

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ^{XX}a.m./p.m. on TUESDAY, FEBRUARY 1, 1983 in room 254-E of the Capitol.

All members were present except:

Senator Bogina, excused

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Legislative Revisor's Office
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

SB 63 - An act concerning municipalities and taxing subdivisions of the state; relating to management of fiscal affairs thereof. (Sen. Montgomery et al.)

Proponents:

Mr. John Koepke, Asst. Executive Director, Kansas Association of School Boards
Dr. Jerry Schreiner, Executive Director, United School Administrators
Dr. Bill Dirks, USD 259, Wichita
Mr. Onan Burnett, USD 501, Topeka
Mr. Kenneth Rogg, Schools for Quality Education

Opponents:

Mr. James R. Cobler, Director, Kansas Division of Accounts and Reports
Mr. Phil Martin, Kansas Division of Property Evaluation

SB 79 - An act concerning boards of education of unified school districts; concerning persons disqualified from holding office as members thereof. (Education)

Proponents:

Mr. John Koepke, Asst. Executive Director, Kansas Association of School Boards
Dr. Jerry Schreiner, Executive Director, United School Administrators

Following Chairman Joseph C. Harder's call to order, Senator Allen moved that minutes of the January 18 Committee Meeting be approved. This motion was seconded by Senator Rehorn, and the motion carried.

The Chairman then called upon Dr. Jerry Schreiner of United School Administrators to explain his request for the introduction of a Committee bill which would extend by twenty days the time limit during which school employees would be evaluated. (Attachment 1) Senator Rehorn moved that the Committee introduce a bill as requested by Dr. Schreiner, and Senator Angell seconded the motion. The motion carried.

SB 63 - The Chairman called upon Mr. John Koepke, who testified in support of SB 63. Mr. Koepke explained that the bill transfers all supervision of school district financial management from the Division of Accounts and Reports in the Department of Administration to the State Board of Education. Mr. Koepke said that the Kansas Association of School Boards felt that since the Kansas Constitution gives "general supervision" over the public schools to the State Board of Education, the supervision of school district financial affairs falls within their supervisory purview. (Attachment 2)

When Dr. Jerry Schreiner was called upon, he testified that United School Administrators feels the present budget forms are working satisfactorily, that they are comprehensive, and that the State Board is the appropriate place for budget forms and audits. Dr. Schreiner related that three school superintendents had planned to appear today to testify on behalf of SB 63, but they had been prevented from doing so due to icy weather conditions. They hoped to be able to appear at another time to present their testimony.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-E, Statehouse, at 1:30 ~~am~~/p.m. on TUESDAY, FEBRUARY 1, 1983.

Dr. Bill Dirks testified in support of SB 63 on behalf of USD 259, Wichita.

Mr. Onan Burnett, USD 501, testified in support of SB 63.

Mr. Kenneth Rogg affirmed support for SB 63 on behalf of Schools for Quality Education and stated that the Delegate Assembly had voted unanimously to support it.

Mr. James Cobler of the Division of Accounts and Reports stated that the issue regarding SB 63 is really not who is involved and that the real issue involved is the school budget form. He further stated that a new budget form had been suggested in the Post Audit Report and that he had met with the Post Audit Committee several times regarding the new budget form. The new form, Mr. Cobler explained, would have a new column which would compare the current twelve-month budget to previous twelve-month budgets and would show the beginning and ending balances and the tax levy for all three years. He said the present form shows the current eighteen-month budget and two previous twelve-month budgets, and they are difficult for a lay person to compare. Mr. Cobler stated that he had received certain directives from the Post Audit Committee and that passage of this bill would prevent him from carrying out those directives. Mr. Cobler urged the Committee to adopt an amendment to SB 63 (Attachment 3) whereby the new form he has developed, and which has been endorsed by the Post Audit Committee, would be used by the State Board of Education. He said the amendment would, also, clarify responsibilities in the bill.

The Chairman requested Mr. Cobler to return to the Committee at a later date with the old and new forms to explain their differences to the Committee. Mr. Cobler agreed to do this.

Mr. Phil Martin of the Division of Property Evaluation questioned the language in Section 7 of SB 63.

Following Mr. Martin's testimony, the Chairman closed the hearing on SB 63 except for the three superintendents who were not able to appear at today's meeting due to the weather conditions.

SB 79 - When the Chairman called upon Mr. John Koepke to testify on SB 79, Mr. Koepke distributed testimony prepared by Patricia E. Baker, Senior Legal Counsel for the Kansas Association of School Boards. Mr. Koepke then explained the bill and noted that out of 215 school districts, only twenty-four employees have filed for election to the local boards of education which employ them. Mr. Koepke, in responding to questions, replied that the bill does not relate to spouses of employees. (Baker Testimony - Attachment 4)

Dr. Jerry Schreiner testified in support of SB 79.

Mr. Charles Johns, Kansas-National Education Association, who was to appear as an opponent of SB 79, was not present due to bad weather conditions. The Chairman announced that he would honor Mr. Johns' request to submit written testimony to the Committee members for their perusal before action should be taken regarding SB 79.

