

Approved March 25, 1986  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~xpm~~/p.m. on THURSDAY, MARCH 20, 1986 in room 254-E of the Capitol.

All members were present except:  
Senator Montgomery, excused

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:

HB 2823 - Professional negotiation, duration of agreements. (Wagnon)

Proponents:

Representative Joan Wagnon, sponsor of the bill  
Mr. Gerald Henderson, Executive Director, United School Administrators  
Mr. Craig Grant, Director of Political Action, Kansas-National Education Association  
Mr. Curtis Barnhill, Chief Negotiator, National Education Association-Topeka  
Mr. Onan Burnett, Director, Governmental Affairs, USD 501  
Mr. Curtis Hartenberger, USD 501 School Board member

Opponents:

Ms. Carolyn Gaughan, President, Wichita Federation of Teachers

The Chairman called the meeting to order and said that a motion was in order to approve the minutes. Senator Warren moved, and Senator Anderson seconded the motion to approve the committee minutes of February 26 and 27 and March 3. The motion carried.

The Chair then recognized Representative Joan Wagnon, sponsor of HB 2823. Representative Wagnon explained that the bill had been requested by the USD 501 Board of Education and school administration and represented a substantive change which is to be found on page 2, line 0067. She said that the bill would provide school districts the option to enter into three-year contracts with teacher unions instead of two years, which is the current limit allowed by statute. She stressed that the three-year period would not be mandatory.

Mr. Gerald Henderson, United School Administrators, in his testimony found in Attachment 1, said he felt that the bill would provide for a more tranquil atmosphere in those schools where the teacher contract had been negotiated for a three-year period.

Mr. Craig Grant of Kansas-National Education Association supported Ms. Wagnon's recommendation in his testimony found in Attachment 2 and pointed out that most contracts in the private sector are for three-year periods. In response to questions, Mr. Grant replied that approximately 20 to 30 districts presently have two-year contracts in place and said the bill does not apply to administrators.

Mr. Curtis Barnhill, NEA-Topeka's Chief Negotiator, said he believes HB 2823 represents good public policy and that the provisions in the bill will increase the opportunities for resolving the long-standing disputes between NEA-Topeka and USD 501. (Attachment 3) Mr. Barnhill, in response to questions, replied that the longer term contracts are more commonly used in the larger school districts and would probably, therefore, represent the majority of the teachers in the state, although the majority of the school districts might not be operating under the longer term contracts.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,  
room 254-E, Statehouse, at 1:30 ~~xxx~~ am/p.m. on THURSDAY, MARCH 20, 1986

Mr. Onan Burnett of USD 501 said that his district, too, supports the concept of the three-year contract and added that the basic openers for contract negotiations most often have reference to salary.

Mr. Curtis Hartenberger, a member of the USD 501 School Board, stated that his Board is in unanimous agreement with the provision in HB 2823 which would extend the teacher contract option to three years.

Opposing HB 2823, however, was Ms. Carolyn Gaughan representing the Wichita Federation of Teachers. Ms. Gaughan said that her main opposition to the bill results from the negative effect the bill would have on her organization to represent teachers at the bargaining table. (Attachment 4)

Following testimony on HB 2823, the Chair gave the floor to Senator Karr who introduced Phil Hanes, the 1985 Kansas spelling bee champion. Phil, a ninth grade student now living in Marion, Kansas, was in attendance at the meeting as part of the Close Up Kansas delegation from high schools throughout the state.

The Chair then referred the Committee's attention to HB 2266, which, he said, had been heard yesterday. He then stated that the Kansas Association of School Boards had suggested an amendment to HB 2266 and explained that the change KASB had recommended relates to the equal sharing of expenses incurred not only for the third person of a due process hearing panel but, also, for the transcription costs of a hearing. When the Chair asked the Committee's pleasure, Senator Arasmith made a conceptual motion that HB 2266 be amended so as to include the concept of the recommendation made by KASB (Attachment 5) but subject to language revision as deemed necessary by the revisor of statutes. The motion was seconded by Senator Karr, and the amendment was adopted. Senator Allen then moved that HB 2266, as amended, be recommended favorably for passage. The motion was seconded by Senator Salisbury, and the motion carried.

When the Chair called for action or discussion on HB 2823, Senator Salisbury moved, and Senator Warren seconded the motion that HB 2823 be recommended favorably for passage. The motion carried.

The Chair adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, March 20, 1986

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Craig Grant	Lawrence	K-NEA
Jay Cole	Topeka	KNEA
Phil Hanes	Marion	Close-Up Kansas
Donald Andersen	Topeka	USA
Carolyn Gaudreau	Wichita	Wichita Fed. of J.
Lee Kuchling	Wichita	Closely to.
Bill Nicks	Wichita	U.S. H. 259
M. Harvey	Topeka	Cap-Journal
Jim Yrually	Shawnee Mission	USD #512
Gaul Andrew	Lawrence	close up
Shelinda Lewis	H. Scott	Close Up



HB 2823  
Testimony Presented to the Senate  
Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas

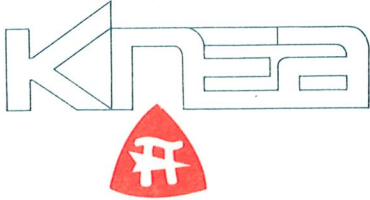
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Mister Chairman and Members of the Committee.

