

Approved March 2, 1987
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Vice Chairman Don Crumbaker at
Chairperson

3:30 ~~xxx~~ a.m./p.m. on February 26,, 1987 in room 519-S of the Capitol.

All members were present except:

Chairman Denise Apt, Representatives Bill Reardon, James Lowther and Robert D. Miller who were excused.

Committee staff present:

Avis Swartzman, Revisor of Statutes' Office
Ben Barrett, Legislative Research
Thelma Canaday, Secretary to the Committee

Conferees appearing before the committee:

Bill Berry, Director, Kansas Area Vocational-Technical Schools Association
Dr. Merle Hill, Kansas Association of Community Colleges
Richard Funk, Kansas Association of School Boards
Kay Coles, Kansas National Education Association
Jim Copple, Wichita Federation of Teachers
Gerald Henderson, United School Administrators

Vice-Chairman Don Crumbaker called the meeting to order and opened hearings on HB 2154 relating to scholarships in connection with area vocational schools and area vocational-technical schools.

Bill Berry spoke in support of HB 2154 which would allow local boards to use local money to provide scholarships for postsecondary students. (Attachment I)

Dr. Merle Hill favors HB 2154 and said since 34 percent of courses are in vocational education and 44 percent of monies come from vocational credit hour state aid authority to provide scholarships would be useful.

Richard Funk supports the provisions found in HB 2154. (Attachment II)

Hearings on HB 2154 were closed.

Hearings were opened on HB 2139, relating to school districts, area vocational-technical schools, community colleges, employee contracts, notification dates for discontinuation.

Richard Funk urged passage of HB 2139 saying it would give school boards earlier opportunities to recruit prospective teachers from college campuses. (Attachment III).

Kay Coles opposed HB 2139 saying the present time frame appears to be working well. (Attachment IV)

Hearings on HB 2139 were closed.

Hearings on HB 2161 concerning teachers, contract termination or nonrenewal hearings, eligibility of hearing committee members were opened.

Kay Coles testified for HB 2161 saying it would help clear up the language by providing a clear definition of "neutral third party". (Attachment V)

Jim Copple, urged passage of HB 2161 saying it reinforces the notion of fairness and a greater impartiality in a hearing process. (Attachment VI)

Richard Funk spoke in opposition to HB 2161 stating its passage would not be good public policy. (Attachment VII)

Gerald Henderson opposed HB 2161 by saying the boards of education should have the final responsibility of management and staffing of Kansas schools. (Attachment VIII)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,
room 519-S, Statehouse, at 3:30 a.m./p.m. on February 26, 1987.

Hearings were concluded on HB 2161.

Vice Chairman Crumbaker reminded the committee of the full agenda for next week and adjourned the meeting at 4:34 p.m. The next meeting will be March 2, 1987 at 3:30 p.m. in Room 519-S.

KANSAS ASSOCIATION OF AREA VOCATIONAL-TECHNICAL SCHOOLS

Position On HB 2154

The Kansas Association of Area Vocational-Technical Schools supports HB 2154.

No statutory authority now exists that allows Area Vo-Tech Schools in Kansas to use local money to provide scholarships for postsecondary students. HB 2154 would provide this authority to local Boards desiring to make scholarships available from such funds.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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

TESTIMONY ON H.B. 2154

by

Richard Funk, Assistant Executive Director
Kansas Association of School Boards

February 26, 1987

Madam Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the 302 members of the Kansas Association of School Boards. KASB supports the provisions found in H.B. 2154. We feel that the provisions found in this bill open up new opportunities in postsecondary education for the students of Kansas. The concept is unique and original and has definite possibilities for local boards who wish to help their students. Our association will be available to help local boards develop the policies and regulations necessary for the successful implementation of this act.

We ask this committee to report H.B. 2154 favorably for passage.



TESTIMONY ON H.B. 2139

by

Richard Funk, Assistant Executive Director
Kansas Association of School Boards

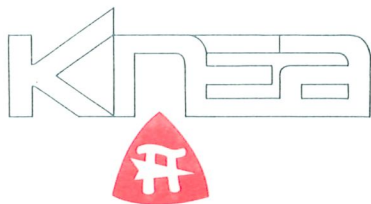
February 26, 1987

Madam Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the 302 members of the Kansas Association of School Boards. KASB strongly supports the provision found in H.B. 2139.

There is a difference between the notification dates for non-renewal of teachers and certain administrators. The current date for teachers is April 10 and the current date for administrators, employed in a district for more than two years, is April 15. We wish to standardize both dates at April 15.

KASB who wishes that the date that teachers must notify the board of their intent not to return to the district be standardized - the same as the administrators - at May 1. This leaves a two week period in which a teacher must decide whether or not they wish to return to the district in which they are employed. Some may argue that this two week period is insufficient - not enough time to job hunt. Current data shows that if this period were one week, two weeks, three weeks, or four weeks, it probably wouldn't ever be enough time - in the minds of some.

School boards need to know as soon as practical how many teacher vacancies will occur in their districts. There is the need to go to the college campuses for interviews and recruiting. Data indicates that school districts need to have an adequate supply of reserve personnel because of the problem of "requests for release from contracts" during the summer months. We ask you to report H.B. 2139 favorably for passage.



