

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 15, 1984 in room 313-S of the Capitol.

All members were present except: Representatives Bussman and Fuller, who were excused.

Committee staff present:

Avis Swartzman, Revisor of Statutes' Office  
Ben Barrett, Legislative Research  
Dale Dennis, State Department of Education  
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Representative Anthony Hensley  
Craig Grant, Kansas-National Education Association  
Jim Marchello, Kansas-National Education Association  
Sandra Heppler, Kansas-National Education Association  
Carol White, Kansas-National Education Association  
John Koepke, Kansas Association of School Boards  
Jerry Schreiner, United School Administrators  
Jim Edwards, Kansas Chamber of Commerce and Industry

The minutes of February 13, 1984 were approved as written.

The Chairman opened the hearing for HB 2794 which provides for binding arbitration.

Representative Anthony Hensley presented HB 2794. He stated that this legislation is quite similar to HB 2241 introduced last year and tabled in committee on a 10 - 9 vote. Rather than try to pull that bill off of the table he decided to introduce HB 2794. There is an addition to this bill that was not included in HB 2241, stated on line 97. The two considerations he definitely wanted to include in HB 2794 are binding arbitration and inclusion of assignment and transfer. He further stated that he would have no objection to including support personnel to this legislation.

Craig Grant, Kansas-National Education Association, testified in support of HB 2794. (ATTACHMENT I) He added that support personnel would include other school employees such as cooks, bus drivers, aides, etc.

James R. Marchello, Capital UniServ Director, testified in support of HB 2794. (ATTACHMENT II) During questioning, it was discovered that the definitions of assignment and transfer were not included within this bill.

Sandra Heppler, an employee of Shawnee Mission School District #512, testified in support of HB 2794. (ATTACHMENT III)

Carol White, an employee of Shawnee Mission School District #512, testified in support of HB 2794. (ATTACHMENT IV)

John Koepke, Executive Director of Kansas Association of School Boards, testified in opposition of HB 2794. (ATTACHMENT V) He added that he was also speaking for Dr. Bill Dirks, Wichita Public Schools, James Yonally, Shawnee Mission School District, Onan Burnett, Topeka Public Schools, and Kenneth Rogg, Schools for Quality Education.

Jerry Schreiner, Executive Director of United School Administrators, testified in opposition of HB 2794. (ATTACHMENT VI)

Jim Edwards, Director of Public Affairs for the Kansas Chamber of Commerce and Industry, testified in opposition of HB 2794. (ATTACHMENT VII)

This concluded the hearings on HB 2794.

The meeting was adjourned by the Chairman at 5:02 p.m.

The next meeting of the committee will be a joint hearing with the Senate Education Committee on February 16, 1984 at 1:30 p.m.

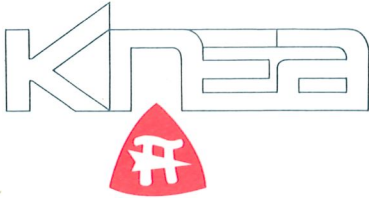
Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

GUEST REGISTER  
HOUSE  
EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Harold Pitts		Topeka
Sandra J. Hyslop	NEA	Shawnee Mission
Carol Meltz	NEA	Shawnee Mission
Jim Marchelbs	K-NEA	Topeka
Craig Grant	HT-NEA	Lawrence
Linda Egan	KNEA	Shawnee Mission
Kay Dean	KNEA	Shawnee Mission
Cecil Deal	KASA	Stirling
Bob Clowans	Ks. St. Bd. of Ed.	Independence
Judy Taylor	NEA - Shawnee Mission	Shawnee Mission
Beth Landebush	S.M. School Board	Shawnee Mission
Ann Burns	" "	" "
Jacque Oakes	KASB	Yates Center
Evelyn Whitcomb	SBOE	Wichita
Ed Walbancus	Wichitans	Topeka
Merle Hill	KACC	Topeka
John Cundy	Cimarron-Emig. Educ. Pr.	Cimarron
Shannon Marshall	-	Topeka
Wal		Topeka
William C Price	FREE THINKERS INVT PROGRAMS	Topeka
Bob Wood	Gov office	Topeka
Ann Leener	Ks St. Bd. of Educ.	La Crosse
Jo Ann Pottloff	USD 259	Wichita
John Koehn	KASB	Topeka
Almida Edwards	Bd-290 + 7x Co Farm Bureau	Ottawa







