

MINUTES OF THE SENATE COMMITTEE ON EDUCATIONThe meeting was called to order by VICE-CHAIRPERSON ALICIA SALISBURY at
Chairperson1:30 ~~XXX~~ a.m./p.m. on THURSDAY, FEBRUARY 21, 1985 in room 254-E of the Capitol.

All members were present except:

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 189 - An act concerning professional negotiation between boards of education and professional employees' organizations; affecting the definition of terms and conditions of professional service (Senator Parrish et al.)

Proponents:

Mr. Craig Grant, Director of Political Action, K-NEA
Mr. James L. Marchello, Capital UniServ Director

Opponents:

Ms. Patricia Baker, Senior Legal Counsel, KASB
Dr. M. D. McKenney, Acting Exec. Director, USA (Testimony only)

SB 196 - An act concerning school districts; relating to adoption and effectuation by boards of education of performance-based salary plans for professional employees; making school districts ineligible for state financial aid under certain conditions (Senator Gaines)

Proponents:

Senator Frank Gaines, author of SB 196
Mr. Jim Coppel, Garden City teacher; President, Garden City Federation of Teachers

Opponents:

Mr. Steve Mulvenon, Salina, USA Task Force

Vice-chairperson Alicia Salisbury called the meeting to order and then recognized Mr. Craig Grant, Director of Political Action, Kansas-National Education Association. Mr. Grant expressed his support for SB 189 in his testimony found in Attachment 1.

Mr. James L. Marchello, Capital UniServ Director, confirmed his support for SB 189 in his testimony which is found in Attachment 2.

Opposing SB 189 was Ms. Patricia Baker, Senior Legal Counsel, Kansas Association of School Boards, and Ms. Baker's opposing testimony is found in Attachment 3.

Although Dr. M. D. McKenney, Acting Executive Director, United School Administrators, could not be present at the hearing on SB 189, written testimony in which USA opposes SB 189 was distributed to the Committee by the secretary on behalf of Dr. McKenney. (Attachment 4)

SB 196 - Chairman Joseph C. Harder continued the meeting by recognizing Senator Frank Gaines who explained the concept of SB 196 which he had authored. (Attachment 5) In response to a question, Senator Gaines replied that he would be agreeable to a change in the date requirements stipulated in his bill. The Chairman explained that because of lack of time and in deference to those conferees who had travelled a great distance, he would request Senator Gaines to return at another time to respond to further questioning. Senator Gaines agreed to do so.

When Mr. Jim Coppel, President of the Garden City Federation of Teachers, was recognized, Mr. Coppel testified that although his organization supports

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-E, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on THURSDAY, FEBRUARY 21, 1985

the concept of SB 196 he had some reservations about its implementation. He submitted that SB 196 would fulfill a need to recognize quality teachers and attempt to retain them in the teaching profession. He stated that the best teachers do not get sufficient reimbursement to encourage them to remain in the teaching profession. Mr. Coppel continued by saying that he recognized the many personnel and administrative problems that could arise in implementing an evaluation program described in SB 196 and thought the time frame of January 1, 1986 was very unrealistic. Mr. Coppel also questioned the adequacy of funding for this program and noted that across-the-board increases for teachers' salaries appeared to be lacking.

Mr. Steve Mulvenon, Salina, representing the United School Administrators Task Force on SB 196, expressed his opposition to SB 196, and his testimony is found in Attachment 6.

The Chairman alerted the Committee of a possible change in the agenda because of a need to consider five bills relating to school finance that are subject to the March 1 deadline to be out of the House of origin.

Following the Chair's explanation for a need by the Committee to revoke its previous action on HB 2058, Senator Karr moved and Senator Warren seconded a motion that the Committee reconsider the action it took on HB 2058 at its previous meeting. The motion carried. The Chairman announced that further action on HB 2058 will be taken at a future meeting.

