

Approved February 16, 1987

Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~xx~~ a.m./p.m. on Tuesday, February 10, 1987 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 153 - An act relating to state aid payments for educational purposes; deferring certain payments. (Education)

Proponents:

Mr. Gary L. Stotts, Acting Director of Budget, Department of Administration

SB 79 - An act concerning professional negotiation between boards of education and professional employees thereof; affecting the definition of terms and conditions of professional service. (Education)

Proponents:

Mr. James E. Copple, Legislative Director, Wichita Federation of Teachers

Mr. Craig Grant, Director of Political Action, Kansa-National Education Association

Ms. Zenobia Washington, President, Wichita-National Education Association

Opponents:

Mr. Richard Funk, Asst. Executive Director, Kansas Association of School Boards

Mr. Gerald W. Henderson, Executive Director, United School Administrators of Kansas

Mr. Jerry Powell, Labor and Employment Standards Administrator, Department of Human Resources

After Chairman Joseph C. Harder called the meeting to order, Senator Anderson moved that minutes of the Committee meeting of February 5 be approved. Senator Arasmith seconded the motion, and the motion carried.

SB 153 - The Chairman then recognized Mr. Gary L. Stotts, Acting Director of the Budget, who said that passage of SB 153 would implement recommendations reflected in the FY 1988 Governor's Budget Report. He explained that the bill would shift payments of credit hour and out-district state aid to Washburn University and community colleges from December 1, 1987 to January 4, 1988. Approximately \$6.6 million would be involved in this procedure to shift payments, he said; but because the shifts occur within the same fiscal year, passage of SB 153 would not affect the state's FY 1988 obligation for payment for credit hour and out-district state aid to Washburn University and the community colleges. He stated that retention of these resources by the state for approximately one month longer, based on an interest rate of 5.5 percent, would allow the state to accrue additional interest of approximately \$34,000. Conversely, he continued, the potential for reduced interest earnings to Washburn University and the community colleges exists due to the shorter period of time the institutions would have access to state aid payments. Mr. Stotts commented that implementation of SB 153 was expected to cause minimal impact upon the institutions involved. Mr. Dale Dennis, Asst. Commissioner for Education, State Department of Education, responding to a question, stated

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,

room 254-E Statehouse, at 1:30 ~~xxx~~ p.m. on Tuesday, February 10, 19 87

that the community colleges and Washburn University can request early distribution of funds from property taxes from the county treasurer and that this would help compensate for the shifts as recommended in SB 153.

Observing no further requests for testimony the Chairman said that the hearing on SB 153 was concluded. When he asked the Committee's pleasure regarding SB 153, Senator Montgomery moved, and Senator Allen seconded the motion to recommend SB 153 favorably for passage. The motion carried.

SB 79 - When the Chairman called upon Mr. James E. Copple of the Wichita Federation of Teachers, Mr. Copple urged the Committee to pass SB 79 favorably so as to give teachers a voice in shaping procedures which have an impact on their evaluation and performance. He felt that negotiating the procedures for establishing class size, assignment, and transfer should be viewed as a step in giving the teaching profession a greater voice in shaping the structure of our schools. (Attachment 1)

Mr. Craig Grant, representing Kansas-National Education Association, reminded the Committee that the professional negotiations statute had not been altered in quite a while. He said K-NEA believes that class size, assignment procedures, and transfer procedures are directly related to the terms and conditions of professional service and should, therefore, be included as items for negotiation when he testified in favor of SB 79. (Attachment 2)

Ms. Zenobia Washington, President of Wichita-National Education Association, also urged the Committee to vote favorably on SB 79, because, she said, it would add essential topics to the list of mandatory topics for negotiation and would still provide the controls necessary to assure that the problems would be addressed locally. (Attachment 3)

Mr. Richard Funk, Kansas Association of School Boards, maintained that passage of SB 79 would help to increase the number of impasses occurring on June 1 and said that anyone who accepts employment also accepts the rights of the employer to use personnel in the best interest of the organization. (Attachment 4)

The executive director of the United School Administrators, Mr. Gerald Henderson, expressed concern with the language beginning on line 0076 relating to "fact finder" as well as with the language on lines 0097 and 0098 which adds "class size provisions, assignment procedures, and transfer procedures" to the definition of terms and conditions of professional service, thereby making them negotiable items. (Attachment 5)

Mr. Jerry Powell, Department of Human Resources, explained that he is not speaking for or against SB 79 but that he has the same concern with SB 79 as he had with SB 81 regarding the amendments which relate to "fact finding" beginning on line 0076. He asked that the original language be restored to the section beginning on line 0076 relating to "fact-finding", for he felt the amendments might not only impact the parties concerned but, also, have a fiscal impact on the Department of Human Resources.

