

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

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

3:30 ~~am~~/p.m. on February 8, 1984 in room 313-S of the Capitol.

All members were present except: Representative Laird, who was excused.

Committee staff present:

Avis Swartzman, Revisor of Statutes' Office
Ben Barrett, Legislative Research
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Dr. Jerry Schreiner, United School Administrators
Linda Edwards, Elementary School Principal at Manhattan
Crystal Toot, Board Member, Great Bend
Jim Singer, President-elect, Kansas Association Elementary School Principals
Don Halbower, Principal at Great Bend
Terry Terrill, Superintendent at Salina
Bill Curtis, Kansas Association of School Boards

The minutes of February 1, 1984 were approved as written. The minutes of February 2, 1984 were approved as corrected.

The Chairman opened the hearing on HB 2767 which concerns the due process for administrative personnel on nonrenewal of contracts. This bill would require the school boards to give written reasons for nonrenewal and allow the administrative employee counsel.

Dr. Jerry Schreiner, Director of United School Administrators, testified in support of HB 2767. (ATTACHMENT I)

Linda Edwards, Elementary School Principal in Manhattan, testified in support of HB 2767. She stated that excellence in education begins with accountability. The school boards expect the principals to be accountable, therefore, the board should be able to give their reasons in writing as to why the contract was not renewed.

Crystal Toot, School Board member from Great Bend, testified for herself in support of HB 2767. She stated her feelings that administrators deserve the same due process rights as the teachers. She further stated that she felt that the administrators were not seeking tenure through this process.

Jim Singer, President-elect of the Kansas Association of Elementary School Principals, testified in support of HB 2767. He reiterated that administrators are not seeking tenure. (ATTACHMENT II)

Don Halbower, Principal at Great Bend, testified in support of HB 2767. Mr. Halbower stated that he has personally been involved in a situation where his contract was nonrenewed and he has gone through the current procedure which he felt was nonproductive. If it had not been for a grass roots effort, he felt he would have been out of the position by an arbitrary decision by their school board. He stated his feelings are that if a written reason were given to the nonrenewed personnel, it would eliminate a lot of problems.

Terry Terrill, Superintendent at Salina, testified in support of HB 2767. He stated that the administrative personnel are charged with carrying out the policies set by their boards, therefore it was not being unreasonable requesting passage of this due process measure of requiring a written reason and benefit of counsel.

Bill Curtis, Assistant Executive Director of Kansas Association of School Boards, testified in opposition of HB 2767. (ATTACHMENT III)

This concluded the hearing on HB 2767.

The Chairman reminded the committee that hearings had been scheduled last week for HB 2732 but because of lack of time, that hearing was not held. With the conferees listed for

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

room 313-S, Statehouse, at 3:30 ~~3:30~~/p.m. on February 8, 1984

that hearing present on this day, the Chairman opened the hearing on HB 2732. HB 2732 concerns eligibility of children for attendance in kindergartens.

Dr. Jerry Schreiner, United School Administrators, testified in support of HB 2732. (ATTACHMENT IV) Their major concern with the present statute is that a child may be enrolled in an out of state school for as little as one day and still be allowed to transfer to our Kansas schools, regardless of age.

This being the only conferee for HB 2732, the hearing was concluded.

The meeting was adjourned at 4:51 p.m. by the Chairman.

The next meeting of the committee will be Febraury 9, 1984 at 3:30 p.m.