The Chairman apologized to those conferees who were not recognized at today's meeting because of lack of time. He then adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, Feb. 21, 1985

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Tylie Emig	Lyons, KS.	Lyons High School
Charles W. Johnson	2820 Conser Pl. SM, KS. 66204	KAW VALLEY Univ Serv
John R. Rude	RR#2 Box 90 Bonner Spgs, KS 66012	Kaw Valley - K-NEA
Toni Miller	1032 Fairwood Olathe	K-NEA
Mansfield Miller	1032 Fairwood Olathe	
Jim Marshall	715 W. 10 th Topeka	K-NEA
Craig Grant	Lawrence	K-NEA
Robert W. Seves	756 Lakewood Bonner Spgs, KS.	Kaw Valley Uniserve
Rodger Shannon	908 S. 134 th St. Bonner Springs, KS	Kaw Valley Chronic K-NEA
Spannine Matthews	10985 Rosehill Rd. O.P. KS	K-NEA Kaw Valley
Jeanne Whiles	405 Kickapoo Box 516 Olathe	K-NEA Kaw Valley
Mary Jane Vannoy	Wichita, Kansas	Clorella Kansas
Carrie Beth Disney	Wichita, Kansas	Clorella Kansas
JOSEF FIGUERAS, DOMINGO	Barcelona, SPAIN	Clorella Kansas
Bill Clarke	Wichita	U.S.W. 259
Ken Rogg	Paola	S.B.E.
Aiane McGehee	Merriam, KS	Person Jr. HS Kaw Valley
Linda Lawrence	Overland Park, KS.	Person Jr. HS Kaw Valley Uniserve
Sen Frank W. Davis	State	

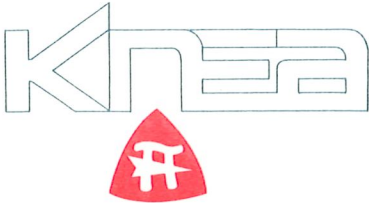
SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, Feb. 21, 1985

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Jacque Dakes	Topeka	KASB
Mike Stotky	Lawrence	Int'l. Sch. Parrish
Pat Baker	Topeka	KASB
Steve Mackerson	Salina	USA
Bill Curtis	Topeka	KASB
Jim Yonally	Shawnee Mission	USD #512
Gary Ellis	Topeka	K-NEA
Jack Copple	Garden City	Garden City Federation of Teachers
Sharon Neal	Wichita	Wichita Fed. of Teachers
Myrlene Kelly	Wichita	American Fed. Teachers
Bob Johnson	Olathe, Kansas	United School Adm.
Jack [unclear]	Wlyssess Ks	Cherup KS
Doreen Carbaugh	Shawnee Mission	Interested Parent

Craig Grant Testimony Before The
Senate Education Committee
February ²¹~~20~~, 1985



Thank you, Mr. Chairman. Members of the Committee, my name is Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to speak in favor of SB 189.

SB 189 proposes a slight change in the negotiations statute. The substantive changes are found in lines 101 and 102 of the bill on page 3. We are seeking the addition of assignment procedure and transfer procedure to the list of items which must be talked about at the negotiation's table. The key term of both areas is "procedures" and I would like to explain what is meant by our request.

If teachers were allowed to talk about "assignment procedures," we would want to talk about time lines for assignments to be made. Teachers would like to know as soon as possible, and certainly no later than when they leave for the summer, what they are going to teach. This allows teachers to prepare for any new classes during the summer months. Knowing that emergency situations exist, we would still allow boards and administrators the flexibility to change that assignment if necessary; however, the teacher should learn about re-assignment as soon as possible, not two months later at the start of school.

This would lead us logically to the term "transfer procedures." What we are looking to define is what will happen when a vacancy occurs or the Board of Education decides that a transfer is necessary. The decision to transfer remains with the management--the procedure is talked about at

ATTACHMENT 1 (2/21)
(continued)

Craig Grant Testimony Before Senate Education Committee, 2/20/85, page two

negotiations time. If a vacancy happened, we would want a notice posted so all who choose might apply. If an involuntary transfer becomes necessary, we would like to know what criteria would be used and to guarantee that no one teacher would be arbitrarily dealt with by the administration.

Both assignment and transfer policies certainly affect the conditions of employment surrounding the educator. These types of procedures need to be talked about so that each will be dealt with in a consistent, uniform manner. Knowing how someone will be dealt with can go a long way in improvement of the attitude of the teacher.

Kansas-NEA hopes that you will allow us to talk about these two important issues in the negotiations process. More specific testimony will follow, but I hope that you will recommend SB 189 favorably for passage.

Thank you, Mr. Chairman and Members of the Committee, for listening to the concerns of teachers.