Craig Grant Testimony Before  
House Education Committee  
February 15, 1984

Thank you, Mr. Chairman. Members of the committee, my name is Craig Grant and I represent Kansas-NEA. I appreciate the opportunity to speak with you about HB 2794.

Negotiations have been with school boards and teachers since 1970. There has been one major change which provided for certain impasse procedures if no agreement can be reached. However, the one item that has been missing for the entire time the law has been in effect is the equity and balance which is needed so that both parties negotiate in good faith. In a vast majority of situations, districts and teachers reach agreement on terms and conditions of employment without a great many problems. A few districts have problems from time to time and need assistance through a mediator or fact finder to reach agreement. Unfortunately there are others who have real problems gaining that mutual respect or mutual understanding in order to resolve disputes. Negotiations should be a problem solving mechanism designed to deal with the real concerns of the parties. That mechanism breaks down when all the pressure is on one party and the other party can "go through the motions" and issue a unilateral contract at the conclusion of the process. We must work to find a way to end the unilateral contract as the final resolution to an impasse situation.

Now let us look at HB 2794. Kansas-NEA would ask that certain changes be made in the bill. The first change is a policy change we think is important. For the past five years, teachers have been working more closely with educational support personnel to form a team concept to educating the children of this state. That close working relationship has brought us to the conclusion that support personnel should have the right to bargain under the negotiations statute as teachers can. Presently, support personnel are under a different statute that makes recognition for negotiations totally permissive based on a board decision. As of this time, only the Wichita Board has allowed negotiations even though other groups have attempted to gain recognition. We will have other conferees on this topic later. Kansas-NEA would urge that the entire educational family be put under one statute.

Further thoughts for change deal with the starting dates and date for impasse as the bill provides in lines 142 and 164. We would argue that the dates should remain the same as it

(2-15-84)

continued

ATTACHMENT I

HOUSE EDUCATION

is very difficult to reach agreement on salaries by March 1 when the legislature usually waits until April 1 to finalize the school finance formula. It takes two to three weeks to get the data to the field so that negotiations can begin in earnest. The June 1 date is necessary to give districts a chance to talk out the issues after the data is known.

HB 2794 also provides in line 97 for the addition of assignment and transfer to the list of negotiable items. Kansas-NEA believes that these two areas definitely fall under the definition of terms and conditions of employment. We will have further testimony on this area from another conferee; however, I want the committee to know that instead of increasing our list by numerous items, we chose the two areas we have the most concern over in negotiating. We do not want to negotiate the right to decide whether to transfer but rather we want to negotiate the procedure that will take place when such actions are to be taken.

The other change involves the addition of a final step in the impasse procedure. Kansas-NEA commissioned a research poll by Capitol Research, Inc. this last December and we found that 68% of Kansans polled in the random sample believed that this legislature should develop a procedure which is final and binding on both parties in the cases when agreement cannot be reached. Kansans believe that solving the balance and equity question will provide for a much more productive problem solving approach than we have now. Morale is an important, although admittedly hard to measure, factor which must be taken into account when trying to improve our educational system. Until the threat of unilateral contracts is eliminated, Kansas teachers in some districts will still have the morale problem caused by that possible process.

Kansas-NEA believes that HB 2794, with the changes we've outlined, will help the process of improving our schools and would ask that you report HB 2794 favorably for passage.

Thank you, Mr. Chairman and members of the committee, for listening to the concerns of teachers.