At the conclusion of Mr. Powell's testimony, the Chairman said that SB 79 would be taken under advisement, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Tuesday, February 10, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Jim Capple	Wichita	WFT
Steve Ayst	Topeka	none
William E. Buchanan	Emporia	x
<u>FROM STATES</u>	<u>TOPEKA</u>	<u>BURKET</u>
Jerry Powell	"	D.A.R.
Richard Funk	Topeka	KASB
Gerald W. Anderson	Topeka	USA

SENATE EDUCATION COMMITTEE

Tuesday,

TIME: 1:30 p.m. PLACE: 254-E DATE: February 10, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Denobia Washington	Wichita	NEA-Wichita
Ray Cole	Topeka	K-NEA
Ken Rugg	Paula	S. O. E. #
Chau Burnett	Topeka	USD 501
Skilla Highfill Scott	Topeka	USA
Craig Grant	Topeka	K-NEA
Justin Grant	Topeka	
Faith Loretto	"	Dept. of Administration

Wichita Federation of Teachers

Local 725, American Federation of Teachers, AFL-CIO



TESTIMONY IN SUPPORT OF SENATE BILL NO. 79

James E. Copple
Legislative Director
Wichita Federation of Teachers

Mr. Chairman, members of the Senate Education Committee, the proposal to include class size, assignment and transfer procedures as negotiable items is an important step in giving to the teacher-practitioner a voice in shaping the structure and substance of our state's public schools. Reports, calling for the reform of our schools, without exception, stress the importance of the teacher assuming greater responsibility in the decision making processes that directly impact the education of our children. As teachers, we are subject to the ever-changing expectations of elected boards. Senate Bill No. 79 would allow us to participate in shaping the processes that implement those expectations.

Our communities are placing more and more demands on the teaching profession. Boards and administrators develop evaluation systems that link the classroom performance of the teacher to the test scores of his/her class. Administrators develop and boards endorse Curriculum Management Systems that correlate the curriculum goals of the district to the performance level of the student. These and other pressures place demands on the teacher to produce. Yet, the teacher (the professional) is given no voice in shaping the environment that will allow that teacher to fulfill community expectations. There are elementary teachers within our state, who face class sizes in excess of 30 and 35. There are combination classes (classes made up of two grade levels) in excess of 25. The teacher is not afraid to embrace board and administrative goals for improved schools. We would like, however, a voice in determining how those goals can be achieved. The minimal, is a voice in establishing guidelines for

(1)

Senate Education
2/10/87
Attachment 1

class size and assignment and transfer procedures.

We would not suggest that boards and administrators be denied the power to staff their schools according to the needs of those schools. What we are asking, is the privilege of negotiating the procedures for determining the size of our classes, the procedures for determining assignments that are in the best interest of student and teacher and finally, the procedures for making staff transfers. Is it unreasonable for a teacher to expect a rationale be provided, perhaps in writing, for why he/she is transferred? These type of procedures will not infringe upon the control of a board or administration.

Historically, assignment and transfer is perceived by teachers as a means of intimidation and a way to resolve conflict between teachers and administration. Real or perceived - it is a source of professional conflict.

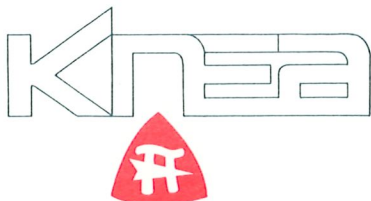
A favorable reading of Senate Bill No. 79 will give the teacher a voice in shaping procedures which have an impact on his/her evaluation and performance. Negotiating the procedures for establishing class size, assignment and transfer should threaten no one; but should be viewed as a step in giving the teaching profession a greater voice in shaping the structure of our schools. It is a voice that is needed if we are to attract quality individuals into the profession.

We urge a favorable reading of Senate Bill No. 79.

