

Approved March 5, 1986
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

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

3:43 ~~am~~ p.m. on March 4, 19 86 in room 519-S of the Capitol.

All members were present. ~~except:~~

Committee staff present: Avis Swartzman, Revisor of Statute's Office
Ben Barrett, Legislative Research
Lynda Cory, Secretary to the Committee

Conferees appearing before the committee:

Rep. David Miller John Koepke
Craig Grant Gerald Henderson

The Chairman asked Rep. David Miller to present HB 2954. Rep. Miller felt that this was not the complete solution to binding arbitration, but that it would provide a safety valve for a few districts and also give local control rather than having a mandate from the Legislature.

Craig Grant from Kansas-National Education Association supported HB 2954. He felt it was not the best bill hoped for by his organization, but if the local patrons are desirous of change this bill would allow them to establish a method for resolving disputes. (Attachment 1)

John Koepke from Kansas Association of School Boards opposed HB 2954 from a philosophical point of view. He felt passage of this bill would create a blur as to who has the responsibility for the operation of the schools. If the public votes on this, according to Mr. Koepke, then perhaps the public should vote on teacher tenure, too. (Attachment 2)

Gerald Henderson from United School Administrators opposed HB 2954. He felt the final decision on the expenditure of public monies should be in the hands of the elected school board because the board does not have the option to go out of business as the private sectors have. (Attachment 3)

The Chairman concluded hearings for HB 2954. He stated that the committee could take action on bills previously heard.

Representative Robert D. Miller moved to pass HB 3003 favorably. Second by Representative Elaine Hassler. Motion carried.

Representative Jo Ann Pottorff moved to pass HB 3000 favorably. Seconded by Representative Elaine Hassler. Representative Denise Apt offered a substitute motion to amend line 24 to delete the Commissioner of Education and insert language pertaining to the Commissioner of Education the same as in lines 27 and 28 which refers to the Board of Regents. Seconded by Representative Robert D. Miller. Motion adopted.

Representative Phil Kline moved to amend lines 70 and 75 to delete P.L. 98-199. Seconded by Representative Jo Ann Pottorff. Motion adopted.

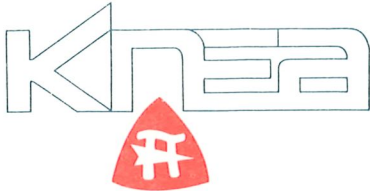
Representative Anthony Hensley moved to amend lines 31 and 32 to read that they be appointed as they were appointed originally. Seconded by Representative Denise Apt. Motion adopted.

Representative Vern Williams moved to amend line 36 to read by the majority of the members. Seconded by Representative Anthony Hensley. Motion adopted.

Representative Bruce Mayfield moved to amend HB 3000 with a sunset law within any fiscal year if federal funds are dropped. Seconded by Representative Max Moomaw. Tie vote 10/10. Representative Mayfield was asked by the Chairman to check into it further, and the bill would be held over until Wednesday's meeting.

The Chairman announced HB 2675 and HB 2795 to have their sub-committee reports on Wednesday's meeting and take action HB 2676 and HB 3000. The meeting adjourned at 4:53 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.



Craig Grant Testimony Before The
House Education Committee
Tuesday, March 4, 1986

Thank you, Mr. Chairman. Members of the Committee, my name is Craig Grant and I represent Kansas-NEA. I appreciate this chance to visit with you about HB 2954.

I have been before this committee numerous times to talk about arbitration. I have told you how I believe it is the only way I know to have equity and guarantee good faith on both sides of the table. I have told you that the use of a unilateral contract is one of the worst things that can happen to the morale of a district. I have told you that the voters of Kansas, in independent surveys, have shown support for the concept of arbitration to resolve disputes -- one survey at 65%, one at 62%, and one at 64%.

I can tell you that the bill before you, HB 2954, is not the best bill we could hope for involving arbitration; in fact, when Representative Miller presented the idea last year I was less than enthusiastic. However, in studying the idea in bill form (and having another year to turn more into a pragmatist), the thoughts which created HB 2954 make a lot of sense. Probably few districts would quickly adopt the local option arbitration system. If the local patrons (and taxpayers) are desirous of a change, this would give them the chance to establish that method for resolving disputes.

ATTACHMENT 1 March 4, 1986
- HOUSE EDUCATION COMMITTEE -

So often negotiation disputes have divided districts with lines being drawn and sides being taken. This local option arbitration bill would let the public decide to let an impartial unemotional party make a decision to settle the differences without turning the dispute into a win-lose situation.

Kansas-NEA supports HB 2954 and its provision to allow local option arbitration. We applaud Representative Miller in his attempt to find a creative answer to a long-standing dispute. We are willing to let the public decide on a local-by-local basis whether that district should use this dispute resolving mechanism.

