Supreme Court has made three key rulings about school finance in Kansas.

First, the people of Kansas have adopted constitutional principles and standards the Legislature must meet, including both adequacy and equity; and the judiciary is the final authority to determine adherence to constitutional standards.

Second, the adequacy requirement is met when the funding provided is reasonably calculated to have all Kansas public education students meet or exceed standards based on their capacity for success as adult citizens, in postsecondary education, and in their chosen careers.

Third, the equity requirement is met when school districts have reasonably equal access to substantially similar educational opportunities through similar tax efforts.

KASB supports each of these principles, which are reflected in positions adopted by our member school boards.

The Supreme Court expressed a clear opinion that certain provisions in the current school funding system promote inequity in schools across Kansas. This is consistent with concerns repeatedly raised on behalf of our members that the current school finance system requires local districts to rely on un-equalized local property tax revenues to fund the shortages in state aid. We urge the Governor and the Legislature to immediately provide full funding for local option budget state aid and capital outlay state aid to correct the unconstitutional wealth-based disparities in these programs as ordered by the court.

The court has also directed the trial court to evaluate “adequacy” of school finance using standards based on educational outcomes. Kansas ranks among the top states in overall educational achievement, but we do not believe this is good enough. Too many students - especially the disadvantaged - fail to meet the standards they need to be successful after high school. We also see recent evidence that our state’s academic progress has begun to decline in some areas, and is slipping behind other states. We know that states with better outcomes than Kansas consistently spend more per pupil. While many states cut K-12 funding during the Great Recession, Kansas has been much slower to recover, and remains behind in important budget areas.

Operating a dynamic, improving education system on dollars that are shrinking due to inflation will negatively impact the futures of the children in today’s classrooms. An education system that meets the needs of all children, and that prepares our children to succeed in life, requires adequate support.

KASB does not believe current funding will allow Kansas schools to continue improving student outcomes.

Our member school boards share a constitutional responsibility for education, along with the Legislature, the Kansas State Board of Education and the Kansas Board of Regents. We pledge to work with these bodies, as well as the Governor and other organizations, to develop and maintain a school finance system that meets constitutional standards.

Our public school system is one of the state’s strongest economic development tools and the key to our quality of life. As educational attainment rises, so does income and opportunity. To be competitive in tomorrow’s economy, we must provide education and training through today’s public education system.

KASB will continue to advocate for increasing academic standards and for state policies that achieve suitable funding for all school children in Kansas under a locally governed and responsive public education system.

Board Member Social Netiquette
April 14, 2014 ♦ 12:30 p.m.

Social media is changing the way we communicate. Poorly attended board meetings need not be a barrier for you to communicate the board’s actions or seek patron input on issues before the board when social networking keeps those information channels open. However, as a school board member, you have unique responsibilities to safeguard student and employee information while ensuring compliance with the Kansas Open Meetings Act. Join John Rasmussen and Angie Stallbaumer, two of your KASB attorneys, in an overview of legal considerations for board members in their social media use.
FROM THE KASB LEGAL DEPARTMENT

Board member confidentiality and legal liability

One of the crucial steps needed in building a district vision for public education is the ability of board members to build and maintain positive working relationships with each other based on trust, respect and confidence. School board members must develop a shared vision, purpose and goals to facilitate student learning and achievement.

The foundation of positive working relationships between board members rests on their ability to build and maintain the trust and confidence required of them as individual elected officials. This is an extremely difficult task for board members who serve in an era of increased demand for instant responsiveness, information and accountability. Patrons, staff and parent’s “need to know” can at times undermine and harm the trust and confidence board members must have in one another in order to work effectively as a team to protect student and employee confidentiality rights.

The greatest risk of destroying school board trust and confidence and violating the law occurs when a board member “breaches” or shares a matter discussed in executive session with a spouse, patron, employee or parents. Boards of education recess into executive session as allowed under the Kansas Open Meetings Act in order to protect either a public interest or the privacy interests of a particular student or employee. A board member who shares a matter discussed in executive session violates the public trust and destroys the trust and confidence of other board members.

In matters where individual privacy rights are involved, such as confidential student and employee information, a board member’s discussion outside of executive session may result in the violation of an individual’s privacy right by the individual board member sharing the confidential information. In other words, by discussing confidential matters outside of executive session, a board member may subject him or her to being sued as an individual and have personal liability. The immunity that protects board members from liability for things in an executive session of the board would not cover or protect the board member who makes statements outside of an executive session.

Personnel Files

Board members must exercise vigilance to ensure that confidential information about individual employee’s performance and evaluations discussed in executive session are kept confidential. Individual board members do not have a right to walk into a building and examine a teacher’s personnel file. While K.S.A. 72-9005 allows teacher evaluation documents to be released to certain individuals and entities including the “board,” the board must review these personnel files and evaluations in executive session and must exercise caution to not share any executive session discussion with anyone outside of the executive session. To do so could result in a violation of the employee’s privacy rights and cause the board member to incur personal liability. Additionally, board members who violate executive session confidentiality may cause other board members to refrain from discussion due to concerns about the “loose lips” and lack of trust and confidence in the board member who violates student and employees’ confidentiality.