Craig Grant Testimony Before The

Senate Education Committee

February 10, 1987



Thank you, Mr. Chairman. Members of the Committee, my name is Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee about SB 79.

The professional negotiations statute has not been altered in quite a while. The change that we are requesting is in the definitions section of the statute. As you consider this bill, I would like you to remember that we are defining what "terms and conditions" of employment are. These terms and conditions outline what the teachers can talk to the board of education about at negotiations time. The three topics--class size, assignment procedures, and transfer procedures--Kansas-NEA believes are certainly directly related to the terms and conditions of professional service. I would briefly speak to each area.

Class size--the number of students a teacher must deal with in an hour or in some cases for an entire day--certainly affects the conditions under which a teacher must teach. Class size is not often a district wide problem. It could be an isolated incident where a certain class or age group in one school is affected. But when it is a problem, the teachers need an avenue to deal with the situation. Teachers want to do a good job of teaching to the individual needs of the student. That job becomes extremely difficult if the number of students exceeds a certain level. Teachers need to talk about the hiring of a paraprofessional or the possible splitting of classes to deal with this problem.

Senate Education
2/10/87
Attachment 2

The assignment area would allow teachers to talk to boards about how assignments are made. It can be frustrating to be assigned six different preparations and seven different rooms to teach. It certainly is a condition of employment. If there might be a solution--and there may be in some cases--teachers need to talk about those ideas with the board.

The transfer provision is certainly a major condition of employment. Whether a voluntary or involuntary transfer, there needs to be a consistent procedure worked out by the parties involved. An involuntary transfer can be most disconcerting to an employee. Giving that person as much notice as possible, allowing another teacher to take an opening voluntarily, or permitting an involuntarily transferred teacher to transfer back to a more desired position are all methods which could be talked about at the negotiations table.

Kansas-NEA is asking that these three distinct items be added to the list of what we can negotiate. Nothing would force a board of education to agree to a policy it could not live with. All we are asking for is a way to have dialogue about these items which have a great deal to do with the terms and conditions of employment. We would hope that you would pass SB 79 favorably. Thank you for listening to our concerns.



Testimony of Zenobia Washington, President, NEA-Wichita
Before the Senate Education Committee, February 10, 1987

Thank you Mr. Chairman, Members of the committee, my name is Zenobia Washington. I am President of NEA-Wichita, the bargaining agent for three thousand teachers in Wichita, and I am here to speak in support of Senate Bill 79.

Wichita teachers have indicated to us that problems in class size are one of the most important topics that they would have us address in our contract negotiations this spring. In response to their concern, we have placed a class size proposal on the table in our February 1 notice to the Board of Education in USD 259. We have high hopes that we will be able to engage in some meaningful dialogue with representatives of the Board in an attempt to reach a mutually-agreeable solution to some of those class size problems.

Yet, I know, as I stand before you today, that the response of the Board will be they will not discuss the topic with us. Instead, they will indicate that it is not a mandatory subject, and they will decline to negotiate it. I know that will be the result because that is what happened when we negotiated the current agreement. That is also what happened when we negotiated its predecessor, and the contract which preceded that one.

It will do little good to point out that the work load of a teacher is directly affected by the number of students in a classroom. It will do little good to show that

with greater numbers of students the time with each student is diminished, and that paper grading and record keeping increases. It will also do little good to point out that we have laboratory classes in which the number of work stations is less than the number of students in the class or to tell them of the thirty-six kindergarten students in one room, and that eighteen of those students are ESL students--students with extra need for individual attention. It will do little good to mention elementary physical education and music classes whose numbers, already large, are swelled by the addition of special education students who are mainstreamed only in these special programs.

We know that the addition of class size to the list of mandatory topics in negotiations does not assure us of getting what we want in this area, but we do want the opportunity to talk with the Board about these problems in a way which requires a response--through negotiation. We have a history of working with the USD 259 to achieve a successful resolution of problems that we address. We are confident that we can mutually resolve class size problems as well--if we are provided the opportunity.

This bill would also add assignment and transfer to the list of mandatory topics. We have made proposals in this area in the last several exchanges of contract proposals with the USD 259 Board. We have made such a proposal this year.