TESTIMONY BEFORE
KANSAS SENATE EDUCATION COMMITTEE

February 20, 1985

Mr. Chairman and members of the committee--

I would like to begin my thoughts in support of SB 189 by noting K-NEA's felt need for the addition of assignment and transfer procedures to the mandatory list under the scope provisions of the Act. First, we submit that transfer is the most important issue facing teachers after compensation. I estimate that about 20% 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 given district's current discretion. Under law a school district is not required to consider professional employees' needs, preferences, years of service or any other factors in transferring a teacher from one school or department to another.

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

We feel that there is a compelling need to allow professional employee organizations to negotiate the criteria for selecting transferees and the procedures to be used to effect the transfer. Examples of criteria for involuntary transfers which might be used in such an agreement are--evaluations, years of experience, certification,

academic training, teacher preference, administrative interview ratings, the date the teacher was last transferred, etc. We accept the administrative discretion to decide initial placement of a teacher, and that a transfer is required.

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

I would like to demonstrate the need for change by citing two examples of actual transfer cases. The first example is that of a teacher in USD 501 who 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 these transfers.

A second example is that of a Topeka teacher named Catharine Strahm. She is a high school teacher who is certified in Latin, English, French, and Spanish. She has 27 years experience in the District which is the longest service of any language teacher. After teaching 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.

This problem is not found exclusively in USD 501. For the second year I conducted a telephone survey of several of our offices in the

larger districts in Kansas and confirmed that teachers in 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, at the same time teachers with fewer years of service have stable assignments. Our leaders in Wichita report that some teachers have experienced being "excessed" two, three or four times over several years.

Shawnee Mission leaders report that able, experienced teachers are being transferred while probationary teachers are retained in desirable positions. They also report that able, experienced teachers are sometimes denied the right to transfer into a vacancy which is filled instead by a new hire. Shawnee Mission teachers are apprehensive about the procedures that will be used next year when the District will change from a junior high structure to the middle school concept. This basic restructuring of the District will undoubtedly require multiple teacher transfers. The certified staff feel that they needed negotiations input into the procedures which will be used.

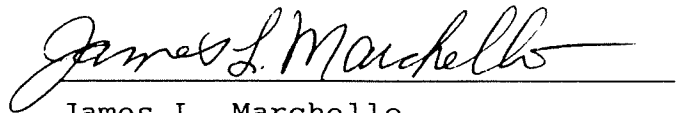
I respectfully suggest that it is reasonable for teachers to be allowed to negotiate the procedures to be used once a school district determines that a transfer is necessary. Our K-NEA Research Director and I recently reviewed the state teacher bargaining statute for those states with such laws. We found that of the 34 states which bargain, 23 have language which appears to allow for the bargaining of transfer procedures.

I have heard the argument made that if transfers are made mandatorily negotiable, school districts will not be able to meet their legitimate

needs to fill vacancies. I respectfully submit that this claim is not true. To mandate the negotiations of tranfers is only to allow the parties the opportunity to meet and confer on a mutual agreement on the procedures to be used for transfers. Obviously, a district would control at least half of the decision-making process, and the parties would have the opportunity to reach a compromise both could live with.

May I suggest in closing that there is a clear need for the minimal changes in the scope of bargaining found in SB 189. On behalf of the significant number of teachers who teach in the urban districts, I urge a do-pass vote. Thank you.

Are there any questions?

A handwritten signature in cursive script that reads "James L. Marchello". The signature is written in black ink and is positioned above a horizontal line.

James L. Marchello
Capital UniServ Director

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^{+ French}. 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 Strahn



TESTIMONY ON S.B. 189

by

Patricia Baker, Senior Legal Counsel
Kansas Association of School Boards

Senate Education Committee
February 20, 1985

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Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you on behalf of the boards of education of the state of Kansas.

Collective bargaining is a process of compromise. That process may effectively be utilized to arrive at solutions to differences on matters involving pay for work done, hours to be worked and certain other conditions of employment. However, education of our young people should not be based on the give and take of negotiations.

S.B. 189 adds but a few words to the list of items which are mandatorily negotiable under the Professional Negotiations Act. However, those few words may have a great deal of impact on the quality of education. Subjecting the assignment of staff to a process of compromise goes beyond the scope of collective bargaining even in the private industrial arena. The UAW does not negotiate what kind of cars will be produced; the teamsters don't negotiate what work will be done.

Boards of education must have the ability to determine how many English or math classes will be offered. Whether physics, debate, chemistry and trigonometry

are offered should be decisions based on educational needs, not on what an individual teacher WANTS to teach. If a school district determines that two third grades should be offered and only one second grade - that decision should be made by the administration.