Kay Coles testimony before the
House Education Committee
February 26, 1987

Thank you, Madame Chairman. Members of the Committee, my name is Kay Coles and I am here today representing the 20,000 members of Kansas-NEA.

Kansas-NEA rises in opposition to HB 2139. We cannot support a change of the notification dates in the continuing contract law that shortens the time window for less than 4 weeks. This legislation would allow the board to notify a teacher of non-renewal by April 15, but would only give the teacher until May 1 to notify the board that he or she will not be returning to teach in the district.

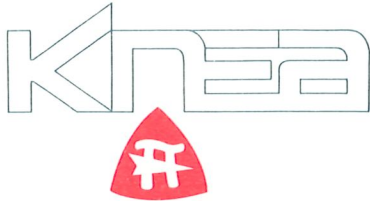
Since the continuing contract law was enacted, there has been a 4 week time frame separating the two notifications. Kansas-NEA supports that 4 week window.

It should be noted that in 1984, Kansas-NEA supported a date change from April 15 and May 15, to April 10 and May 10. This time frame appears to be working well and we do not see a viable reason for altering the law again.

The proponents of this legislation have noted an inconsistency in the current law dealing with the notification dates for administrators which currently are set at April 15 and May 1. If the desire of the committee is to make the administrators' notification dates consistent with the dates for teachers, we would support changing the dates for administrators to April 10 and May 10.

We thank you for this opportunity to talk about HB 2139. I would be glad to answer any questions.

Attachment IV
House Education 2/26 /87



Kay Coles testimony before the
House Education Committee
February 26, 1987

Thank you Madame Chairman. Members of the Committee, my name is Kay Coles and I'm here today representing Kansas-NEA. I'd like to take this opportunity to thank the committee for introducing HB 2161 at K-NEA's request.

Last year this committee amended the Due Process Act to provide for creation of a list from which a chairperson of a due process panel could be selected, should the need arise. That list was to be kept by the Commissioner of Education and was to include individuals who were "neutral third parties."

However, "neutral" was not clearly defined. Thus as you can see on the attached list, the majority of individuals are, by occupation, not likely to be "neutral." We find superintendents and teachers together as potential "neutral" chairmen of due process panels.

We believe HB 2161 will correct this problem and fulfill the legislative intent of last year's action by providing a clear definition of "neutral third party."

Thank you. I'd be glad to answer any questions.

Attachment V
House Education 2/26/87

POTENTIAL CHAIRPERSON OF THE DUE PROCESS HEARING COMMITTEE

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DD/FSS/3

Wichita Federation of Teachers

Local 725, American Federation of Teachers, AFL-CIO



TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2161

James E. Copple
Legislative Director
Wichita Federation of Teachers

Madame Chairman, members of the House Education Committee, the Wichita Federation of Teachers welcomes the intent of House Bill No. 2161. The teachers of the state of Kansas deserve the right to a fair and impartial hearing. HB. 2161 assures the parties involved, that the third member of a hearing board will demonstrate no organizational prejudice and will seek to be an impartial reviewer of facts relevant to a hearing. This change in the current statute is a positive action and gives the teachers of our state greater assurance of impartiality as they enter the hearing process. HB. 2161 reinforces the notion of fairness. This is critical in a hearing process that determines nonrenewal or termination of a contract. This bill makes sense and should pose difficulties only to those who wish to make the hearing process less than impartial.

We urge a favorable reading of House Bill No. 2161.

Attachment VI

House Education 2/26/87

KANSAS ASSOCIATION



OF SCHOOL BOARDS



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

TESTIMONY ON H.B. 2161

by

Richard Funk, Assistant Executive Director
Kansas Association of School Boards

February 26, 1987

Madam Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the 302 members of the Kansas Association of School Boards. KASB does not support the provisions found in H.B. 2161.

The provisions of this bill will attempt to define, in statute, what or who is an "impartial" person. There is absolutely no way you can legislate impartiality.

The provisions found in K.S.A. 72-5438 are so new, that our records indicate that it has been used only once since its enactment. Hardly enough time to try to "fix something that is broke," if in fact, it is "broken" at all.

This is an attempt by some groups to pre-judge the integrity and honesty of a group of people who possibly do not wish or ever thought that they would be pre-judged by a committee of the legislature.

Passage of H.B. 2161 would not be good public policy. We urge you to report H.B. 2161 unfavorably for passage.



9

HB 2161

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

Madam Chairman and members of the committee.

The United School Administrators of Kansas is grateful for the opportunity to visit with you in opposition to HB 2161. Our members view this bill as yet another attempt to cloud the purpose of 72-5438.

This statute does not establish a sub-arm of the judiciary designed to adjudicate differences between teachers and boards of education. It provides for a hearing committee to listen to those differences and deliver an opinion to the board of education. Only a unanimous opinion is binding on the board under current statute. In all other cases the final decision rests with the elected officials of a district. Where it should be.

Restricting the list prepared by the commissioner of education in no way affects this procedure. If a concern exists that the only open minded member of a hearing committee is the third member, then many of my members would suggest that we save some money and just have one hearing officer delivering an opinion.

It is our concern that the final responsibility for the management and staffing of Kansas schools remain firmly in the hands of boards of education. Attempts to alter this locus of control must be resisted.

USA would urge you to report HB 2161 unfavorably.

GWH/ed