We want to explore with the Board ways of dealing with the problems that are created when a teacher is transferred and does not understand why, or when a teacher is transferred, presumably because of declining enrollment in that building, only to see another position in the building open up and be filled with a newly-hired teacher. We want to discuss the problems that occur when a teacher who wants a transfer is denied and sees that position go to another teacher with less experience and educational background. Again, we understand that the mere addition of assignment and transfer to the list of mandatory topics would mean only that the Board must discuss these items with us--not that we would achieve what we want, but it would mean that dialogue would take place. That is more than we have now, and it generally means that a mutually-acceptable

solution will be found.

The negotiations process is vital to the well-being of the education process and must be carried out in an atmosphere that is conducive to problem-solving. It must be amended to allow us to address those topics that directly affect the working condition.

Favorable action on Senate Bill 79 would add essential topics to the list of mandatory topics for negotiation and would still provide the controls necessary to assure that the problems would be addressed locally.



TESTIMONY ON S.B. 79

by

Richard Funk, Assistant Executive Director
Kansas Association of School Boards

February 10, 1987

Mr. 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 is very opposed to the amendments asked for in S.B. 79. When are we going to reach the point whereby every decision by the local board of education' becomes mandatorily negotiable? This is certainly the first step.

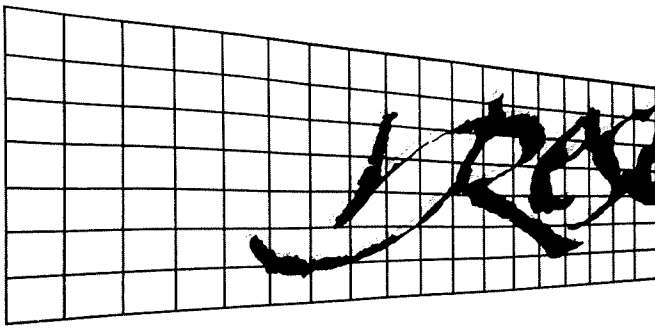
Can you imagine class size provisions being negotiated? This provision arises at a time when boards are reducing the number of teachers in order to increase pupil-teacher ratios, simply to try and provide more money for the remaining staff. Are we going to negotiate a p.t.r. of 5:1, 10:1, 15:1? What is the magic number? Do we use research? Whose research? And where do we get the money to do this?

Can you imagine a local board not being able to staff the district's buildings unless they negotiate the procedures for assignment and transfer? Why do we have to somehow get to the point where teachers, as employees of a district, cannot best be utilized as the board sees fit? When did a job become so sacrosanct that you can expect to be there for life? Anyone who accepts employment also accepts the rights of the employer to use personnel in the best interest of the organization.

If you are truly concerned about the number of impasses occurring on June 1, favorably acting on S.B. 79 will just increase that number even more. As we have more years of professional negotiation under our belts, we run out of things to negotiate.

This bill is an attempt to perpetuate the PN act. Every year you will be asked to add more items that are mandatorily negotiable. Now is the time to sent the message that we are tired of the same attempts to amend the PN act. Put this bill out of its misery and ~~K~~ill it quickly.

We ask you to report S.B. 79 unfavorably for passage.



BULLETIN

PUBLISHED BY THE KANSAS ASSOCIATION
OF SCHOOL BOARDS

March, 1986

Number 15

1985-86 SCHOOL DISTRICT PUPIL-TEACHER RATIO (PTR)

by James Hays, Research Director

Ratio of Pupils per Teacher (PTR)

ENROLLMENT	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	PTR MEDIANS*
10,000+							1			*3					1	14.38
5,000-9,999									1	2	*1	2				15.23
4,000-4,999									1	1	*	1		1		15.14
3,000-3,999									2		*3	1	1			15.81
2,000-2,999								1	1	1	*4	4	2			15.66
1,500-1,999								1	1	3	*3	5	1	1		15.97
1,000-1,499					1	2	1	2	5	*9	7	5		1		14.63
800-999							2	4	*4	4		2				13.50
700-799			1	1		1	4	5	*4	1						13.45
600-699						1	2	3	*7	3		1				13.10
500-599				1		3	8	*9	6		2					12.18
400-499			1	2	5	2	*11	7	6							11.61
300-399				1	2	15	*14	6	1		2					11.10
200-299			2	7	5	*9	7	4								10.17
0-199	2	5	8	*9	6	3										8.37
USD TOTALS STATEWIDE (304)	2	5	12	21	19	36	50	42	39	27	22	21	4	3	1	12.19

FIGURE 1

1985-86 USD PTR BY ENROLLMENT GROUPINGS WITH MEDIANS

PUPIL-TEACHER RATIO

Figure I shows the number of districts at each level of pupil-teacher ratio (PTR) within certain enrollment categories. The enrollment groupings are chosen somewhat arbitrarily and do not conform exactly to the enrollment categories of the School District Equalization Act (SDEA) for either per-pupil spending or state aid. They do, however, "spread" the statewide figures into a usable array and make it easier for a reader to locate about the median a particular ratio in a particular sized district.