TESTIMONY BEFORE COMMITTEE ON EDUCATION

KANSAS HOUSE OF REPRESENTATIVES

February 15, 1984

Mr. Chairman and members of the committee--

I would like to begin my presentation by addressing the need for the addition of "assignment and transfer" to the mandatory list of issues under the scope provisions of the Act. First, we submit that transfer is the most important issue facing teachers after compensation. Under current law a school district is not required to give any consideration to the employees' needs, preferences, years of experience or any other factors in transferring a teacher from one school to another.

When an employee signs his/her initial individual contract with a district, a key element in that decision is where and what one is teaching. Nonetheless, any-time after being hired a school district, under the current law, has the absolute right to transfer the teacher to any school the district chooses.

We feel that there is a compelling need to allow professional employees' organizations to negotiate the criteria for selecting transferees and the procedures to be used to effect the transfer from one school to another after the initial placement. We could live with retaining the current discretion by the administration for the initial placement of a teacher and in the determination that a transfer is required.

I estimate that between 20 and 40 percent of the telephone calls to my office are from individual teachers with complaints about being transferred and there is very little that can be done because of the districts' current discretion.

ATTACHMENT II

(2-15-84)  
HOUSE EDUCATION

With school closures becoming more commonplace due to declining student enrollment, more teachers are likely to have their teaching assignment disrupted. It seems only equitable and logical that they should have a meaningful voice in the procedures for adjusting to these weighty events.

We would like to demonstrate the need for change by citing two examples of actual transfer cases. I am using the individuals' names and fact situations with the individuals' prior approval. The first case is that of a person who appeared before the committee last year. Sharon Green was a teacher in USD 501 who in April of 1979-80 was notified of a transfer to another school and from third to fourth grade. She reported to the new school in August and after one week she was again transferred to another school and assigned sixth grade. She quit teaching out of frustration over the transfers. She subsequently came to work for the Governor and now Senator Daniels. Her decision was a gain for State Government, but the loss of a good teacher for the students in USD 501.

A second example is Catharine Strahm. She is a high school teacher in USD 501 who is certified in Latin, English, French, and Spanish. She has 26 years experience with the District and thereby has the longest service of any language teacher in the District. After she taught for ten years at Topeka High School she has been transferred in excess of twelve times or about every other year. This has occurred even though less experienced teachers in her field have been allowed to replace her and hold permanent assignments.

Now you might be thinking that this problem is localized in USD 501. We respectfully submit that that is not the case. I made a telephone survey of several of our offices in the largest Kansas cities and confirmed that Shawnee Mission and Wichita have significant problems with transfer practices. They, too, feel the need to be able to negotiate these procedures. For example, very experienced teachers in Wichita are being "excessed" out of a school and placed as floating substitutes, while teachers with fewer years of service have stable assignments.

We contend that these practices are not reasonable and that they might best be remedied by adding "assignment and transfer" to the mandatory list of negotiable issues as this bill would do.

I have heard the argument made that if transfers are made mandatorily negotiable, that the certified employees would have unreasonable control over the transfer process. I respectfully submit that this claim is not true. To mandate the negotiations of transfers is only to allow the parties to reach a mutual agreement on the procedures to be used for transfers. Obviously, a district would control half of the decision-making process. If HB 2794 were to pass, and if the procedures for transfers were not mutually agreed to up to and including mediation and fact finding, they would be submitted to final and binding arbitration with the arbitrator restricted to selecting the final position of the fact-finder or one of the two parties. Again, the district would have a sustained opportunity to resolve the issue prior to arbitration.

With reference to the use of final and binding arbitration to resolve negotiations' disputes, let it be said at the outset that most Kansas districts do negotiate in good faith and reach an agreement without resorting to any impasse procedure. At the same time it must also be noted that teachers frequently settle for less because they know that they are at a decided disadvantage with respect to the clout necessary to achieve their goals given the districts' power to issue unilateral contracts. I submit that this may account for the fact that sometimes not as large a portion of the budget increases authorized by the legislature are ultimately applied to teachers' salaries as may have been intended by the legislature.