Patron Personnel Concerns

When a school board member receives concerns from parents and patrons relating to a school district employee, the board member should share the patron concerns with the superintendent and ask the superintendent to investigate and report back to the board of education. Board members should not engage in independent investigations or inquiries about school personnel. To do so, could jeopardize future board action as the employee could assert the individual board member “is out to get them” and use the board members efforts and actions as evidence of bias towards them. While an individual board member may have concerns about the performance of an employee, unless there are three (3) other board members who share this concern, there is little one board member can do about an employee’s performance without the supervisor’s recommendations for action by the board and three other board members who concur with the performance concerns.

"Upon the subject of education...I can only say that I view it as the most important subject which we as a people can be engaged in."

Abraham Lincoln 1832

Do Not Get Individually Involved in Personnel or Student Matters.

To do so could result in a number of legal challenges for the board member and the school district. When you become aware of a problem or concern:

1. Listen;
2. Ask the person if they have talked to the teacher, principal and superintendent and if they have not;
3. Refer them to the procedures for handling problems and concerns at the lowest level possible;
4. Alert the superintendent of the patron concerns.

School board members should only bring personnel matters to the board once you have followed the above four steps. Also, school board policy may require the board member to follow the KN complaint procedures which requires complaints to be resolved at the lowest level possible.

Outside of a legally called school board meeting, a school board member has no greater legal authority to investigate personnel matters than any district patron. If a school board member conducts their own, individual investigation or gets involved in trying to solve their own child’s experience with a specific school district employee, then the school board member may be asked to not be involved at the board level when discussions occur regarding the particular school employee. When

continued on page 3
March Madness on/in the Kansas Courts!

March in Kansas can only mean one thing, basketball! Through the generosity of friends, I was able to attend the final game for this year’s seniors at Allen Field House. Senior night is always a great night, and I would never complain about being at a game in the Phog, no matter how close we were to the rafters!

Speaking of rafters, it is just not basketball if the fans do not have a lot of advice for the referees, no matter where they are sitting. There is always that guy who can see every call better than the referee even from 200 feet away. They always make me chuckle at their absurdity, but referee heckling guy is always so adamant, even when the call is an out of bounds call at the other end of the court.

Speaking of courts, in our system of government, the courts fill a similar role to that of referees. The job of the courts is to make judgments about whether rules are being followed, just like a basketball referee. Certainly referees have to be quicker with their calls, but the basics are the same.

Like referees, the courts come under fire both by the teams and coaches (legislative and executive branches) and the fans (us regular folks). Like referees, they cannot let teams, coaches or fans influence their decisions. Neither can they show emotion or signs of not being completely objective, no matter what advice or expletives are hurled from the cheap seats or expensive chairs.

Leading up to the release of the Gannon case, there was a lot of a court heckling. The court has no business telling us what to do is the judicial equivalent of the coach or fan who says “let ‘em play” when the calls are going against her team. Of course the call of “foul” or “get ‘em off” is just as loud when the calls are going against my team. Just like when we want the court to uphold our constitutional rights.

Who can forget the famous incident when Oklahoma coach Billy Tubbs got on the microphone at the request of the referees in an attempt to calm the crowd and keep the OU fans from making it rain pennies on the court? “No matter how bad the officiating is, please do not throw things on the court!” he said over the public address system to the delight of the crowd. Enough time has passed that even a Jayhawk fan can laugh and appreciate that great line. Maybe someday Kansans will laugh and appreciate a legislator saying they will “give the courts the finger.”

The referees and judges job is not to hear any of this, and to do their jobs. Our role as believers in the separation of powers is to adhere to the decision and work within the confines of the law and constitution. It’s that, or take our ball and go home. Yes, we all knew that kid growing up, and we know that he ended up with no friends and no one to play with.

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<td>It comes to issues affecting their own child, school board members must be sure to follow the procedures established to solve problems at the lowest level possible and after reporting the concern to the superintendent, the board member must follow the school district's procedures to resolve complaints.</td>
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School board members must also be very cautious about making statements to school employees as school district employees, under federal and state laws, have numerous rights and the board has the responsibility to guarantee those rights are not violated. Board members must also exercise caution and not make any statements to school district employees as an individual school board member is not authorized to speak for the board and could be liable for violation of the employee’s rights if the board member does not follow board policies, state and federal laws and/or the negotiated agreement.

Kansas law requires the board of education to appoint a superintendent and the law gives the superintendent the authority to manage and operate the school district on a day to day basis. Therefore, school board members must work with and through the superintendent and refer any student or employee concerns to the superintendent for resolution. An individual board member increases their own personal, legal liability and comprises their ability to be an effective school board member when they get personally involved in handling a personnel matter, particularly when it involves their own child.

If you have any questions please contact Donna Whiteman, Attorney, Assistant Executive Director of Legal Services via email at dwhiteman@kabs.org or call 800-432-2471.
KASB Legislative Day Monday, March 31, 2014

Critical education issues in the final days of the 2014 regular session include School Finance, the Gannon decision and legislative response; School Board Elections; and many other unresolved topics.

Meet at the KASB office 10 a.m. on Monday, March 31, 2014, for a briefing, then spend the day at the Kansas Legislature.

This is a great opportunity! KASB staff will help you make connections, navigate the process and make a difference in Topeka!

There is no charge for this event, but please RSVP at www.kasb.org/store or email legislative@kasb.org.