Transfers often need to be made after negotiations are completed. Last year 442 teachers failed to honor the Continuing Contract Law. These teachers jumped contract after May 15th. When that situation occurs, boards must be able to staff all classes and will attempt to do so with persons already employed. Student enrollment has an effect on programs and if all transfers are subject to negotiation, then the education of students becomes the outcome of compromise.

We ask you to reject the concepts in S.B. 189. Thank you!



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: Senate Education Committee

FROM: M. D. McKenney, Acting Executive Director
United School Administrators

DATE: February ~~20~~²¹, 1985

SUBJECT: SB 189 - Professional Negotiations

On behalf of United School Administrators of Kansas I speak in opposition to this bill.

There are so many unforeseen circumstances in the day to day and year to year operations of a school district that the items of assignment procedure and transfer procedure should not be included in the list of items subject to negotiations. Situations which could not be dealt with in a prompt and expedient manner under the provisions of the suggested amendment to this bill would be instances of death, sudden resignations, declining enrollment, and unusual and sudden shifts in enrollment patterns within the district. In addition, there are many shifts necessary in the area of special education.

Addition of these two items to negotiated agreements would further erode the board of education's responsibility and authority to make the best decisions on behalf of Kansas' children. These limitations should not be permitted to interfere with a board's management responsibility.

SENATE BILL 196 - SENATOR GAINES
State Performance Based Salary Plan for Teachers

The basic rationale for proposing a performance-based salary plan is to reward teachers who demonstrate superior performance and productivity by providing a rationale for selective increases in teacher's salaries and providing a clearly identifiable career path for teachers. I think we would all agree that these things are now missing from the present system, where school boards and teachers are negotiating constantly. A state performance based salary plan will provide some stability and reliability in the system.

The bill I have proposed, Senate Bill 196, requires the State Board of Education to promulgate a state performance based salary plan on or before January 1, 1986. To do so, the Board is to study, analyze, and evaluate performance-based salary plans which are in effect or being proposed throughout the State and nation. Several other states have such plans, including Arizona, California, Florida, Idaho, Illinois, Tennessee, Utah, South Carolina, and Texas. The plans are widely varied. The requirement that the State Board study and analyze other proposals should resolve the issues and problems that the Kansas Association of School Boards (KASB) feels must be resolved before an effective plan can be implemented. The KASB went on to state that "It might be desirable to select the best elements from these programs for use by the state rather than to appoint another task force to deal with the issue." The 1985 Special Committee on Education

also recommended that "the Legislature continue to monitor the career incentive issue with a view toward identifying and implementing a suitable plan". This bill follows this reasoning. Section 2(a)(1) requires analysis by the State Board. The most effective portions will be retained and ineffective provisions will be deleted. The bill has the additional provision under section 3(a) that allows individual school districts the options of formulating their own individualized plans and submitting these plans to the state board for approval.

Performance based pay as defined within the bill means additional compensation given to an employee of the school for either performance of duties which are additional to regular contractual duties, or performance of regular contractual duties for an extended period of time or for the outstanding performance of regular contractual duties.

After developing a state performance based salary plan which incorporates elements of other successful plans, the State Board is to provide individual school boards with this plan and the elements and components it has determined are successful, promulgate criteria for the individual school boards, and approve individual district plans which are to be submitted to the State Board.

The bill requires every school district to either adopt the State plan or promulgate its own plan to be submitted to

the State Board for approval. Every school district is to have a performance based salary plan in effect for every school year. The plan prescribed by the State Board shall be the minimum requirements.

Enforcement of the provisions of this bill will be that school districts which fail to develop and implement performance based salary plans will be ineligible under the provisions of the School District Equalization Act for distributions of general state aid and state transportation aid and for payments from the School District Income Tax Fund. Thus the adoption of the performance based salary plan is made mandatory.

For the bill to be effective it must be mandatory. Without the plan being mandatory it has been proven that school districts will not adopt the plan on their own initiative. There are 304 school districts within Kansas. Though accepted and perfectly legal only 7 Kansas school districts have such plans in effect during the 1984-85 school year. (3 districts were engaged in negotiations at the time of this survey). The Kansas Association of School Boards (KASB) observed that career incentive plans can be implemented under current laws but only a few have been. This is due (they propose) to the great number of problems and issues that must be resolved in preparation for such a plan. The Committee also concluded that it was essential to the success of a merit pay plan that all school districts have an equal opportunity for participation. This bill not only gives each school

district an equal opportunity and access to performance based salary plans, it mandates that each school district have such a program.