UNITED SCHOOL ADMINISTRATORS OF KANSAS

1906 EAST 29TH

TOPEKA, KANSAS 66605

913-267-1471

JERRY O. SCHREINER
EXECUTIVE DIRECTOR

M.D. "MAC" MCKENNEY
ASSOCIATE EXECUTIVE DIRECTOR

TO: House Education Committee

FROM: Jerry O. Schreiner, Executive Director

DATE: February 8, 1984

SUBJECT: HB 2767 - Due Process Procedures for School Administrators

HB 2767 as introduced by the House Education Committee at our request:

1. Defines an administrator.
2. Includes all members of the administrative team.
3. Follows the provisions of the continuing contract law.
4. Allows the administrator to request a written statement of the reason or reasons for termination or non-renewal of the contract.
5. Provides procedures whereby an administrator, upon receiving notice of non-renewal or termination of the administrator's contract, may request a hearing before the board. The hearing would be closed unless the administrator requests an open hearing. Both parties would have the right to have counsel present and to receive the advice of counsel.
6. Establishes a two year probationary period.
7. Establishes a process with time limits for both boards and administrators to follow.

dm

ATTACHMENT I

(2-8-84)
HOUSE EDUCATION



The United School Administrators of Kansas is an umbrella organization that represents administrators at all levels. Our organization, formed in 1971, is composed of eight professional administrative associations. We firmly believe in the management team concept and have continually encouraged and promoted communication and cooperative efforts at state and local levels. We believe that administrators at all levels are management and must be involved in the decision-making process with the board of education. Administrators are encouraged to provide input to boards of education and, if needed, are urged to request that they be permitted to communicate with the board before decisions affecting school operations are made. At the same time, we insist that administrators accept responsibility in fulfilling their professional obligations in their respective positions.

The membership of USA is concerned about the division of the management team with boards of education on one side and school administrators on the other. It is difficult to convince administrators that some boards sincerely want to work together on common educational concerns when at the same time many boards of education do not want to provide basic elements of due process procedures for their administrators.

During the last ten years, administrators at all levels have joined together to make the administrative team concept work in the United School Administrators of Kansas. It is also working at the local level.

All of the reports decrying the status of public education stress the need for leadership that will support and move our educational system forward. Legislators, boards of education, administrators and teachers have continually expressed the need for adequate staff evaluation procedures. The community, through local boards, provides the direction for our schools, but unless continuing support and security are provided,

administrators will not be able to make the needed changes. Long lasting improvements require time, and school administrators must have basic assurances that they will have the opportunity to implement such improvements.

"Due process" does not imply a lifetime contract. Such procedures do not protect incompetent administrators, and do not prevent boards from removing administrators for cause. Due process procedures will provide assurance that an administrator has an opportunity to remain in the position when performing in a competent manner and to prevent arbitrary dismissal for reasons unrelated to performance.

Another alternative to due process procedures that has been suggested is to provide multi-year contracts to all school administrators. Multi-year contracts do not provide due process procedures.

The principles of democracy provide that an individual is innocent until proven otherwise. When an administrator's contract is terminated or non-renewed and due process procedures are not provided, then it is assumed that the individual is guilty of something. Administrators believe that the burden of proof should rightfully be the responsibility of a board of education in termination or non-renewal of a contract in instances other than those involving questions of constitutional rights. If objections to due process are based on the board's ability to substantiate the reason or reasons for terminating or non-renewing a contract of an administrator, then we should review and strengthen the evaluation procedures rather than deny due process. If boards of education do not provide basic due process procedures, then there is no check and balance in the system to prevent arbitrary dismissals.

In instances of termination of contract, there is usually little doubt about the need for removal. However, administrators consider non-

renewal "without cause" a blemish that can and does prevent future employment.

Another objection has been raised that questions the availability of such procedures for public school administrators when other administrators or executives in public institutions, or agencies, or the private sector may not have such procedures available. The fact that due process procedures are not available in other institutions or agencies is not sufficient reason to deny such procedures to school administrators. There is nothing that prevents the Kansas Legislature from establishing a precedent by providing the basic rights of due process procedures not only to school administrators, but to other state administrators and executives as well.

The United School Administrators of Kansas has always supported the authority of local boards of education. Authority of local boards must be guarded and maintained. Providing due process procedures for school administrators as proposed in HB 2767 will not reduce the authority of a board of education to terminate or non-renew an administrator's contract. The legislature, by defining certain steps and procedures to be followed by both boards of education and administrators, is simply assuring both parties that decisions would be based not only on Kansas' statutes but on ethical and moral beliefs about an individual's rights and responsibilities.