It might also be noted that most districts do the fair thing because it is right. However, it is also my unhappy observation that some districts succumb to the



temptation to go through the motions or simply hold out until the law allows them to implement their preferences in a unilateral contract. We submit that this unfair imbalance in the current system provides more clout to one party than the other in a system that is suppose to result in mutual agreement. The situation clearly cries out for reform.

Final and binding arbitration of negotiations' disputes places pressure on both parties to reach an agreement with the other because with a third-party decision there is a risk for both sides. I know from personal experience with arbitration systems that I want to resolve the matter with the district involved if at all possible before repairing to the judgment of a third party. Yet, when mutual agreement is not possible, arbitration offers a balanced and fair system for resolving the dispute.

Fortunately, we do not need to rely solely on subjective judgment on the success of this system. I was present when several legislative staff persons from Iowa appeared before the Governor's Blue Ribbon Commission on the professional negotiations law several years ago. They testified that under five percent of their 403 school districts submit their negotiations to arbitration each year. I inquired of our Iowa Association and found that last year 15 districts or four percent submitted their negotiations' disputes to arbitration. This is obviously a small portion of the total Iowa districts, and both those from the Iowa legislature and our Association sources stated that the system is perceived to be working well by both teachers and boards.

Please remember that both parties must live with the arbitrator's decision under the bill's requirements. It should not be assumed that arbitration decisions will be more favorable to one party than the other. In fact, given the criteria in the bill for judging issues, including ability to pay, budget limitations, and the public interest, it certainly follows that the teachers' preferences will be subject to careful testing

and that the communities' interests will be given the appropriate consideration. This is how the participants in Iowa see their system working. I am sure not everyone is always pleased, but the prevailing opinion appears to be that the system works well.

There is little question that Kansas' current system lacks balance, fairness for teachers, and equity. The poll that K-NEA commissioned reveals that the public supports binding arbitration of negotiations' disputes with 68% supporting its use. We urge the committee to adopt a do-pass position on assignment and transfer and binding arbitration of negotiations' disputes as per the bill's provisions. Thank you for your attention and the consideration I know you will give these issues.

  
James L. Marchello  
Capital UniServ Director (K-NEA)

My history of teaching in Topeka Public Schools  
from 1958-1984.

From 1958-1968 I taught full time at Topeka High School. My subjects were Latin, Spanish, and French in various combinations.

From 1968 until Capper closed in 1976 I was assigned to Capper Junior High and another school or schools. The other schools were as follows: Crane, Curtis, Holliday, Highland Park Junior High, Jardine, Landon, Roosevelt<sup>+ French</sup>. During this period (the year that Capper and French used the same building) I was full-time at Capper with no other school.

From 1976-1981 I was assigned to Landon Middle school. In the year 1976-77 my assignments included Eisenhower and Roosevelt. In 1977-78 I traveled from Landon to French Middle School. I taught two years, 1978-80, full-time at Landon. In 1980-81 I was assigned Topeka West High School + Landon.

In 1981-82 I was full time Topeka West.

The past two years 1982-1984 I have traveled from Topeka West to Topeka High.

I have taught the following subjects in Topeka Public Schools: Latin, Spanish, French, English, seventh-grade math, and flex. Flex is a series of mini-courses in several languages. The languages I have taught in flex are Latin, Spanish, French, German, and Russian.

I have a Master's Degree in Spanish with teaching hours in Latin, French, and English. In 1961 I received a Fulbright Scholarship and studied for the summer in Bogotá, Colombia at Universidad de los Andes.

In 1963 I received a grant to study French at University of Missouri at Kansas City.

My students have received many high ratings on standardized tests and in competition on local, state, and national level. The latest of these awards were received in the spring of 1983. Advanced Latin team won first in the state on an oral quiz (timed answers). We also won third place in the state on first-year written exam.