I believe the adoption of a state performance based salary plan will result in distinct advantages to our State's teachers and our state educational system. One of these advantages is remediation and improvement of personnel, by increasing teacher accountability. Inadequate and incompetent teachers will now be subject to evaluations and will not be able to drift through the public school system at the expense of the students. Other state plans provide requirements to be met at each step of the "career ladder". The requirements aren't necessarily tremendous increases in qualifications, but provide definite requirements that are attainable and which provide a clearly identifiable career path for teachers.

Another advantage is to encourage highly capable persons to enter the teaching profession. With clear career levels, prospective teachers will know how higher levels, and the corresponding salary increases, are attained. This will make teaching a more attractive profession, and more competitive with private enterprise. Salaries for most employees in private business and industry are based on performance and productivity. Thus an equitable pay plan can and should be developed for classroom teachers.

Other advantages are to provide for recognition and

compensation for extra-ordinary teaching, innovation, and leadership. The key here will be motivation. A performance based salary plan offers a way to provide some additional compensation to the ablest teachers. This is regarded as a more prudent use of limited resources than an attempt to increase the salaries of all teachers without regard to the equality of the contribution they make to the school system.

A plan would provide periodic, fair, objective, and consistent evaluation of an educators' performance. Other state plans provide definite schedules for evaluating performance. Teachers will know what the minimum requirements are, and when they are to be evaluated.

Perhaps the most important advantage will be to keep competent, dedicated teachers in the profession. As a response to the perception of a drift toward mediocrity in our school systems, this plan provides a reform by rewarding and helping to retain outstanding teachers.

The 1985 Special Committee on Education has concluded that "A state commitment to a career incentive program for professional school employees is an exceedingly important step. If the right action is taken, public education can be improved and excellent employees can be better compensated for their work. More stimulating work environments can be encouraged and created." This is what we believe this bill will accomplish. Repeated studies and proposals have been made and submitted. This bill

provides a method by which the best proposals can be distinguished and then utilized. It provides a functional and efficient way to finally put all these proposals into action.

*A great deal of this information comes from: Report on Kansas Legislative Interim Studies to the 1985 Legislature Special Committee, "Proposal No. 18-Career Incentive Plans for Professional School Employees" filed December, 1984, and from memoranda from the Kansas Legislative Research Department to the Special Committee on Education.

TO: Senator Gaines

FROM: Michelle

RE: Performance based salary plans Bill 196

DATE: Feb. 18, 1985

FACTS: Senate Bill 196 enacts a mandatory plan by which school districts must either submit their own merit-pay plan or adopt the plan which the state board must formulate.

ISSUE: Is this an effective way to combat the problem of adequate pay for superior educators?

DISCUSSION: Performance based pay as defined within the bill means additional compensation given to an employee of the school for either performance of duties which are additional to regular contractual duties, or performance of regular contractual duties for an extended period of time or for the outstanding performance of regular contractual duties.

General rationales for merit pay plans:

- (1) To provide a rationale for selective increases in teacher's salaries
- (2) To encourage highly capable persons to enter the teaching profession.
- (3) To keep competent, dedicated teachers in the profession. As a response to the perception of a drift toward mediocrity in our school systems, this plan provides a reform by rewarding and helping to retain outstanding teachers.
- (4) To increase teacher accountability. Inadequate and incompetent teachers will now be subject to evaluations and will not be able to drift through the public school system at the expense of the students.
- (5) Offers a way to provide some additional compensation to the ablest teachers. This is regarded as a more prudent use of limited resources than to attempt to increase the salaries of all teachers without regard to the quality of the contribution they make to the school system.
- (6) Salaries for most employees in private business and industry are based on performance and productivity. Thus an equitable pay plan can and should be developed for classroom teachers.
- (7) According to the 1983 Annual Gallop Poll of Public Attitudes toward Education, the public favors merit pay by about a two-to-one margin. (61% to 31%)

Rationales behind specific subsections of S.B. 196:

- (1) Section 3(b) of the bill provides that unless school districts adopt a performance-based salary plan the school district will become ineligible for state aid. Thus the adoption of performance based salary plans is made mandatory.

