

Approved February 23, 1987
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~XXXX~~ a.m./p.m. on Wednesday, February 18, 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 194 - Concerning school districts; authorizing boards of education to adopt supplemental salary plans (Senator Hayden)

Proponents:

Senator Leroy Hayden, Sponsor of SB 194

Opponents:

Miss Kay Coles, Director of Communications, Kansas-National Education Association
Mr. James E. Copple, Legislative Director, Wichita Federation of Teachers
Ms. Cynthia K. Lutz, Staff Legal Counsel, Kansas Association of School Boards

SB 206 - Concerning school districts; authorizing the development and operation of remedial study programs (Senator Mulich et al.)

Proponents:

Senator William Mulich, co-sponsor of SB 206
Mr. James E. Copple, Legislative Director, Wichita Federation of Teachers
Mr. Alan Adriance, Baldwin City, a concerned citizen

Following a call to order by Chairman Joseph C. Harder, Senator Allen moved that minutes of the Committee meeting of February 17 be approved. The motion was seconded by Senator Montgomery, and the motion carried.

SB 194 - Senator Leroy Hayden, co-author of SB 194, described a narrowing gap in what his district could pay beginning teachers as compared to what beginning teachers are being paid in the eastern part of the state. He said that although SB 194 had statewide application, it is permissive legislation intended for those districts which do not have a mill levy problem and receive little or no state aid. He explained that his bill would implement a very simple procedure and would allow a district to increase the salary of a beginning or tenured teacher in exchange for the right of tenure for that particular year or years in which a teacher has applied and enters into an agreement for participation in the supplemental salary plan. He explained that several years ago the Attorney General handed down an opinion which stated that the teacher could give up his or her tenured right, but Senator Hayden said he did not know what the outcome would be so far as a constitutional right is concerned. Senator Hayden said the bill is outside the budget limits and involves no state money. He passed out copies of an article which had appeared in the Topeka Capital-Journal entitled "Good Teachers Deserve Better", Attachment 1, which calls attention to the decreasing number of applicants in the teaching program today.

Ms. Kay Coles, K-NEA, spoke in opposition to SB 194 even though she did praise the bill in its attempt to improve the salaries of teachers. However, she did not feel that Kansas teachers should have to "sell" their basic right of due process in order to get a decent salary in her testimony found in Attachment 2.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-B Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, February 18, 19 87

Mr. James E. Copple of the Wichita Federation of Teachers stated that while SB 194 would reward teachers by allowing them to participate in supplemental contracts, it creates another set of problems for teachers, and these problems are listed in his testimony found in Attachment 3.

Ms. Cynthia K. Lutz, Staff Legal Counsel, KASB, said she, too, must oppose SB 194, because she did not feel that a waiver of the right to due process would be acceptable according to the U.S. Constitution. She also felt that this could lead to new and inexperienced teachers being paid more than tenured teachers and that any additional moneys which could be allocated for supplemental salaries should be distributed upon the basis of evaluation and merit. (Attachment 4)

At the conclusion of Ms. Lutz' testimony, the Chair announced that the hearing on SB 194 was concluded, and he said the bill would be taken under advisement.

SB 206 - Senator William Mulich, co-sponsor of SB 206, said that his bill is permissive legislation which addresses the problem in public schools relating to unsatisfactory performance in the minimum competency assessment program by requiring remedial instruction in effective study skills for students with unacceptable competency test scores. (Attachment 5) Senator Mulich described how he first became aware of these very successful pilot study programs while visiting in California, and he felt that similar pilot programs should be started in Kansas. In reply to a question, Senator Mulich responded that districts which have such programs would be eligible for state aid of \$150 for each pupil participating in the program and that the program would be under regulation of the State Board of Education.

Mr. Alan Adriance, a concerned citizen from Baldwin City, also a proponent of SB 206, said he felt SB 206 is important, because he felt something was lacking after his twelve years in school, and he wanted to reverse the very long downward trend of poor test scores which has been occurring. He quoted from Nation at Risk to support his testimony found in Attachment 6.