The Chairman adjourned the meeting at 2:30 p.m.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m.

PLACE: 254-E

DATE: Feb. 1, 1983

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Bill Ervin	St 054 Bldg	Dept of Admin
Jim Lohr	"	"
Jan Schulte	"	"
A.W. Sticks	Wichita	U.S.M.-259
Gerry Schreiner	Topeka	United School Admin
Steve Roobahn	"	AP
Tim Yonally	Shawnee Mission	USD 512
TC Anderson	Topeka	KSCPA

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Feb. 1, 1983

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
JOHN KATZLE	Topeka	K.A.S.B.
Bruce Knock	Topeka	USD 345
Oran C. Burnett	Topeka	USD 50
Ken Raga	Phila	S.O.E.
Jan Vobch	Topeka	Ks Soc. of CPAs
James Mann	Topeka	Home Ed. Sec.
Phil Martin	"	"
L. Clark	"	PV



TO: Senator Joe Harder, Chairman, Senate Education Committee;
and Committee Members

FROM: Jerry O. Schreiner, Executive Director

DATE: January 25, 1983

SUBJECT: Request for Committee Bill

The United School Administrators respectfully requests that the Senate Education Committee introduce an amendment to the school personnel evaluation law as a committee bill.

At the present time, the law provides that "each employee in the first two consecutive school years of employment shall be evaluated at least one time per semester not later than the 40th school day of the semester."

School administrators feel that the law should be amended to provide that employees would be evaluated not later than the 60th school day of the semester. This change would allow beginning teachers more time to adjust to the school system and to make needed improvements. This extension of the time limit would also allow school administrators to conduct better evaluations of staff, especially if there are several new teachers to be evaluated.

The attached is a copy of that section of the statute with the requested amendment.

dm

Enclosure

2/1
Attachment 1

Sec. 2. K.S.A. 1981 Supp. 72-9003 is hereby amended to read as follows: 72-9003. Every board shall adopt a written policy of personnel evaluation procedure in accordance with this act and file the same with the state board. Every policy so adopted shall:

(a) Be prescribed in writing at the time of original adoption and at all times thereafter when amendments thereto are adopted. The original policy and all amendments thereto shall be promptly filed with the state board.

(b) Include evaluation procedures applicable to all employees.

(c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three years from the date each evaluation is made.

(d) (1) Provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester by not later than the 40th school day of the semester, except that any employee who is not employed for the entire semester shall not be required to be evaluated; and that every employee during the third and fourth years of employment shall be evaluated at least one time each school year by not later than February 15; and that after the fourth year of employment every employee shall be evaluated at least once in every three years by not later than February 15 of the school year in which the employee is evaluated.

(2) *The provisions of this subsection apply to employees of school districts, nonpublic schools and area vocational-technical schools.*

(e) (1) *Provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester, except that any employee who is not employed for the entire semester shall not be required to be evaluated; and that every employee during the third and fourth years of employment shall be evaluated at least one time each school year; and that after the fourth year of employment every employee shall be evaluated at least once in every three years.*

(2) *The provisions of this subsection apply to full-time employees of community colleges.*

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

Testimony on Senate Bill 63

by

John W. Koepke, Associate Executive Director
Kansas Association of School Boards

Mr. Chairman and member of the Committee, we appreciate the opportunity to express our views on Senate Bill 63, a bill which was introduced at our request by the sponsors listed on the bill. The thrust of S.B. 63 is relatively simple. It transfers all supervision of school district financial management from the Division of Accounts and Reports in the Department of Administration to the State Board of Education.

From a philosophical point of view, this is a change which we think makes sense. The Kansas Constitution gives "general supervision" over the public schools to the State Board of Education and we believe that supervision of school district financial affairs falls within the purview of that supervision.

From a practical standpoint, as many of you are aware, there has been a continuing friction between the Division of Accounts and Reports and local school districts for the past several years. This friction has been occasioned by the adherence of Accounts and Reports to a set of practices called Generally Accepted Accounting Principles (GAAP). Each of the past several years, we have sought legislation to exempt school districts from various GAAP procedures in school district audits and each year the legislature has seen fit to pass the legislation we have sought. This sequence reached what we thought was the

final conclusion last year with the passage of S.B. 531, which allowed school districts to totally exempt themselves from any provisions of GAAP in their audits.

Since that time, Accounts and Reports has sought to circumvent this exemption by changing the school district budget form. Although they have not been successful to this point, we believe the time has come to transfer authority over school district financial practices to an agency which has a greater understanding of and concern for the fiscal health of Kansas school districts.

To that end, we would urge your support for and favorable consideration of S.B. 63. The policy position which our organization took in favor of this measure passed on a unanimous vote at our Delegate Assembly, an indication of the importance which it holds for our members. Thank you again for the opportunity to present our views.

0269 (c) Whenever the term "director" is used in this act it shall
0270 mean the state director of property valuation.