In these calculations "pupil" refers to full-time equivalency enrollment (FTE) collected on September 15 for purposes of the SDEA. Because of this, it is not accurate to equate this figure to the head count in a classroom, or even to the "average classroom," of a district. The reference to "teachers" in this PTR includes the entire instructional staff and excludes administrators except where those individuals may spend a portion of their time in an instructional capacity. Pupil FTE is collected to the nearest tenth (0.0) as is the figure used for instructional staff; the calculated PTR is then expressed to the nearest hundredth (0.00).

CONCLUSIONS and OBSERVATIONS

It is generally felt that low pupil-teacher ratios in Kansas school districts contribute to the comparatively high per-pupil cost of education in the state. The reasons for a low PTR in any single district, or in the state as a whole, may be several: minimum requirements in small rural high schools result in a basic staff requirement unrelated to enrollment; small rural elementary attendance centers may be used to reduce the amount of busing necessary in those grades; small elementary classes may be the preference of the local board and/or community in spite of their cost; diverse course offerings in larger urban high schools may require additional staff.

KASB has compared PTR, budget per pupil, district average teacher salary excluding fringe benefits, and enrollment and has ranked Kansas school districts according to each item. Those rankings can be correlated to see if a relationship statewide can be shown, and if such a relationship is so direct as to be presumed to be a cause-effect relationship. In statewide rankings of PTR and budget per pupil, a correlation coefficient of -0.786 results, indicating a tendency for higher PTR districts to have lower budgets per pupil. While not a direct relationship (-1.000), this correlation is stronger than the one which results for PTR and district average teacher salary ($+0.572$). This second correlation indicates that districts with a high PTR have a slight tendency to have higher salaries. As one would expect, the strongest correlation ($+0.826$) exists between PTR and district enrollment. The larger the district, the greater the tendency toward a higher PTR. Connecting the median amounts in Figure 1 illustrates this tendency.

A supplemental table is available, upon request, which shows these rankings by district. The reader is encouraged to examine the PTR for his or her particular district and to compare the ranking for that value with the rankings of other factors. Computer print outs of the PTR for any group of districts are available from the KASB Research Director (1-800-432-2471).



SB 79

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

February 10, 1987

Mister Chairman and members of the committee. United School Administrators of Kansas stands in opposition to SB 79. Two provisions of the bill cause us varying degrees of concern.

The first, beginning with line 76, would rob the Department of Human Resources of the flexibility it now enjoys in determining whether an individual or a board would better serve as a "fact finder" in a dispute. USA believes this flexibility ought to be maintained.

Our second and more important concern lies with the language in line 97 and 98 which adds "class size provisions; assignment procedures; and transfer procedures" to the definition of terms and conditions of professional service, thereby making them negotiable. USA has long had a position which would limit the scope of negotiations to those items specifically defined as economic benefits, i.e. salaries, leave, and fringe benefits.

To add these three new items to the list of those which must be negotiated would serve to further erode the authority of local boards of education, and would strip district administrators of the flexibility needed to handle staffing problems caused by shifts in populations. Barely three years ago I had 40 fewer students show up in my high school than we had anticipated. This shortage was precipitated by the closing of one refinery and the threat of a second shutdown. We had estimated a drop in enrollment, but not of the magnitude we experienced. Were it not for a versatile teaching staff and the flexibility to assign people where needed between the junior and senior high schools we would have experienced a greater problem than we did. The marvelous cooperation and valuable in-put we had from teachers in no way reduces the need for boards to retain the authority necessary to staff schools in the manner deemed best for the students of a district.

We ask that you report SB 79 unfavorably.

GWH/ed

Senate Education
2/10/87
Attachment 5