

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Don Crumbaker at \_\_\_\_\_  
Chairperson

3:30 ~~a.m.~~/p.m. on March 3, 1983 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman, Revisor of Statutes  
Ben Barrett, Legislative Research  
Dale Dennis, State Department of Education  
JoAnn Mann, Secretary to the Committee

Conferees appearing before the committee:

HB 2049 - Unified school district No. 407, detachment of territory, new school district established.

A motion was made and seconded to amend HB 2049 by inserting a new section which relates to the election results of January 10, 1978 in which the electors of USD 407 voted affirmatively to create a special district. (Attachment A)

A substitute motion was made and seconded to report HB 2049 adversely. The motion carried.

HB 2354 - Unified school district No. 407, detachment of territory, establishment of separate school district.

A motion was made and seconded to report HB 2354 adversely. The motion carried.

HB 2266 - School districts, disposition of property by boards of education.

Representative Apt offered an amendment to HB 2266 which would require a unanimous vote of the board to dispose of the property at a public or private sale. (Attachment B) Representative Miller seconded the motion and the motion carried.

Representative Hassler moved that HB 2266 be reported favorably as amended. Representative Miller seconded and the motion carried.

HB 2380 - Contracts of teachers, hearings upon termination or nonrenewal, costs for hearing officers.

Representative Leach made a motion to amend to create compensation for those serving on hearing panels. (Attachment C) Representative Brady seconded and the motion carried.

Representative Laird moved that HB 2380 be passed favorably as amended and Representative Leach seconded.

Representative Brady made a conceptual substitute motion to further amend that if a board compensates for its representative, then the board shall compensate for the other representatives. Representative Reardon seconded the substitute motion and the motion failed.

Representative Leach made a conceptual substitute motion to make the amendment permissive. Representative Brady seconded and the motion failed.

Representative Reardon made a substitute motion that HB 2380 be reported adversely and Representative Myers seconded. The motion failed.

No voting was held on the original motion.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

room 423-S, Statehouse, at 3:30 ~~xxx~~/p.m. on March 3, 1983

HB 2473 - Community colleges, school districts, self-insurers for provision of disability income benefits.

Representative Fuller made a motion to pass favorably. Representative Reardon seconded and the motion carried.

HB 2188 - Community education act, grants-in-aid to community education agencies.

Representative Myers moved that HB 2188 be passed favorably as amended. Representative Fuller seconded and the motion carried.

HB 2457 - Teachers, contract nonrenewal or termination, due process hearings.

Representative Lowther made a motion to amend HB 2457. The amendment would strike all references to "officer" and insert, in lieu of, "committee". If the members of the hearing committee are unanimous in their recommendation, the board shall accept the recommendation and such decision shall be final. If the recommendation is not a unanimous decision, then the board shall decide whether the teacher's contract shall be renewed or terminated. (Attachment D) Representative Reardon seconded.

Representative Apt made a substitute motion to amend to strike all provisions in HB 2457 except K.S.A. 72-5443 and to amend to require boards of education to accept and implement the recommendation of the hearing committee if it is unanimous. If the recommendation is not unanimous, the board can take such action as it deems in the best interest of the school district. (Attachment E) Representative Hassler seconded and the motion carried.

Representative Myers moved that HB 2457 be reported favorably as amended. Representative Fuller seconded and the motion carried.

HB 2423 - Representative Hensley moved to report HB 2423 favorably for passage. Representative Laird seconded the motion.

Representative Apt offered a conceptual substitute motion to localize the bill to USD 501. Representative Kline seconded and the motion failed.

Voting was held on the original motion and the motion carried.

HB 2241 - Professional negotiations, binding arbitration, training for fact-finders.

Representative Hensley moved that HB 2241 be reported favorably and Representative Laird seconded.

Representative Lowther made a substitute motion to amend. The amendment would allow boards to adopt a policy implementing the binding arbitration provisions. If the board receives a petition signed by not less than 10% of the qualified voters requesting the board to adopt such a policy, the board would ask the county election officer to hold an election. If a majority voted to adopt the policy implementing binding arbitration, the board shall adopt the same. If a majority voted not to adopt a policy, then the same would not be adopted.

In the event the board wants to rescind the policy, they must wait two years to request an election to do so. If a majority vote to rescind the policy, the board can rescind it. If a majority vote not to rescind the policy, the policy can not be rescinded. (Attachment F)

Representative Hassler seconded the motion and the motion failed.

Representative Apt made a substitute motion to table HB 2241. Representative Miller seconded the motion and the motion carried.

Representative Laird asked that he be recorded as having cast a negative vote.

The meeting was adjourned.