For the bill to be effective it must be mandatory. Without the plan being mandatory it has been proven that school districts will not adopt the plan on their own initiative. There are 304 school districts within Kansas. Though accepted and perfectly legal only 7 Kansas school districts have such plans in effect during the 1984-85 school year. (3 districts were engaged in negotiations at the time of this survey)

The Kansas Association of School Boards (KASB) observed that career incentive plans can be implemented under current laws but only a few have been. This is due [they propose] to the great number of problems and issues that must be resolved in preparation for such a plan.

(2) Section 2(a)(1) requires that the state board study, analyze and evaluate the performance based plans that are in effect or are proposed. This requirement should resolve the issues and problems that the KASB feels must be resolved before an effective plan can be implemented. The KASB went on to state that "It might be desirable to select the best elements from these programs for use by the state rather than to appoint another task force to deal with the issue." The 1985 Special Committee on Education also recommended that "the Legislature continue to monitor(ing) the career incentive issue with a view toward identifying and implementing a suitable plan." Senator Gaines bill follows this reasoning. Section 2(a)(1) requires analysis by the state board. The most effective portions will be retained and ineffective provisions will be deleted. The bill has the additional provision under section 3(a) that allows individual school districts the options of formulating their own individualized plans and submitting these plans to the state board for approval.

(3) The Committee also concluded that it was essential to the success of a merit pay plan that all school districts have an equal opportunity for participation. Senator Gaines' bill not only gives each school district an equal opportunity and access to performance based salary plans, it mandates that each school district have such a program.

(4) The Committee concluded that "A state commitment to a career incentive program for professional school employees is an exceedingly important step. If the right action is taken, public education can be improved and excellent employees can be better compensated for their work. More stimulating work environments can be encouraged and created." This is what we believe Senator Gaines' bill will accomplish. Repeated studies and proposals have been made and submitted. This bill provides a method by which the best proposals can be distinguished and then utilized. It provides a functional and efficient way to finally put all these proposals into action.

*A great deal of this memo is from: Report on Kansas Legislative Interim Studies to the 1985 Legislature Special Committee, "Proposal No. 18-Career Incentive Plans for Professional School Employees" filed Dec. 1984

February 21, 1985
Testimony Re: SB 196

Thank you, Mr. Chairman and members of the committee. My name is Steve Mulvenon speaking on behalf of the United School Administrators of Kansas and its task force on merit pay. I appreciate the opportunity to address you today on the subject of Senate Bill 196.

The basic position of the United School Administrators is that merit pay for some teachers is no substitute for adequate salaries for all teachers. Until Kansas can apply adequate resources to raise base pay to truly competitive levels it should not dilute its efforts by siphoning off limited resources for a small percentage of teachers.

If merit pay is seen as a reward for superior teachers, the amount of money spent on the merit plan should be sufficient to justify the effort spent to implement it. Senate Bill 196 has no fiscal impact statement. It apparently only redirects existing state aid. We view that as counterproductive and are therefore unable to support the bill in its present form.

Second, we view as imprudent Section 4 which excludes merit pay plans from the Professional Negotiations Act. While such a strategy might smooth the way for the development of such plans, it would surely risk its successful implementation.

Effective communication and participatory decision making are crucial to making any such efforts successful. What research shows about school districts which claim to have successful merit pay plans is that they have involved more people, not less.

In addition, since merit pay is so closely linked to a successful teacher evaluation system, removing the pay plan but retaining evaluation as negotiable, would hopelessly complicate the issue.

Third, the bill places considerable authority at the state level in setting standards, establishing state plans, and approving local plans. Again, research into existing merit pay plans shows an extraordinary diversity of goals, procedures, pay options, and criteria used in selecting meritorious teachers. What makes

the few plans in effect stand out is that they are so unlike. In brief, what works in one district will not necessarily work in another. As one team of researchers has said, "Merit pay plans must match local district purposes. A merit system built to achieve all purposes will fail from overload."

Finally, the bill mandates that such plans either at the state or local level be up and running by July 1, 1986. Experience shows that probably is not enough time. The most highly publicized merit pay plan - the one in Charlotte-Mecklenburg, N.C. - was four years in the making. Such a radical change to performance based pay has been called "a process, not an event", and will require a long concensus building period of implementation.

Thank you for your attention. I'd be happy to answer any questions you might have.