Catherine Strahm



NEA SM

NATIONAL EDUCATION ASSOCIATION OF SHAWNEE MISSION  
7820 CONSER PLACE, SHAWNEE MISSION, KANSAS 66204

TELEPHONE  
913-649-3175

Testimony to the House Education Committee, February 15, 1984

My name is SANDRA HEPPLER. I am employed as a computer/clerk in Shawnee Mission School District #512. I am speaking in favor of House Bill 2794, to include educational support personnel under the negotiations statute.

In the Shawnee Mission School District #512, there are steering committees elected for the different educational support personnel which are: data processing, maintenance, secretarial, clerical/aide, paraprofessional, food service and custodial. The members of these steering committees are elected by the employees of these groups. Elections are not always carried out according to District policy. These committees are only considered liaisons between the administration and employees. Once elected several meetings are held where policies, salaries, fringe benefits and inservice are discussed. The administration has a representative attend these meetings. The Steering Committee then submits these proposals to the Board through the Administration's representative.

For the past several years, including last year, the Administration's representative gave direction to the Steering Committee that discouraged submission of salary and some policy proposals and would not submit the committee proposals to the Board of Education. As a result of this action by the Administration's liaison, each committee was convinced that what the Administration proposed was what they would receive. These proposals were presented to the Board of Education as unanimous recommendations from the Steering Committee.

affiliated  
ATTACHMENT III

(2-15-84)  
HOUSE EDUCATION

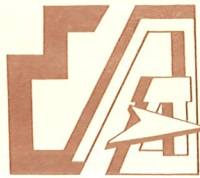


Many educational support personnel feel they have no voice and refuse to work on these committees.

The secretaries in Shawnee Mission School District #512 sought voluntary recognition in 1981 and 1982 but were turned down by the Board of Education. The past two years all educational support personnel have sought recognition through the National Education Association of Shawnee Mission. The Board of Education has turned these requests down.

The Board has promised that if there are problems and they are contacted they would attempt to solve these problems. The problems cover policies, working conditions and compensation which individual Board members cannot solve. A negotiated agreement would help solve these problems.

Our problems are real, not isolated instances and we feel it is most important that HB2794 be amended to include educational support personnel under the Negotiations Act.



NEA SM

NATIONAL EDUCATION ASSOCIATION OF SHAWNEE MISSION  
7820 CONSER PLACE, SHAWNEE MISSION, KANSAS 66204

TELEPHONE  
913-649-3175

Testimony to the House Education Committee, February 15, 1984

My name is CAROL WHITE. I am employed as a Brailist in the Shawnee Mission School District #512. I am speaking in favor of HB2794 to include educational support personnel under the negotiations statute.

I would like to focus on some currently existing policies that passage of this bill could alleviate. Realizing that I am spotlighting items from my own district-- I am aware that these same inequities exist in neighboring districts and feel sure they would also show up throughout the state of Kansas. I have upon examination discovered that in some districts where local school boards have chosen a negotiations procedure, a prescribed set of standards exists and is implemented consistently. In this way most of the employee inequities disappear.

In-District Transfers--When two equally evaluated and qualified employees are applying for a given job opening, choice may be based on friendship, family ties, present job placement and criteria other than set down in the policy handbook. With no negotiation possible, who is there to discover whether or not this policy as stated in the handbook has actually been carried out?

Recognizing Related Work Experience and In-District Experience--No allowance or credit is recognized as being valuable either for employees upon original hiring or for employees transferring within the district (i.e., clerical aide to secretary; educational aide in North Carolina Special Education program to paraprofessional in Kansas; classroom teacher with BS or MS degree to aide or paraprofessional). Negotiations would clarify and verify this work experience.

Inequitable Fringe Benefits--Benefits based according to job title and category from \$200 to \$40. In what way can insurance for one man's family cost less than another's? Heads of households, be they painters, custodians, widows, or administrators have the same insurance needs.