USA is happy to support any measure which may provide the possibility of a little added peace and tranquility in the school buildings of Kansas. Every building principal has experienced the charged atmosphere in the hallways that is triggered by spring time negotiations between teachers and boards of education. This is especially true when the chief negotiator for teachers happens to teach in your building.

The possibility for a three year contract could serve to alleviate this situation. We would urge you to recommend HB 2823 favorably for passage.





Craig Grant Testimony Before The  
Senate Education Committee  
March 20, 1986

Thank you, Mr. Chairman. Members of the Committee, my name is Craig Grant. I represent Kansas-NEA. I appreciate this chance to speak to you in regard to HB 2823.

Kansas-NEA has no problem extending the possible length of contracts between boards and teachers' associations from two to three years. Most contracts in the private sector are for three years. It is often in both sides best interest to have an extended period when negotiations do not occur. More often in the past it is management which desires long term pacts to lock in "labor peace." Recently labor organizations have sought stability in today's rapidly changing economy through longer term contracts. For whatever reason, if one side or the other wants to "buy" stability or labor peace, we should let that happen.

Because of this, we would support HB 2823. Thank you for listening to our concerns.

March 20, 1986

Testimony on H.B. 2823

I am Curtis Barnhill, a social studies teacher at Robinson Middle School in U.S.D. 501, Topeka Public Schools. I am NEA-TOPEKA's chief negotiator. NEA-TOPEKA has no objections to increasing the permissible length of professional agreements from two years to three years, as provided in H.B. 2823. Currently most private sector labor contracts are for a three-year duration.

Throughout the state, adoption of H.B. 2823 would give both parties more options; making this measure good public policy. However, my immediate concern is the negotiation situation in Topeka. H.B. 2823 is not a panacea and will not produce miracles for Topeka. I honestly believe, though, that the provisions of H.B. 2823 will increase the opportunities for resolving the long-standing disputes between NEA-TOPEKA and U.S.D. 501 and may be used as a tool to help extract ourselves from the morass in which we have been stuck.





## TESTIMONY ON HB 2823

March 20, 1986

Mr. Chairman and members of the committee, my name is Carolyn Gaughan. I'm president of the Wichita Federation of Teachers. I'm here this morning to speak in opposition to HB 2823. Some information about our organization and state affiliates is appropriate to your understanding of our opposition to this bill. We represent over 900 members in Wichita. While we do not yet have the bargaining rights of representation at the table, we do all other kinds of teacher union work. We handle grievances, conduct professional seminars and conferences, deal with legal and contractual questions, are politically active, participate in promoting positive community relations, and work on all manner of district and state committees and task forces. In addition to our Wichita local, which is the largest, we have organized locals in Garden City and in Haysville. There are also many teachers scattered through other parts of the state of Kansas who have requested information and become members at large even though we don't have an organized local in their district. We've got members in over 15 districts throughout the state of Kansas.

Our opposition to this bill stems from its effect on teachers' opportunity to select the organization they want for a bargaining agent. The PNA sets forth the timing of these elections and the "window of opportunity" in which a challenge can be made. During the course of a two-year contract, there can be no election until one year before the expiration of the contract. This has the effect of causing up to a two year span of time between possible elections.

Now, there are other fairly stringent conditions that must be met before an election can be called. These elections are not called upon a whim, nor are they called with an effort to be devious. The challenging organization must have at least 30% of the teachers as members to qualify for a challenge. There are strict verification procedures on this as well as the time-line conditions. Imposing further timing conditions through this bill may be an unfortunate side-effect that the writers had not considered. But it would be harmful to teacher morale and the "two-party system" of teacher unions.

I know that each of you remember what it's like to go through elections to reach your office. At the time you were ready to run for office, I doubt that you'd have liked or appreciated anything that would have made you wait a year to be able to run your campaign. I hope

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Attachment IV  
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that now, as incumbents, you still respect the rights of your constituents to have elections every now and then on a regular basis. It makes you accountable to your constituents. If this bill is adopted, it could have a negative effect on the incumbent teacher union's accountability and ultimate effectiveness in representing its constituents. Support of this bill by the incumbent union makes sense for them as an organizational benefit. They would not have to negotiate as often. They would not have to face challenges from the rival union so often. They would not have to be accountable to their constituents as often at the bargaining table. But support of this bill does not make sense for the teachers of this state. They deserve the best and most effective representative they can have. They deserve the right to periodically have a choice as to who that representative should be. And they deserve the right to have accountability from their bargaining agent. HB 2823 would negatively effect all those rights. For those reasons, I respectfully request your vote in opposition to this bill. As the situation now stands, the two year timing favors neither union. We simply request no change in that issue. Thank you.



Amend HB 2266 by inserting the following:

Each party shall be responsible for the compensation and expenses of the person it selects and the compensation and expenses of the third member shall be borne equally by the board of education and the person requesting the hearing. All other costs in conjunction with the hearing shall be borne equally by both parties.

Strike that portion of the current law which says "The costs for any such transcription shall be borne by the board."