0271 (d) Whenever the term "state authority" is used in this act it
0272 shall mean the state authority on fiscal affairs management of
0273 municipalities and taxing subdivisions of the state. The term
0274 "state authority on fiscal affairs management of municipalities
0275 and taxing subdivisions of the state" shall mean (1) when the
0276 municipality or taxing subdivision is other than a unified school
0277 district, the director of accounts and reports; and (2) when the
0278 municipality or taxing subdivision is a unified school district, the
0279 state board of education.

0280 Sec. 9. K.S.A. 79-2926 is hereby amended to read as follows:
0281 79-2926. The ~~director of accounts and reports~~ state authority shall
0282 prepare and prescribe forms for the annual budgets of all taxing
0283 subdivisions or municipalities of the state. ~~Such forms shall show~~
0284 the information required by this act and by K.S.A. 1975 Supp.
0285 70-4401 et seq. 79-5001 to 79-5016, inclusive, and any amend-
0286 ments to such statutes, necessary and proper to fully disclose
0287 complete information as to the financial condition of such taxing
0288 subdivision or municipality, and the receipts and expenditures
0289 thereof, both past and anticipated. All such budget and tax levy
0290 forms shall be printed by the director of printing and in such
0291 quantity as required ~~by the director~~. The ~~director~~ shall deliver the
0292 forms for all unified school districts to the clerk of the board of
0293 education of each school district. The forms for all other taxing
0294 subdivisions or municipalities of the state shall be delivered by
0295 the ~~director~~ to the county clerk of each county, who shall imme-
0296 diately deliver the same to the presiding officer of the governing
0297 body of the ~~said~~ respective taxing subdivisions or municipalities
0298 within the county. ~~Whenever in article 29 of chapter 70 of Kansas~~
0299 ~~Statutes Annotated the words state auditor or auditor of state, or~~
0300 ~~words of like effect, occur, the same shall mean director of~~
0301 ~~accounts and reports.~~

0302 Sec. 10. K.S.A. 79-2927 is hereby amended to read as follows:
0303 79-2927. The governing body of each taxing subdivision or mu-
0304 nicipality shall meet not later than the first day of August 1 of
0305 each year, and shall respectively make in writing on forms fur-

(1) Such forms shall fully disclose complete information as to the financial condition of such taxing subdivision or municipality including the beginning and ending fund balances and tax levy comparisons on a twelve-month basis.

(2) State board of education

(2) director of accounts and reports

(1) Provides guidance of the requirement of complete disclosure.

(2) Properly assigns responsibility for budget form delivery.



Testimony Before Senate Education Committee
February 1, 1983

S.B. 79 Regarding Employees Serving on Local Boards of Education

by

Patricia E. Baker, Senior Legal Counsel
Kansas Association of School Boards

Mr. Chairman, members of the Committee, on behalf of the Kansas Association of School Boards and its 300 member boards of education, I wish to express my appreciation for the opportunity to address you this afternoon.

The subject of my remarks is Senate Bill 79 which, if enacted, would clearly state that employees of a local school district could not serve on the board of education of the district in which they are employed.

The broad question of the proper relationship between employer and employee is brought into sharp focus when considering whether one can be both a master and a servant. "The essential characteristics of the employer-employee relation is the retention by the employer of the right to direct and control the manner in which the work shall be performed, the right to determine not merely the result but the methods and means by which such result is to be accomplished." 56 C.J.S. § 2.

Elected public officials are continually faced with a wide variety of decisions which affect employment. The decision-making process must be protected at all times from even the appearance of a conflict of interest. Whether to hire, fire, promote, demote or discipline employees are responsibilities that every board of education faces. If these decisions are to be made with educational goals in mind

and not personal interest, then the decision-making process must be protected from the undue influence of those most personally affected. The wide diversity of activities carried on in a school district require a constant balancing of the interests of all employees but most importantly the needs of the children in the school system. A decision-making process is tainted in which the salaries of a particular group of employees are the special interest of one whose salary will be affected.

School boards and school board members encourage participation in the decision-making process through the electoral procedures. Employees who seek to draw attention to certain elements in the school system can have influence through the ballot box, both individually and through collective efforts. Further, if an employee seeks to resign and hold the public office of his employer then he can do so but he should not be allowed to also govern the requirements of his employment.

The KASB Research Department is in the process of conducting a survey of our member districts to determine the prevalence of employee filings for positions on boards of education. To date we have received responses from 215 districts reporting a total of 24 employees filing for election. We will be glad to keep you posted as responses are received.

In a time of financial difficulties at all levels of government, it would be natural to see more employees seek to protect their own employment by becoming their own employers. This conflict of interest in the operation of the public schools is not in the best interest of education.

The Kansas Association of School Boards has maintained that present law (K.S.A. 72-8202e) precludes boards of education from paying school board members for any duties performed for the district. We feel that this includes work done as an employee of the district. It is becoming quite clear that this interpretation is challenged by some who plan to seek public office in their local

districts. In order to prevent bitter feuds which may result if employees are elected to their local boards, we ask you to clarify the situation by favorably recommending Senate Bill 79.