

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~xxx~~/p.m. on TUESDAY, JANUARY 31, 1984 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

SB 475 - School districts, adoption of extraordinary performance pay plans for professional employees; Re Proposal No. 17 (Spec. Committee on Education)

Proponents:

Dr. Bill Dirks, USD 259, Wichita  
Mr. Jim Edwards, Director of Public Affairs, Kansas Association of Commerce and Industry  
Dr. Jim Yonally, USD 512, Shawnee Mission

Opponents:

Ms. Carolyn Gaughan, President, Wichita Federation of Teachers  
Mrs. Patricia Williams-Boyd, Teacher, Central Junior High School, Lawrence; received Kansas "Teacher of the Year" award, 1983  
Mr. Jerry D. Bailey, Assistant to the Dean, School of Education, University of Kansas

Following a call to order by Chairman Joseph C. Harder, Senator Parrish moved that minutes of the meeting of January 24 be approved as written. This motion was seconded by Senator McCray, and the motion carried.

The Chairman then asked Ms. Avis Swartzman of the Revisor's Office to give a brief description of a bill (Attachment 1) which Senator Jan Meyers had requested the Committee to introduce. When the Chairman asked the Committee's pleasure regarding this request, Senator McCray moved that the Committee introduce the bill as requested by Senator Meyers. Senator Parrish seconded the motion, and the motion carried.

SB 475 - Dr. Bill Dirks, USD 259, Wichita, testified in support of SB 475 but said that a good base plan for teachers' salaries must be given first priority. (Attachment 2)

Mr. Jim Edwards, Kansas Association of Commerce and Industry, testified in support of SB 475, and his testimony is found in Attachment 3.

Dr. Jim Yonally testified that the USD 512 Board of Shawnee Mission had endorsed the concept of merit pay for teachers and felt that it should be state funded.

Ms. Carolyn Gaughan, Wichita Federation of Teachers, testified in opposition to SB 475, and her testimony is found in Attachment 4.

Mrs. Patricia Williams-Boyd testified that although she is in favor of the concept of merit pay for teachers, she is opposed to this particular bill. Her first concern, she continued, is seeing that all teachers receive a higher base salary. Mrs. Williams-Boyd criticized the bill by saying it did not stipulate how criteria for awarding merit pay would be established or by whom. Mrs. Williams-Boyd then explained to the Committee how a merit system for teachers operates in the state of Ohio. Mrs. Williams-Boyd also suggested alternative methods, other than monetary, through which to develop better teachers.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,  
room 254-E, Statehouse, at 1:30 ~~xxx~~p.m. on TUESDAY, JANUARY 31, 1984

Dr. Jerry Bailey, K.U., stated that although he supports the concept of merit pay, he is opposed to SB 475 and feels it needs more intensive study. He stated that in his opinion most schools throughout the state are unable to design a good merit pay plan of their own and felt that the larger school districts have distinct advantages over the smaller districts in designing and implementing such a plan.

Due to lack of time, the Chairman announced that the hearing on SB 475 would be continued on the following day, February 1.

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

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: January 31, 1984

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Steve Seefeld	Belleville, Ks	U.S.D. #427
Elen Zambrano	Topeka	Ks. Action for Children
Jerry McBrener	Topeka	USA
Bill Durks	Wichita	U.S.A. 259
Dennis Denney	Lawrence	Sen Kau
J. Edmund	Topeka	RACI
John Boyd	Lawrence	Education
Kathy van Gude	Lawrence	Education
Chad Grant	Lawrence	H-NEA

Many more people were in attendance, but the page had to leave while this sheet was being passed around, and many people missed signing this sheet.

## SENATE BILL NO. \_\_\_\_\_

AN ACT concerning the school district equalization act; relating to taxable income of district residents; amending K.S.A. 72-7041 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 72-7041 is hereby amended to read as follows: 72-7041. (a) "Taxable income" means Kansas taxable income of resident individuals as determined under ~~K.S.A. 1978 Supp. 79-32,116, and amendments thereto~~ the provisions of the Kansas income tax act with the modifications to the Kansas itemized deduction of an individual in effect on June 30, 1983.

(b) "Taxable income within the district" means the total taxable income of residents of a district as ~~reported~~ determined on the basis of state income tax returns filed in the preceding calendar year.