Doubling the Work Load With Same Hourly Week and Compensation--With budget cuts may come even deeper cuts for employees in support positions. A negotiations statute would bring to light and equalize in these instances.

Other Areas Needing Attention--Consistently applied and enforced BOE policies and State Department Guidelines; stabilized healthy and adequate working conditions; acts of intimidation either implied or applied in terms of harassment or rumor; professional leave inequities; printing of all categories of salary schedules in policy handbooks for public record.

By making this appearance before you as representatives of authority, we ask that you become repairer's of faulty administrative and school board policies as applied to support personnel in the state of Kansas by mandating a NEGOTIATIONS PROCEDURE!



KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



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

Testimony on H.B. 2794  
before the  
House Education Committee  
by

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

February 15, 1984

Mr. Chairman and members of the Committee, we once again appreciate the opportunity to appear before you on behalf of the member boards of education of the Kansas Association of School Boards. The topic before you today is one which raises strong emotions and which has been dealt with by this legislature annually for the past decade. In each instance in the past, after consideration of the philosophical and political issues involved, the Kansas Legislature has seen fit not to adopt the concept of binding arbitration in public employment. We hope that you will continue to see the wisdom of this position.

We have no new arguments to offer on this issue this year. Our members continue to believe that such legislation strikes at the heart of the philosophy of representative government. We believe that those decisions relative to the operation of the public schools should be made by the elected representatives of the people. Only in this manner can the people have some recourse through the ballot box against decisions with which they disagree. Under provisions like those in H.B. 2794, the patrons of a school district would be bound to financially support a contract imposed by arbitrators who have no responsibility to those patrons.

ATTACHEM TN V

(2-15-84)  
HOUSE EDUCATION

The point should also be made that those arbitrators would not be limited to financial contract considerations. There are numerous non-financial issues included in negotiated agreements in Kansas and all of those provisions would also be subject to the decisions of the arbitrator. In that light, we would also oppose the provision of H.B. 2794 which would add assignment and transfer to the list of mandatorily negotiable items in the Professional Negotiations Act.

We would also urge you not to change the date for commencing negotiations through exchange of agreements and the statutory impasse date by moving them up three months as proposed in H.B. 2794. If March 1 were to become the statutory impasse date, then nearly every district in Kansas would be at impasse every year. I cannot remember a single year in my twelve year experience with the legislature when school finance legislation was even close to decision by March 1.

I have attached to my testimony documents which review the outcome of negotiations in Kansas in recent years. We believe they indicate the present process is working rather well. Certainly, our members do not believe there is presently any indication of the need to do violence to the democratic process on the order of that contemplated in H.B. 2794. We appreciate the opportunity to present our members views and I would be happy to attempt to answer any questions.



SUMMARY OF IMPASSE PROCEEDINGS

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
1. Impasse requested	30	27	19	52	33	38
2. Settled w/o mediation		7	2	21	4	10
3. Mediation succeeded	15	11	14	22	24	17
4. Mediation failed	15	9	3	9	7	11
5. Fact-finding succeeded	4	6	1	5	3	7
6. Fact-finding failed	11	3	2	4	2	3
7. Board unilateral decision	11	3*	2	4	2	3
8. Fact-finding in progress						1 USD 386

\*USD 300 and USD 501 went to court over procedural matters.



# 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 15, 1984  
SUBJECT: HB 2794 - Professional Negotiations

The United School Administrators of Kansas opposes binding arbitration. We do not believe that the provisions for arbitration in HB 2794 will improve relations between teachers and boards of education in Kansas.

The original intent of professional negotiations was to provide a formal method, one more avenue for teachers and boards to communicate with each other about concerns of either party. The gradual changes made in the process and the many proposals presented to you clearly indicate the intent of local employees' organizations to control not only the decision making process but the allocation of public resources.

The resources available to public schools are limited and have always been limited by state statutes or local community demands. It appears to be counter-productive to consider adding to the confrontations that have been created by professional negotiations by requiring binding arbitration over even more limited resources.