## Proposed Amendment to HB 2049

On page 4, following line 135, by inserting a new section as follows:

"Sec. 6. It is hereby expressly declared by the legislature that the establishment of the unified school district provided for by this act is based upon the fact that on January 10, 1978, the electors of unified school district No. 407, who were residing within the boundaries of the unified school district provided to be established by this act, voted affirmatively to create a special operating cost assessment district composed of the territory included within such boundaries. It is hereby further declared that it is not the intent of the legislature, by enactment of this act, to encourage, or establish precedent for, the detachment of territory from any other unified school district in this state and the organization of such territory as a separate and distinct unified school district.";

By renumbering section 6 as section 7

## Proposed Amendment to HB 2266

On page 1, in line 43, before "in", by inserting "upon the affirmative recorded vote of not less than a majority of the members of the board at a regular meeting. If the vote of the members is unanimous, the board may dispose of the property"; in line 44, by striking ". The" and inserting in lieu thereof ", and such"; in line 45, by striking "under";

On page 2, by striking all of lines 46 and 47; in line 53, by striking "thereof, and"; in line 54, after the period, by inserting "If the vote of the members of the board to dispose of any school building or any other school property is not unanimous, the board may dispose of the property at a public or private sale. If the property is disposed of at a private sale, the property shall be sold for not less than 3/4 of the appraised value thereof fixed by three disinterested electors of the unified school district who shall be appointed by the county clerk of the home county of the unified school district to appraise the property."

## Proposed Amendment to House Bill No. 2380

On page 1, in line 34, by striking "(1)"; also in line 34, by striking all after "committee"; by striking all of lines 35 through 44; in line 45, by striking all before "shall";

On page 2, in line 46, before "subsistence", by inserting "compensation,"; in line 47, by striking "(3)"; in line 48, before "by", by inserting "equally"; also in line 49, by striking all after "parties"; by striking all of line 50; in line 51, by striking all before the period

Proposed Amendments to House Bill 2457

On page 3, in line 96, by striking "officer" and inserting in lieu thereof "committee"; in line 101, before the period, by inserting "and designating one hearing committee member"; in line 113, by striking all after "shall"; by striking all of lines 114 through 116; in line 117, by striking all before the period and inserting in lieu thereof "designate one hearing committee member. The two hearing committee members shall designate a third hearing committee member who shall be the chairperson and who shall in all cases be a resident of the state of Kansas. If the two hearing committee members are unable to agree upon a third hearing committee member within five days after the designation of the second hearing committee member, a district judge of the home county of the school district, area vocational-technical school or community college shall appoint the third hearing committee member upon application of the teacher or either of the first two hearing committee members";

Also on page 3, by striking all of lines 118 and 119;

On page 4, by striking all of lines 120 through 128; in line 138, by striking "officer" and inserting in lieu thereof "committee"; in line 143, by striking "100" and inserting in lieu thereof "50"; in line 154, by striking "officer" and inserting in lieu thereof "committee"; by renumbering section 6 as section 5;

On page 5, in line 172, by striking "officer" and inserting in lieu thereof "committee"; in line 173, by striking "officer" and inserting in lieu thereof "committee"; in line 178, before the period, by inserting "if the teacher was subpoenaed by the hearing committee"; in line 179, by striking "officer" and inserting in lieu thereof "committee"; in line 180, by striking "compensation,"; in line 183, by striking "officer" and inserting in lieu thereof "committee"; by striking all of lines 192 and 193;

By renumbering section 7 as section 6;

On page 6, by striking all of lines 194 through 230;

On page 7, by striking all of lines 231 through 233; by renumbering section 10 as section 7; in line 236, by striking "officer" and inserting in lieu thereof "committee"; in line 237, by striking "decision" and inserting in lieu thereof "recommendation"; in line 238, before "findings", by inserting "its"; in line 239, by striking "a" and inserting in lieu thereof "recommendation as to the"; in line 240, by striking "decision" and inserting in lieu thereof "recommendation"; also in line 240, by striking "officer" and inserting in lieu thereof "committee"; by striking all of lines 245, 246 and 247; in line 248, by striking "thereto"; following line 250, by inserting two new subsections as follows:

"(b) If the members of the hearing committee are unanimous in their recommendation, the board shall adopt the recommendation as its decision in the matter and such decision shall be final, subject to appeal to the district court as provided by K.S.A. 60-2101, and amendments thereto.