(c) "Resident individual" ~~shall have~~ has the meaning ascribed thereto in K.S.A. ~~1978 Supp. 79-32,109, and amendments thereto.~~

(d) "Resident individual income tax liability" means the income tax liability of resident individuals as imposed and computed under the provisions of the Kansas income tax act with the modifications to the Kansas itemized deduction of an individual in effect on June 30, 1983.

(e) "Resident individual income tax liability within the district" means the amount equivalent to the total resident individual income tax liability of residents of a district as reported on state income tax returns pursuant to the provisions of the Kansas income tax act with the modifications to the Kansas itemized deduction of an individual in effect on June 30, 1983.

Sec. 2. K.S.A. 72-7041 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

WICHITA PUBLIC SCHOOLS

Educational Services Building  
640 North Emporia  
WICHITA, KANSAS 67214

SENATE EDUCATION COMMITTEE TESTIMONY

S.B. ~~474~~ <sup>475</sup>

January 30, 1984

Division of Research, Planning,  
and Development Services  
(316) 268-7882

The Honorable Joe Harder  
Chairman of Senate Education Committee  
Members of Senate Education Committee

I am A. W. Dirks, representing the Wichita Public Schools (USD 259). Thank you for the opportunity to appear before this committee in support, with qualifications, of S.B. ~~474~~ <sup>475</sup>. (See reference proposal 6, page 10).

The Board has had a merit pay plan for several years for classified personnel and for administrators. The merit pay plan involves a written recommendation by the employee's supervisor to the Personnel Division and to the Merit Pay Committee which is a Peer Review Panel. The Merit Pay Committee then makes a recommendation on each request. It is proposed that similar procedures would recognize superior teachers and would be an incentive for other teachers to improve their performance. It is suggested that local boards establish specific performance criteria with teachers outside the negotiations process on a mutually agreeable basis. The Special Committee for Education has proposed S.B. ~~474~~ <sup>475</sup> to reward "extraordinary performance" under Legislative Proposal 17. Any merit pay plan to be effective would have to be supplemental and have the confidence of participating employees.

S.B. ~~474~~ <sup>475</sup> does not eliminate the need for general salary improvement for all teachers nor does it meet the specific needs of adequate starting salaries to recruit teachers and adequate professional salaries to retain career teachers. One may attempt to ascertain philosophically which comes first, the chicken or the egg. There is no such dilemma here. Adequate budget authority, adequate state support and improved salaries are of the first priority. Then this bill can serve as an incentive to reward excellence in teaching.

Thank you for your attention.

Attachment 2





# Legislative Testimony

Kansas Association of Commerce and Industry

500 First National Tower, One Townsite Plaza

Topeka, Kansas 66603

A/C 913 357-6321

January 31, 1984

KANSAS ASSOCIATION OF COMMERCE AND INDUSTRY

Testimony Before the

SENATE EDUCATION COMMITTEE

Mr. Chairman and Members of the Committee:

My name is Jim Edwards and I am the Director of Public Affairs for the Kansas Association of Commerce and Industry. I appreciate the opportunity to appear before the Committee today in support of SB 475.

The Kansas Association of Commerce and Industry (KACI) 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.

KACI 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 KACI's members having less than 25 employees, and 86% having less than 100 employees.

The KACI 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.

KACI believes that the Kansas educational system is one of the best and in order for it to continue to provide the students with an education that is meaningful, while assuring those that pay for the schooling an adequate return, certain steps must be taken. One of these steps would be the implementation of programs within Kansas

school districts which will enhance elementary and secondary classroom teachers' compensation utilizing performance based increases in order to encourage retention and recognition of superior teachers.

While some maintain that favoritism would be a major element in a merit pay system and would thereby flaw the plan, we maintain that this will not take place because the immediate supervisor, or in this case the principal, would be evaluated on the overall operating efficiency of his or her building. While it would be nice to promote your friends, friendship becomes secondary when your own job evaluation takes into account your skills as a leader, planner, and evaluator.

Another argument against a merit pay plan would be that teaching professionals would not share ideas for fear that they would not receive credit for them. This fallacy does not recognize that an idea, or method of operation, can never be totally concealed. The business world has shown that persons in competitive positions are still willing to exchange ideas. We don't believe that teaching professionals are any different than business professionals.