In this request for adequate due process, we are not implying that boards of education act illegally in terminating or non-renewing administrators' contracts. Boards of education do follow the provisions of present law in most instances. However, all actions that may be legal are not necessarily ethically or morally right. We are asking that administrators be provided the basic elements of due process before the governing body that makes the decisions. We are not asking for intervention by third parties. We are not asking for any more than that which administrators are responsible for providing to students and teachers. We respectfully request that you support basic due process procedures for school administrators by reporting HB 2767 favorably for passage.

PRESIDENT

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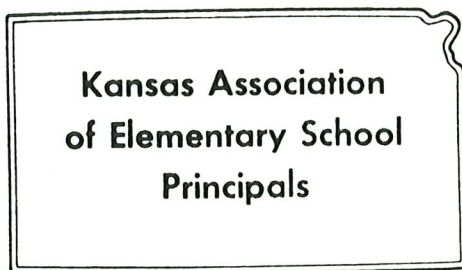
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The United School Administrators and Kansas Association of Elementary School Principals have adopted position statements supporting administrative due process as proposed in House Bill 2767. Kansas is currently one of only eight states lacking due process rights for administrators. Perhaps the reasoning for this is founded in preconceived misconceptions as to what due process affords the administrator.

There is a tendency to interchange due process with the concept of tenure. It is important to clarify that administrators are not seeking tenure, however, with the adoption of the tenure status in our universities and the legislation affecting our public school teachers came the right to procedural due process. In the 1940 AAUP statement on Academic Freedom and Tenure, it is clearly stated that even tenured faculty may be terminated for just cause. It does not guarantee job security in the sense that one can never be fired or that contracts can be nonrenewed. Theodore Walden, Associate Professor of the Graduate School of Social Work at Rutgers University finds in his research that "Regarding the relationship between academic productivity and tenure, the findings tend to reject the conventional wisdom that assumes lowered productivity following the conferral to tenure. On both qualitative and quantitative dimensions of productivity, in all areas of professional functioning - teaching, research, professional activity and community service - increased productivity was associated with a positive attitude toward tenure." Likewise, due process rights provide the stability professionals need in order to assume challenge and move toward professional improvement.

Accountability has been demanded of students, teachers, and with recent movement to strive for excellence in education, administrators are being challenged to become more accountable in areas of curriculum, graduation requirements, parental involvement, and teacher evaluation. It seems only appropriate that school boards should share in this accountability. Due process for administrators call for careful professional evaluation and eliminates the pressure of politics which can obliterate accountability.

ATTACHMENT II (2-8-84)
HOUSE EDUCATION

The concern that the Governor and the Legislative Interim Committee have expressed in attracting competent and quality candidates into the field of education - namely teaching, should also be of concern in filling administrative positions. Again in the Statement of Principles on Academic Freedom and Tenure it is written: "Tenure is a means to certain ends, specifically - a sufficient degree of economic security to make the profession attractive to men and women of ability. Economic security is indispensable to the success of an institution fulfilling its obligations to its students and to society." When administrators must think about the possibility of having to locate elsewhere (sometimes on a yearly basis) will they not tend to concentrate a good deal of their time and energy on things that will enhance their prospects outside a particular school or district? A sense of ownership or belonging motivates an employee or manager to succeed where he/she is whether in private business or in education.

Judicial tenure was established to serve the purpose of assuring that a judge cannot provide service if he/she is under constant threat of dismissal should his/her judgments offend some vested interest, vocal minority, or momentarily popular belief. Administrators are faced consistently with vocal minorities, vested interests and momentarily popular beliefs. Surely they are entitled to the job security of being afforded the opportunity to defend their judgments before the public in the case of dismissal or nonrenewal of a contract.