Following testimony by Mr. Adriance, the Chairman said that due to lack of time the hearing on SB 206 would be continued on Monday. The remaining conferees had all agreed that they would be able to return to testify on Monday. The Chairman then adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Wednesday, February 18, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Jim Capple	Wichit	WFT
Carol Kehr	2703 Rebel Rd Garden City, KS	GCFT
Myylene Kelley	Wich	AFT
Cindy Lutz	Topeka	KASB
Richard Fank	Topeka	KASB
Brilla Highfill Sutt	Topeka	USA
Kathryn Dyser	Wichita	USD 259
Ken Ray	Paoli	AQ
Helen Stephens	Topeka	USD 500
Paul Lombardi	Topeka	with Sen. Kan
Oran Burnett	Topeka	USD 581#
Connie Huchel	Topeka	SABJ p d.

SENATE EDUCATION COMMITTEE

Wednesday,

TIME: 1:30 p.m. PLACE: 254-E DATE: February 18, 1987

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Carole Ann Schmidt

Topeka

Kansas - NEA

Vay Coles

Topeka

Kansas - NEA

Emily Barham

Wichita

WFT

Jay Mitchell

Wichita

WFT

Carolyn N. Coanham

Wichita

Wichita Fed. of Teachers

Ken Lippoldt

Wichita

Wichita Fed. of Teachers

Jeanne Morton

Wichita

Wichita Fed. of Teachers

Brenda Satterlee

Wichita

Wichita Fed. of Teachers

Jeri Seelinger

Wichita

Wichita Fed. of Teachers

Victor Watson

Topeka

KC. STAR

BILL DANIELS

LAWRENCE

LEGIS INTERN
SEN. PARRISH

Marty Criner

Topeka

Legis Intern - Sen Anderson

John Smith

Kansas

House

Good teachers deserve better

The findings of the eighth annual study of teacher supply and demand in Kansas public schools provides some ammunition for those who blame salaries for the loss of good teachers.

For starters, fewer students are choosing teaching as their profession. Twenty years ago, 16 percent of incoming freshmen indicated education as their intended major; today, about 7 percent choose education. From 1985 to 1986, enrollment in teacher education programs dropped nearly 10 percent. Since 1972, the number of teachers prepared in Kansas has decreased nearly 62 percent.

The study found plenty of teaching candidates for elementary grades and physical education, but special education, most secondary and specialized areas like library services, foreign language, science and math are at least slightly short of demand.

But there is a slight surplus of candidates in all administrative areas.

There is a common thread running through those examples. Students know they stand a better chance for salary and career advancement outside the classroom. Those who choose education often leave the classroom for higher paid administrative jobs.

Everyone has heard the old maxim about those who can, do; those who can't, teach. That does a great disservice to the many teachers who truly love their profession and care about the students and the subject they teach. Nevertheless, it does underscore an image problem for the profession.

No one would suggest that schools intentionally recruit their teachers from the ranks of those who can't make it in the private sector. But if they are eliminating the top candidates by salary and career restraints, it has the same effect.

Schools, which are not profit driven and depend totally on tax money to operate, are in a bind. Taxpayers want good schools, but they balk when it comes to paying for them.

The challenge, therefore, is to make the profession attractive within those constraints.

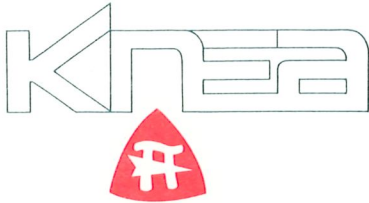
Teaching has many things going for it — including the three-month summer vacation. And the time spent in the classroom each day is less than the eight hours required in most businesses.

But the Emporia State study offers proof that those no longer are enough.

Those whose business it is to educate — that includes school boards, parents, teachers and administrators — should sit down and assess the situation. Just as the Nation at Risk study forced educators to look at what they were teaching, the Emporia State study should prompt an evaluation of the status of the teaching profession.

Some value judgments are in order: What are good teachers worth? Are good teachers worth as much as administrators? Are there career incentives besides salaries? Perhaps people are satisfied with the status quo?

These questions are begging for answers. The quality of education hangs in the balance.



Testimony before the Senate Education Committee

February 18, 1987

Thank you, Mr. Chairman. Members of the Committee, my name is Kay Coles and I am here today representing the 20,000 members of Kansas-NEA. I appreciate this opportunity to speak to the committee about SB 194.