In closing, I remind you that SB 475 would allow for a merit pay plan to be implemented in a district only after the approval of the board and the majority of teachers in the district.

Thank you for the opportunity to appear before this Committee today and provide our testimony in support of SB 475.

# Wichita Federation of Teachers

Local 725, American Federation of Teachers, AFL-CIO



324 East Harry  
Wichita, Kansas 67211  
(316) 262-5171

## WFT TESTIMONY IN OPPOSITION TO SB 745

January 31, 1984

Good afternoon. My name is Carolyn Gaughan. I'm the president of the Wichita Federation of Teachers. I'm pleased to have this chance to speak to you about the American Federation of Teacher's position on merit pay, and the way this affects SB 475.

During this time of tremendous opportunity and potential danger, we share your committment to return to excellence, and your concern that today's education reform movement does not come up with faulty solutions and misguided emphasis. The problems facing educators can not be patched over with "band-aid" answers. We need to consider how to best restructure and reprofessionalize the teaching profession. The proposed legislation on extraordinary performance pay has some serious flaws that have led me to come today to testify against it. SB 745 is a thinly disguised merit pay plan. Neither merit pay nor master teacher plans are the way to insure teacher quality.

Instead of focusing solely on the merit pay issue, a real legislative solution would be a package with the following components, many of which are in Governor Carlin's program:

1. An insistence on beginning teacher tests which set a high standard for entry level recruits. Minimum competency is not enough.
2. Higher teacher certification requirements with greater emphasis on subject matter competence and less on methods courses.
3. Radically higher beginning teacher pay that is comparable to entry level salaries in other professions.
4. Shortened salary schedules that will encourage good teachers to stay in the profession, without having to wait for fifteen to twenty years to reach the top.
5. A form of internship for new teachers with expanded opportunities for experienced teachers to help them.
6. Implementation of fair and practical methods for removing incompetent teachers from the profession. They must involve due process, and be based on evaluation criteria which teachers regard as objective and reasonable.



But SB 745 deals only with "extraordinary performance pay programs." Do not be preoccupied with the idea that merit pay is the most important cure-all for what ails education. The committee report from the special committee on education admitted that the track record of pay plans for extraordinary performance in the school setting has been relatively unimpressive. The report goes on to draw the conclusion that the faults would be magnified by a state mandate imposing a single model on diverse school systems. So therefore, each system should work out a fair and equitable program that is agreeable to both the local board and the teachers. Such a conclusion is not warranted. Traditional merit pay efforts have a history riddled with failure because of problems such as these:

1. Rewards to only a few teachers while keeping the vast majority of salaries low. This led to resentment and morale problems, not excellence.
2. One-time evaluations by the principal or superintendent who traditionally made subjective judgements about teacher competence. This led to favoritism and patronage more than merit and quality. (The committee report seeks to side-step this problem by giving the formulation of the program to the local board to handle. This would only exacerbate the problems. Internal politics can have a much greater affect in local maneuvering than could be solved by turning it over to the local board.)
3. Rewards to teachers whose students got the best scores. This meant that teachers of the brightest students got more, even when the students succeeded in spite of the teacher. But teachers of those who were difficult to reach were not rewarded even when such teachers were, in fact, better.

In addition to these problems, there is another flaw in SB 745. While it calls for agreement between the Board of Education and a majority of the teachers, it does not address the process by which such agreement could be reached. At the present, WFT is not the bargaining agent for teachers in Wichita. However, we strongly support the concept of collective bargaining. Any legislation that would supercede that process, as this bill proposes, undermines collective bargaining. In so doing, it could undermine public education itself. The inherent problems in this bill would increase the problems in public education rather than alleviate them.

Lest you think that AFT is totally against any performance based pay plans, I do want to tell you that some of the newer proposals warrant consideration. At the AFT national convention last summer, we passed a Special Order of Business with criteria for a performance based plan that would help shape a positive program.

But, for the reasons stated earlier, we strongly stand in opposition to the passage of SB 745 in its present form. As I stated when I testified before the committee last summer, 1984

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could be a landmark year for many legislators across the country on educational issues. I hope that you as Kansas legislators will be among the leaders in thinking through the entangled reform plans, evaluating which have merit, and planning means to solve our problems that are more effective than SB 745.

Thank you.