Teachers' representatives maintain that they are unique in organized labor--that they are professionals qualified to make policy decisions about local schools. Although boards welcome and encourage the advice and counsel of professionals, administrators believe that it is essential that educational policy making remain independent of the vested interests of all professionals.

A school board in Kansas is more than an employer--it is a legislative body held accountable to the will of the people; whereas an independent arbitrator is accountable to no one. A board cannot encumber, through mandated contracts, its responsibility to respond to the public as well as to state laws.

In public education there is a third party between the employer and the employee, the student. No such relationship exists in the private business sector where only two parties are involved. Given the necessary legislative authority, a teachers' organization can and will encumber the board's responsibility to act in the best interests of students.

The proposal you are considering will:

- (1) increase the communication gap between labor and management,
- (2) make professional negotiations a truly "win-lose" confrontation
- (3) increase legal costs to employee organizations and school districts,  
and
- (4) decrease the trust levels between teachers, administrators, and boards.

If you feel that binding arbitration is a necessity, then I suggest that the time consuming, expensive process of mediation and fact finding be eliminated so that the parties involved could proceed directly to binding arbitration. If a local board of education is not allowed to make final decisions on the use of the district's limited resources, then skip the process and go directly to a third party. You may even wish to develop a "state" salary schedule through collective bargaining at the state rather than the local level. This would at least avoid the negative confrontations created by artificial circumstances that place teachers, administrators, and boards in adversary positions. In addition, the state should fully fund any settlement beyond the board's final offer and such funds should not be included within budget limits.

Any proposal for third party intervention in local school affairs creates a dangerous potential for a distortion of the balance of authority between the state and local boards. HB 2794 provides one more opportunity for public employees to control the public by excluding elected officials. The issue involved in this proposal is not simply a

matter of teachers vs. boards. It is a matter of teachers vs. "the public."

The United School Administrators supports the following changes in professional negotiation:

1. "Terms and conditions of professional services" should be limited only to economic benefits such as salaries, wages, and fringe benefits. A number of items are affected by state law and are most difficult to negotiate. The emphasis on "excellence in education" suggests that negotiating such items as the length of the school day, number of class periods, or evaluation procedures should not be negotiable. Certainly the items related to "privileges of the employees' organization" have absolutely nothing to do with either the educational process or the operation of schools.
2. The proposed date of March 1 for declaring impasse is unrealistic as presented in HB 2794 in view of the problems involved in determining school finance and sources of revenue. The present date should be retained.
3. New Section 7 would require definition and adequate funds would need to be provided for the suggested training.
4. Administrators support the proposed amendments in Sections 9 and 10 to remove the extension of time for contract notification.



# LEGISLATIVE TESTIMONY

## Kansas Chamber of Commerce and Industry

500 First National Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321



A consolidation of the  
Kansas State Chamber  
of Commerce,  
Associated Industries  
of Kansas,  
Kansas Retail Council

HB 2794

February 15, 1984

### KANSAS CHAMBER OF COMMERCE AND INDUSTRY

#### Testimony Before the HOUSE EDUCATION COMMITTEE

Mr. Chairman and Members of the Committee:

My name is Jim Edwards, Director of Public Affairs for the Kansas Chamber of Commerce and Industry, and I am here today to present our position on HB 2794.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses plus 215 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

KCCI believes that elected officials must not have their hands tied nor have mandated decisions forced upon them. For this reason, we stand in firm opposition to



HB 2794, which would require that the board of any school district in Kansas accept the findings of an arbitrator in contract negotiations between that board and the professional teachers' union. This bill, if passed, would remove from the local board the power to govern.

While we understand that the contract negotiations are sometimes quite lengthy, we feel that the existing law allows both the board of education and the professional organization an avenue for a fair and equitable agreement. After all, these are the parties which will bear the effects of the final agreement.

Once again, we oppose this bill and would encourage you to do the same if it comes up for a Committee vote.

Thank you for the opportunity to appear before you today.