"(c) If the members of the hearing committee are not unanimous in their recommendation, the board shall consider the recommendation, hear oral argument or receive written briefs from the teacher and a representative of the board and decide whether the teacher's contract shall be renewed or terminated. The decision of the board under this subsection shall be submitted to the teacher not later than 30 days after the close of oral argument or submission of written briefs and such decision shall be final, subject to appeal to the district court as provided by K.S.A. 60-2101, and amendments thereto.";

Also on page 7, in line 251, by striking "(b)" and inserting in lieu thereof "(d)"; also in line 251, by striking "During the pendency of the hearing procedure provided for"; by striking all of line 252; in line 253, by striking "teacher's contract, no" and inserting in lieu thereof "No"; in line 256, before the period, by inserting "or until one year after the teacher's contract was terminated or nonrenewed, whichever is the shorter period of time"; by striking all of lines 257 through 267;

On page 8, in line 271, by striking the period; by renumbering section 12 as section 8; in line 282, by striking "officer" and inserting in lieu thereof "committee"; in line 283, by striking "section 5" and inserting in lieu thereof "K.S.A. 72-5438, and amendments thereto,"; also in line 283, by striking "appointed" and inserting in lieu thereof "constituted"; in line 287, by striking "officer" and inserting in lieu thereof "committee"; in line 290, by striking "officer" and inserting in lieu thereof "committee"; in line 293, by striking "officer" and inserting in lieu thereof "committee"; in line 295, by striking "officer" and inserting in lieu thereof "committee"; by striking all of line 304;

On page 9, by striking all of lines 305 and 306; following line 306, by inserting a new section as follows:

"Sec. 9. K.S.A. 72-5412a, 72-5436, 72-5437, 72-5438, 72-5439, 72-5440, 72-5443 and 72-5446 are hereby repealed.";

By renumbering section 14 as section 10;

In the title, in line 20, by striking "72-5441, 72-5442,"; in line 21, by striking ", 72-5445"



*Apt*

Proposed Amendments to House Bill 2457

On page 1, by striking all of lines 24 through 45;  
 On page 2, by striking all of lines 46 through 82;  
 On page 3, by striking all of lines 83 through 119;  
 On page 4, by striking all of lines 120 through 156;  
 On page 5, by striking all of lines 157 through 193;  
 On page 6, by striking all of lines 194 through 230;  
 On page 7, by striking all of lines 231 through 233; by renumbering section 10 as section 1; also on page 7, in line 236, by striking "officer" and inserting in lieu thereof "committee"; in line 237, by striking "decision" and inserting in lieu thereof "recommendation"; in line 238, before "findings", by inserting "its"; in line 239, by striking "a" and inserting in lieu thereof "recommendation as to the"; in line 240, by striking "decision" and inserting in lieu thereof "recommendation"; also in line 240, by striking "officer" and inserting in lieu thereof "committee"; by striking all of lines 245, 246 and 247; in line 248, by striking "thereto"; following line 250, by inserting two new subsections as follows:

"(b) If the members of the hearing committee are unanimous in their recommendation, the board shall adopt the recommendation as its decision in the matter and such decision shall be final, subject to appeal to the district court as provided by K.S.A. 60-2101, and amendments thereto.

"(c) If the members of the hearing committee are not unanimous in their recommendation, the board shall consider the recommendation, hear oral argument or receive written briefs from the teacher and a representative of the board and decide whether the teacher's contract shall be renewed or terminated. The decision of the board under this subsection shall be submitted to the teacher not later than 30 days after the close of oral argument or submission of written briefs and such decision shall be final, subject to appeal to the district court as provided by K.S.A. 60-2101, and amendments thereto.";

Also on page 7, by striking all of lines 251 through 267;

On page 8, by striking all of lines 268 through 304;

On page 9, by striking all of lines 305 and 306; following line 306, by inserting a new section as follows:

"Sec. 2. K.S.A. 72-5443 is hereby repealed.";

By renumbering section 14 as section 3;

In the title, in line 19, by striking all after "K.S.A."; by striking all of lines 20 and 21; in line 22, by striking "tions" and inserting in lieu thereof "72-5443 and repealing the existing section.";

Proposed Amendment to House Bill No. 2241

On page 4, in line 144, by striking "March", and inserting in lieu thereof ", in the case of every community college, school district and area vocational-technical school which has adopted a policy implementing the binding arbitration provisions of this act, May 1 in the current school year and, in the case of every other community college, school district and area vocational-technical school, June"; following line 151, by inserting two new subsections as follows:

"(p) "Qualified electors of the voting district" means, in the case of a school district, the qualified electors of the school district; in the case of a community college, the qualified electors of the community college district; and in the case of an area vocational-technical school, the qualified electors of each of the school districts which is participating in the operation of the area vocational-technical school.