Although we applaud the author of SB 194 in his desire to improve the salaries of teachers and also realize that it is a voluntary program, we oppose the plan outlined in SB 194 as one which should not be necessary in order to increase teacher salaries. We believe that Kansas teachers are underpaid and should not have to "sell" their basic right of due process in order to get a decent salary.

We also have serious questions about the constitutionality of this plan. Despite some claims that SB 194 does not violate the Constitution, K-NEA questions how it can be legal to "sell" one's guaranteed due process rights.

Kansas-NEA still looks for innovative ways to increase compensation for teachers while still protecting their rights. SB 194, while meeting the first criterion, is too big a price to pay. We would ask that you report SB 194 unfavorably.

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

Senate Education
2/18/87
Attachment 2

Wichita Federation of Teachers

Local 725, American Federation of Teachers, AFL-CIO



TESTIMONY IN OPPOSITION TO SENATE BILL NO. 194

James E. Copple
Legislative Director
Wichita Federation of Teachers

Mr. Chairman, members of the Senate Education Committee, the Wichita Federation of Teachers applaud efforts that would reward teachers for outstanding service. That, we believe, is the intent of Senate Bill No. 194. This bill has a number of unique features, not the least of which, is that the program is voluntary and the burden for funding is placed upon the local district. While the bill would reward teachers by allowing them to participate in a supplemental contract, it creates for teachers another set of problems. These problems are of concern to teachers in the newly organized Kansas Federation of Teachers.

1. If districts are willing to negotiate supplemental contracts in order to reward teachers who voluntarily participate in this program - let them reward all teachers and establish incentives for young people choosing to enter the profession. We do not ask other professionals, such as doctors, lawyers or accountants to waive statutory rights in order to be justly compensated.
2. This bill does not recognize excellence in teaching. Anybody can participate. You must be willing, however, to sell certain rights. Career Ladder programs, implemented in many parts of the country, such as Rochester, New York, give the teacher opportunity to be rewarded based upon their willingness to commit to various levels of service and excellence.
3. The bill assumes that only bad teachers need the protection afforded by KS. 72-5438 through 72-5443. As a former administrator, I have seen a teacher wrongly accused of an act that would have warranted immediate suspension. Had the teacher been working under the provisions of this bill, the teacher's future would have been placed in jeopardy. The teacher was exonerated in the hearing process.
4. The bill asks that teachers waive rights that may not constitutionally be waived. Would School Boards enter into such a questionable relationship? The question is, when you waive statutory rights - can you truly waive constitutional rights. This question has not been thoroughly addressed in the courts.

Senate Education
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Attachment 3

Finally, Mr Chairman, the teachers of the state of Kansas need incentives that will first attract them into the profession and secondly, keep them in the profession. Senate Bill No. 194, while well intended, fails to guarantee the teacher that once paid as a professional, he will be treated as a professional.

We urge a an unfavorable reading of Senate Bill No. 194.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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

TESTIMONY ON SENATE BILL NO. 194
BEFORE THE SENATE EDUCATION COMMITTEE

BY

CYNTHIA K. LUTZ, STAFF LEGAL COUNSEL
Kansas Association of School Boards

February 18, 1987

Mr. Chairman, members of the committee, thank you for the opportunity to appear before you today on behalf of Kansas Association of School Boards and our member school districts.

Although we appreciate Senator Hayden's effort to assist school districts in finding additional funds for teachers' salaries we must oppose Senate Bill 194 for several reasons.

First, we do not believe that a teacher's waiver of rights to the statutory due process procedures would result in a waiver of the right to due process under the U.S. Constitution. Because a teacher would still have a property right in continued employment, due process of some sort would still be required. While a less detailed procedure might suffice, we anticipate that the use of such procedures would lead to increased attacks in the courts on the procedures employed. Similarly, a teacher who alleges abridgment of a constitutional right would still be able to challenge the action in court. The net effect of the waiver would be to discourage settlement of claims at the administrative levels and encourage litigation in the courts.

Senate Education
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Attachment 4

Second, because nontenured teachers would have fewer rights to waive, we feel that nontenured teachers would be more willing to enter into waivers under this act. This could potentially result in new and unexperienced teachers being paid more than tenured teachers who truly deserve the additional pay based on their proven performance. That is why we feel any additional monies which could be allocated for supplementary salaries should be distributed upon the basis of evaluation and merit, not the relinquishment of rights.