Thank you for listening to our concerns.



TESTIMONY ON HB 2954
before the
House Education Committee
March 4, 1986

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

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you once again on behalf of our member boards of education on a topic of vital concern. HB 2954 is apparently an attempt to sugar coat an issue which remains for us a bitter pill to swallow. Our members have consistently expressed their adamant opposition to the concept of binding arbitration of negotiated agreements.

The effort to provide for binding arbitration by local option through petition and election does not lessen our philosophical objections to the concept. For a board to agree voluntarily to submit to binding arbitration would, in our view, be an abdication of the responsibility of the board. To be forced to submit to arbitration through a petition and election is a perversion of our process of representative government.

The responsibility for the operation of local public schools is vested by the Kansas Constitution in locally elected school boards. We believe that the establishment of wages and working conditions of school employees is one of the most significant operational decisions made by those locally elected public officials. We do not believe that those decisions should be placed in any manner in the hands of outside arbitrators.

We also believe that the commitment of local school boards to the cause of increased teachers salaries has been amply demonstrated. While the number of impasses has been more a function of lack of budget authority and concern about property taxes than a lack of desire on the part of boards to increase teacher salaries. According to figures produced by NEA, Kansas teachers salaries from 1975-1985 increased at the fourth highest rate of any state in the nation.

For these reasons, Mr. Chairman and members of the Committee, we remain as adamantly opposed as ever to the imposition of binding arbitration of negotiated agreements on local boards of education. We would urge you to report HB 2954 adversely.

March 3, 1986,

1985-86 NEGOTIATIONS SETTLEMENT REPORT BY KASB RESEARCH DEPARTMENT

By Jim Hays, Research Director

303 USD's settled

	85-86 HIGH	85-86 LOW	85-86 MEDIAN	84-85 MEDIAN	83-84 MEDIAN
85-86 SCHED. BASE	\$19,500	\$12,550	\$15,850	\$15,000	\$13,700
\$ INC. OVER 84-85	\$2,400	\$0	\$1,000	\$1,200	\$750
% INC. OVER 84-85	16.0%	0.0%	6.7%	8.5%	5.8%
85-86 FRINGE	\$4,200	\$ 0	\$1,440	\$1,320	NR
\$ INC. OVER 84-85	\$1,200	\$ 0#	\$41	\$174	
% INC. OVER 84-85	90.9%*	0.0%#	3.6%	14.3%	
PACKAGE % INC. OVER 1984-85 PACKAGE+	++16.5%	4.0%	7.9%	10.3%	7.3%

#One-hundred forty-eight districts made no increase in fringe benefits.

+Not a budget increase percentage, but what the returning teacher can expect in all financial adjustments.

*One USD initiated a new fringe benefit at \$600.00, 90.9% is the second high.

++Two districts at the high.

The fringe benefit amount in this report is usually limited to the insurance group. The median reported is \$1,440.00; hence it could not include required fringe benefits like social security which alone would be about \$1,200.00. Since the KASB later negotiations data report gives detailed data on all fringe benefits, no attempt is made to verify the fringe benefit reported here.

A total of 63 USD's were reported to KASB at some point, not including the technical June 1 declaration of impasse date, to be at impasse. As of this date, 1 district has not reached a settlement.

REQUESTED IMPASSSE	63
- settled w/o mediation*	22
- mediation settlement	27
FACT-FINDING	13
- settled	8
- unilateral contract	5

*USD 252 has not yet reached mediation.

Settlement printouts may be requested from the KASB Research Department on a regional, enrollment, or selected USD basis.



Testimony on HB 2954

Presented before the House Education Committee
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas

March 4, 1986

Mr. Chairman and Members of the Committee. We appreciate this opportunity to visit with you in opposition to HB 2954. I have been advised by a few of my members that this will be the first of many opportunities I am likely to have to speak in opposition to binding arbitration. I will probably say little that you have not heard before.

United School Administrators of Kansas continues to reaffirm its resolution opposing binding arbitration based on our belief that the final decision on the expenditure of public monies must rest in the hands of elected school board members across this state and not with arbitrators.

Our teacher colleagues appear unable to recognize the fundamental differences between the public and private sectors related to the negotiations process. Boards of education do not have the option to go out of business as a result of an untenable decision by an arbitrator. Boards of directors in the private sector have frequently made that choice in the face of adverse labor problems.

While we recognize that the PN law has dictated that boards and teachers try to reach necessary agreements, it stops short of removing from elected boards the responsibility for final determination of issues. That is as it should be.

The people of Kansas have access to boards of education. They have no access to arbitrators.

We ask that you report HB 2954 adversely.