"(q) "County election officer" means, in the case of a school district, the county election officer of the home county of the school district; in the case of a community college, the county election officer of the county which comprises the community college district; and in the case of an area vocational-technical school, the county election officer of the home county of each school district which is participating in the operation of the area vocational-technical school.";

On page 5, in line 165, by striking "Notices" and inserting in lieu thereof "In every community college, school district and area vocational-technical school which has not adopted a policy implementing the binding arbitration provisions of this act, notices to negotiate on new items or to amend an existing contract must be filed on or before February 1 in any school year by either party. In every community college, school district and area vocational-technical school which has adopted a policy implementing the binding arbitration provisions of this act, notices"; in line 167, by striking the comma and inserting in

lieu thereof ". All";

On page 8, following line 269, by inserting a new subsection as follows:

"(f) (1) When the report of the fact-finding board is made public, if the board of education and the recognized professional employees' organization do not resolve the impasse and reach an agreement, the board of education shall take such action as it deems in the public interest, including the interest of the professional employees involved, and shall make such action public.

"(2) The provisions of this subsection do not apply to community colleges, school districts and area vocational-technical schools which have adopted a policy implementing the binding arbitration provisions of this act.";

Also on page 8, after line 304, by inserting a new subsection as follows:

"(c) The provisions of this section apply only to community colleges, school districts and area vocational-technical schools which have adopted a policy implementing the binding arbitration provisions of this act.";

On page 9, after line 325, by inserting a new subsection as follows:

"(d) The provisions of this section apply only to community colleges, school districts and area vocational-technical schools which have adopted a policy implementing the binding arbitration provisions of this act.";

Also on page 9, following line 342, by inserting a new subsection as follows:

"(d) The provisions of this section apply only to community colleges, school districts and area vocational-technical schools which have adopted a policy implementing the binding arbitration provisions of this act.";

On page 10, in line 367, before "on", by inserting "(a)"; in line 370, before "on", by inserting "; or (b)"; in line 375, before the period, by inserting "; or (c) if applicable, not

later than 15 days after final action is taken by the board of education upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated. This provision (c) does not apply to community colleges, school districts and area vocational-technical schools which have adopted a policy implementing the binding arbitration provisions of this act";

On page 11, in line 390, before "on", by inserting "(a)"; in line 394, before the period, by inserting "; or (b) if applicable, not later than 15 days after final action is taken by the board of education upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated. This provision (b) does not apply to community colleges, school districts and area vocational-technical schools which have adopted a policy implementing the binding arbitration provisions of this act"; following line 396, by inserting two new sections as follows:

"Sec. 11. K.S.A. 72-5428a is hereby amended to read as follows: 72-5428a. (a) No board of education, which engages in professional negotiation with representatives of a recognized professional employees' organization, is permitted to issue a unilateral contract until the negotiations process as described in the Kansas professional negotiation law is fully completed.

"(b) The provisions of this section do not apply to community colleges, school districts and area vocational-technical schools which have adopted a policy implementing the binding arbitration provisions of this act.

"New Sec. 12. (a) Any board may adopt a policy implementing the binding arbitration provisions of this act in the manner provided in this section. The board may resolve upon its own motion its determination to adopt a policy implementing the binding arbitration provisions of this act and to request the county election officer to hold an election upon the question and, upon being presented with a petition signed by not less than 10% of the qualified electors of the voting district requesting

the board to adopt such a policy, the board shall resolve its determination to adopt the same and to request the county election officer to hold an election upon the question. Thereupon, the board shall request the county election officer to submit the question of whether the policy implementing the binding arbitration provisions of this act should be adopted by the board to the qualified electors of the voting district at the next primary or general election thereof. All qualified electors of the voting district may vote at the election. If a majority of those voting at such election are in favor of adopting the policy implementing the binding arbitration provisions of this act, the board shall adopt the same. If a majority of those voting at such election are not in favor of adopting the policy implementing the binding arbitration provisions of this act, the same shall not be adopted. No election on a like question shall be held within the two years following the date of the election.

"(b) At any time after two years from the date of adoption of a policy implementing the binding arbitration provisions of this act, the board may resolve upon its own motion its determination to rescind the policy and to request the county election officer to hold an election upon the question and, upon being presented with a petition signed by not less than 10% of the qualified electors of the voting district requesting the board or rescind such policy, the board shall resolve its determination to rescind the same and to request the county election officer to hold an election upon the question. Upon request of the board, the county election officer shall hold an election in the manner provided in subsection (a). If a majority of those voting at such election are in favor of rescinding the policy implementing the binding arbitration provisions of this act, the board shall rescind the same. If a majority of those voting at such election are not in favor of rescinding the policy implementing the binding arbitration provisions of this act, the same shall not be rescinded. No election on a like question shall be held within the two years following the date of the

election.";

By renumbering sections 11 and 12 as sections 13 and 14, respectively;

In the title, in line 24, after "72-5428," by inserting "72-5428a,"; in line 25, by striking "; also repealing"; in line 26, by striking "K.S.A. 72-5428a";