The building principal is responsible for the daily instruction children receive. He/she must assume responsibility for ridding our schools of incompetent teachers who have tenure and procedural due process rights. Perhaps the lack of due process for administrators eludes to a lack of confidence in them and creates a risk that in some instances administrators may view as not worth taking. Due process could result in higher and more clearly defined expectations for school administrators and ultimately improved evaluation processes. That risk for the cause of excellence seems worth taking.

Offering administrative due process indicates a willingness on the part of board members to be supportive of administrators who deal with educational issues and problems. It indicates a willingness to avoid acting on impulse, but instead to guarantee a fair, and humanly justifiable procedure of dismissal. I am on that basis requesting your support of the passage of HB 2767.



TESTIMONY ON H.B. 2767

by

Bill Curtis, Assistant Executive Director
Kansas Association of School Boards

February 8, 1984
House Education Committee

Mr. Chairman and members of the Committee, we appreciate the opportunity to testify before you on a matter of the utmost importance to the governance of local public schools. House Bill 2767 concerns the degree of job security to be given to the management personnel of school districts who are given the responsibility of carrying out the policy directions adopted by local boards of education. We know of no other enterprise, public or private, in which management personnel are given a property right to their job to the extent contemplated in H.B. 2767.

If school district management is to be responsive to the elected officials who hire them, then the elected officials must have the broadest authority to choose management personnel in whom they have the utmost confidence. To do otherwise can allow an entrenched management structure to thwart the will of those elected officials.

We believe that local school boards must have the opportunity to have management staff of their own choosing. This has not meant in the past that every change of board members automatically means a change of management

personnel. However, we believe that elected policy makers ought to and must have the right to make changes in those who implement their policies, whenever the implementors have lost the confidence of the policy makers.

Various measures have been introduced in the legislature in past years which would have granted tenure rights to particular groups of school administrators. The measure before you today would grant that status to all certificated administrators.

When persons enter the field of school administration, they enter an entirely different realm than they occupied as classroom personnel. It is a position of greater responsibility, greater authority and considerably broader discretion in interpreting board policy. The rewards in terms of compensation are also considerably higher. In exchange for these rewards, a certain loss of job security is suffered. In carrying out our system of school governance, we believe that this trade-off is not only necessary, but desirable.

The Kansas Association of School Boards has long advocated, as a measure of job security for school administrators, the use of long term contracts. We sponsored, several years ago, an amendment to the then existing law authorizing such contracts for up to three years for superintendents, the inclusion in the law of all school administrators. We believe that the removal of the spectre of a tenure law for school administrators would be an encouragement to more boards of education to grant longer term contracts to administrators other than the superintendent.

In short, Mr. Chairman and Members of the Committee, we believe that the legislation contemplated in H.B. 2767 is unnecessary, undesirable and contrary to good public policy. We would urge you not to intervene in this manner in the relationship between local boards of education and the administrators they must rely on to carry out their policy directives. We thank you for the opportunity to express our views on this manner.



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JERRY O. SCHREINER
EXECUTIVE DIRECTOR

M.D. "MAC" MCKENNEY
ASSOCIATE EXECUTIVE DIRECTOR

TO: House Education Committee

FROM: Jerry O. Schreiner, Executive Director

DATE: February 1, 1984

SUBJECT: HB 2732 - Eligibility of Out-of-State Children to Attend Kindergarten

Present statutes allow an out-of-state student, regardless of age, to enroll and attend kindergarten in a Kansas school if he/she has enrolled and attended any out-of-state kindergarten program. This provision has created problems with parents of local districts when their youngsters are not able to enroll in kindergarten because of the age requirement. At the same time, out-of-state youngsters are allowed to enroll without having to be five years old by September 1.

The amendment proposed in HB 2732 would still allow "under-age" children from out-of-state to enter kindergarten in Kansas if they have attended kindergarten in another state for one semester.

Administrators believe that this attendance requirement would be fair to residents as well as those moving into Kansas.

We urge you to recommend HB 2732 favorably for passage.

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ATTACHMENT IV

(2-8-84)
HOUSE EDUCATION