

## Testimony

To: Senate Education Committee

By: Steve Meloy/ Executive Secretary/ Board of Public Education

January 17, 2005

Senator Ryan and Members of the Committee:

For the record my name is Steve Meloy and I am the Executive Secretary of the Board of Public Education. I am here today on behalf of the Board of Education to oppose Senate Bill 198 not because of what the bill intends to do but because of how it intends to impose the legislature's will on local school districts and bypassing the constitutional authority of the Board.

Article X, Section 9 makes it very clear that the Board of Public Education is the entity to exercise general supervision over the public school system. It further provides that the local supervision and control of schools is vested in each school district. This bill, if passed, would extend general and local control to 150 members of this legislative body and therefore be out of compliance with constitutional language and contrary to recent court decisions.

I would suggest that many districts in this state either have policy consistent to language in this bill and if not are contemplating language.

Last week, the Board was approached by consortia requesting that the Board issue a letter to each district encouraging every school district receiving federal funds for school nutrition programs adopt a wellness policy so that further flow of funds would not be jeopardized. By motion, the Board asked me to draft a letter to be distributed to each district. If action more stringent is required, the Board has rule making authority to tie such requests with standards.

The Board of Education has in place an extensive monitoring process in conjunction with the Office of Public Instruction to insure that the school districts are safe and appropriate environments for our children. On an annual basis we receive updates on assessment, five year plans, transportation, youth risk behavior, food service, NCLB impacts, special education reports, accreditations status reports and recommendations, GED report, report on teacher professional development, alternative standards requests to name a few. The Board is extremely tuned in with contemporary issues and does have the constitutional authority to make appropriate changes. Anyone can petition the BPE for a rule change. We have a process not unlike the legislature where a petition for rule or policy change normally comes before the BPE at least three times before action is taken to insure adequate public input as contemplated by MAPA.

In conclusion, the BPE is the appropriate body to contemplate the issues set forth in this bill. We respectfully request that this bill not be passed out of committee. Thank you for your time.