Third, as a general philosophy, KASB and its membership have traditionally opposed the earmarking of funds for special purposes other than capital outlay, special education, transportation, and other well established special purposes.

Fourth, we believe that the bill needs clarification as to whether the additional 1 1/2 mills are outside the existing budget limits.

Finally, the references to "the effective date of this act" in Section 3 would need to be changed to July 1, 1984 in order to preserve the current tenure law.

For these reasons we request that you recommend Senate Bill 194 unfavorably for passage.

TESTIMONY BEFORE THE SENATE EDUCATION COMMITTEE, S.B. 206

by Senator William Mulich

The Kansas Senate Education Committee will hear initial testimony this week on a bill which addresses the problem in public schools of unsatisfactory performance in the minimum competency assessment program.

This bill pinpoints an area of public education which is observably unattended and yet apparently not widely recognized as such -- teaching students methods of how to study effectively. The bill is based on the observations that no school system in the state is without a portion of unsatisfactory competency test scores among its students, and that instruction in effective methods of how to study is a nearly unknown commodity throughout the State. Students are currently expected to spend 12 years studying at public expense and yet the subject of how to do that - studying - is currently not even considered as a subject in itself in most schools, much less taught to students for use in the classroom and at home. And yet actual technology in how to study effectively -- technology which gets results -- is known to exist and known to uniformly raise competency levels when employed. Private industry is currently the biggest user of such technology.

The concept of the bill is to require remedial instruction in effective study skills for students with unacceptable competency test scores, as this type of instruction is known to cut through many of the reasons and justifications for poor performance and to get results despite other factors which may be inhibiting student progress. In essence, the bill seeks to enter into the public school system a known workable solution to the existing problem of low competency scores; a solution which can be employed but is not currently being used broadly.

The current, observable lack of effective instruction in how to study may be due to a widespread assumption that teachers and

students just naturally know how to study effectively, or due to the assumption by educators that if they paid out several thousand hard earned dollars for their college education, then they surely must have been given all the tools they could possible need for effectively teaching students.

In any case, the Senate bill takes the viewpoint that to be certain of effectiveness at any task, even studying, one must be trained in how to do that task, forgoing assumptions that one "already knows." And it takes the viewpoint that correct technology in how to study effectively does exist, as evidenced by results wherever such has been utilized. Although no provision, per se, is made in the bill for mandatory teacher training in effective study skills, this would be the starting point for school districts in implementing the provisions of the bill in its current form.

Alan Adriance
100 Santa Fe Dr.
Baldwin City, KS 66006

2/18/87

Testimony before The Senate Education Committee re: S.B. 206

My name is Alan Adriance. I'm a lifelong resident of this State, went through all 12 grades in the State's public education system and currently have 3 children in public school in Baldwin City. I started a small businesses promotion company 4 years ago in Shawnee Mission and that is my current livelihood.

My interest in the subject matter of SB 206 began shortly after I graduated high school in 1972. I began to notice things weren't going as smoothly for me as I had envisioned they would while still in school. And circumstances at this time led me to realize that my 12 years of schooling were actually a disaster compared to what they should have been. And here I had graduated in the top 10% of my class. When you think of those who graduated in the lower range of the class -- now that's the real disaster. It is those lower range students that this bill addresses. And whether or not my own children do well in the classroom, they share their environment with a lot of other people. So I am interested in what sort of education all children are getting in this state, and in seeing education raised up to a much higher standard of results than I experienced.

(Nation at Risk) (p. 8, 2nd & 3rd items under "Indicators")

This report makes it clear that the entire educational scene in this country has been downtrending for over 20 years now. The scene is even worse than when I went through school. At this point we have a lot of dedicated educators who are introverting, looking inside themselves, trying to get a handle on classroom results. I had myself that same introverted feeling after graduating, trying to figure out why things weren't working out as I'd hoped, after I'd done my duty in the classroom for 12 years. If anyone here has been in a classroom in recent years and observed the students themselves, you may have noticed as I have the blank stares scattered throughout the room. In almost every classroom you have those students who are simply numb. They quietly suffer through each day in school, waiting for the final bell to ring at the end of class.

(Nation at Risk, p. 8, last para. and p. 13, 3rd para., "the task...")

So we can understand the feeling of despair among some school administrators and educators. They have the job of reversing a very long term downtrend.

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Attachment 6

If we look at areas where we have made continual forward progress in society, we find that an actual science has been developed and broadly disseminated in those areas, a science based on actual truths or laws. You have chemistry, physics, electronics and mathematics for examples. These subjects weren't always sciences in man's history but gradually became sciences as more basic laws and truths were discovered over the years. On the other hand, we have subjects which have not yet attained the status of a science either because the basics and truths necessary to bring those subjects up to that status haven't been discovered yet, or because those truths haven't been broadly disseminated and put to use at large. And those are the subject areas where society experiences difficulty to a greater or lesser degree in obtaining good results. We have sociology, but yet wars are flaring up continuously and nations and groups are in continual conflict. We have the behavioral subjects like psychology, and yet we have a society full of depressed individuals, institutions full of insane, a 50% divorce rate, and prisons overcrowded with criminals. We have economics as a subject, yet inflation, recessions and trade imbalances are still part of life. So those are subject areas where we must be missing some basic truths or laws, and those subjects simply haven't been raised up to the same level of science as chemistry, physics and the like.

And the subject of how to study effectively, how to really learn something and be able to USE it, is one of those areas in public education where results are not being readily obtained either through lack of discovery or the known laws in that area or lack of broad dissemination of those laws. In fact, the subject of how to study effectively is so absent from our system that it is not even given the status of a subject in itself, let alone a science. And this Senate Bill addresses that problem directly.

The problem students, the low achievers in the classroom, are obviously the biggest ruin in the public schools. How are we ever going to get these kids up to a point of being able to learn effectively if we don't implement technology into the system that handles their ability to learn effectively. You can bring pressure to bear on the students to force them to try harder, but that is doing it the hard way. The sensible way to do it is to give them the skill that facilitates learning, the skill of effective study methods. That makes it easier on the students, teachers, administrators, parents -- everyone involved.

(Nation at Risk, p. 22, para.4)

There is an organization in Kansas City which is independent of the public school system but which will provide teacher training to some 40,000 teachers this year, many of them from Kansas school districts. This organization, The Learning Exchange, is rapidly becoming THE place for teachers in the region to get the latest in educational technology. I asked the director of this organization, Connie Campbell, for her comments on this bill and on the condition of education in the

and she does not see any significant improvement since the Nation at Risk report was issued. And more importantly, she is well aware that the subject of teaching kids how to study is a very neglected area in public education and is in fact the one area which is now receiving the greatest emphasis in the training that the Learning Exchange delivers. So even classroom teachers are at this time being made aware of the need for instruction in effective study methods. Mrs. Campbell considers this to also be the most promising area in which real improvement in overall competency test scores can be obtained. And that is easy to see when you look at it from the viewpoint that our children spend 12 years doing one basic job - studying - and yet go virtually untrained for that job. We'd never think of turning a group of people loose in an auto factory for 12 years, expecting them to efficiently assemble cars, without first training them in how to do their job.

Despite all the dedicated efforts of our educators, up to this point they have not created much effect on the downtrend in education. They are still the effect of this downtrend. And unless something is done, the situation will just continue to downtrend.

(Nation at Risk, p. 10, first 4 paras.)

Change is needed and needed now. It has already been almost 4 years since Nation at Risk was issued. This Senate bill is important because it addresses at least one area where improvement can be made without question. And the public demand for at least some kind of improvement, some results, is very loud. (p21, item (3))

(Nation at Risk, p. 16, "Of all the tools;...." and last para.)

This senate bill can help satisfy this demand for improvement. My willingness to testify in its behalf, at least partially stems from a knowledge that effective study methods can in reality be implemented. I have personally researched this subject and I have come across at least one technology of learning and study which does get results, which can be used in the classroom to implement the provisions of this bill. I believe this bill would greatly speed the implementation of such technology. Private industry is currently getting results from it. So there is technology available. And from my experience with it, I can say it is very uncomplicated to learn and is the sort of thing that teachers anywhere could use in the classroom, and would in fact make their lives a lot easier. But they have to be informed ~~and~~ that such a thing exists, which no one has bothered to do. And this bill can help do that, and then everyone will win. If the possibilities that this bill presents are simply communicated to those concerned, I think it can be one of the most popular pieces of legislation of the session. The agreement that education needs to be upgraded is very strong and very widespread.