

Approved March 2, 1988  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Chairman Denise Apt at  
Chairperson

3:30 ~~xxx~~ a.m./p.m. on February 15, 1988 in room 519-S of the Capitol.

All members were present except:

Representative Anthony Hensley                      Representative R. D. Miller  
Representative Charles Laird  
Representative David Miller  
Committee staff present:

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

Conferees appearing before the committee:

Craig Grant, Kansas National Education Association  
Richard Funk, Kansas Association of School Boards  
Nelson Hartman, Kansas State High School Activities Association  
Jim Copple, Kansas Federation of Teachers  
Jan Erickson, Federated Teachers of Holcomb  
Pat Baker, Kansas Association of School Boards

The meeting was called to order by Chairman Apt.

The chair drew attention to two handouts: 1) CAREER DIRECTIONS, a publication of Kansas careers from the Kansas State University, and 2) a sheet of information included in the testimony of Dr. Jim Yonally on January 21, 1988 regarding School Finance.

The chair opened hearings on H.B. 2687 an act concerning the Kansas high school activities association, requiring a classroom teacher member of board of directors.

Craig Grant testified in favor of H.B. 2687 stating it would bring perspective of the teachers to the board of directors and provide insight from that angle. (Attachment 1)

Richard Funk spoke in support of H.B. 2687 asking for greater representation on the Board of Directors of the Kansas State High School Activities Association on the part of the school boards. (Attachment 2)

Nelson Hartman spoke in opposition to H.B. 2687 stating he feels it is not necessary to expand the board to have proper representation. Mr. Hartman feels the advisory groups provide input from the various organizations and the board has a willingness to listen and hold hearings for any problems that arise. (Attachment 3)

After a period of questions the chairman declared the hearings on H.B. 2687 closed.

Hearings on H.B. 2712 were opened by Chairman Apt.

Jim Copple testified in favor of H.B. 2712 stating this bill is designed to clarify existing law regarding the filing of petitions and the conduct of elections. (Attachment 4)

Jan Erickson spoke in favor of H.B. 2712. Ms. Erickson stated teachers should have the right to choose who will represent them in professional issues. (Attachment 5)

Craig Grant testified against H.B. 2712 stating the provisions under this bill are unneeded and potentially disruptive to the negotiations process. (Attachment 6)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,  
room 519-S, Statehouse, at 3:30 ~~xx~~ p.m. on February 15, 1988

Pat Baker spoke in opposition to H.B. 2712 stating the calendar year or fiscal year should be retained in the statute. (Attachment 7)

After a period of questions and discussion the chairman closed hearings on H. B. 2712.

The chairman drew attention to the minutes of February 8, 1988 and February 10, 1988. Representative Blumenthal moved the minutes for February 8 and February 10 be approved. Seconded by Representative Amos. Motion carried.

Chairman Apt adjourned the meeting at 4:15 p.m.

The next meeting will be Tuesday, February 16, 1988 in Room 519-S at 3:30 p.m.

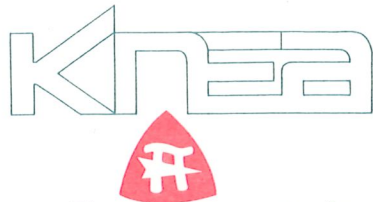
DATE 2/15/88

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Craig Grant	K-NEA	Topeka
Richard Furr	KASD	"
Clauette Lemier	KNEA / Wichita	Wichita
Just M. Zygo	NEA - Wichita	Wichita
Jan Corzatt	YCA - Wichita	Wichita
Elizabeth Baker	Ks Legislature	
Rep. Miller (Intern)		
R. D. ...	PHR	Topeka
Conly Lehr	KFT	Topeka
Jan Erickson	FTH	Halcomb
Jim Cople	KFT	Wichita
Brenda Latterlee	KFT	Wichita
Paul Babich	KFT	Wichita
Jan Elgin	KFT	Wichita
Brilla Holford Scott	USA	Topeka
Gerald ...	USA	Topeka



Craig Grant Testimony Before The  
House Education Committee  
Monday, February 15, 1988

Thank you, Madame Chairman. Members of the Committee, my name is Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee on HB 2687, a bill introduced by the committee at our request. We do appreciate that introduction.

HB 2687 is a simple bill making a very minor change in the composition of the Kansas High School Activities Association's Board of Directors. The change is on page two in lines 48 through 54 of the bill. What we are asking is that one of the governing board be a classroom teacher employed by the member schools but not directly involved in the activities governed by the association board.

All we really are asking for is that one classroom teacher be able to bring the perspective of the teachers to the board of directors. That lone voice would not be a deciding factor probably on any decision, but, as a person who deals more directly with students than the other members, could provide insight which may be missing from the decision-making process.

Some might say that if we add this person that we, or others, would stand in line to expand the membership. I can report that this is not our intent or desire and that we believe that this token voice of the classroom teacher could be helpful to the entire system of extracurricular activities in this state. This symbolic gesture would be greatly appreciated by the teachers in this state.

Kansas-NEA would ask that you report HB 2687 favorably for passage. Thank you for listening to the concerns of our members.



KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

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

TESTIMONY ON H.B. 2687

by

Richard S. Funk, Assistant Executive Director  
Kansas Association of School Boards

February 15, 1988

Madame Chairman and members of the committee, we appreciate the opportunity to appear today on behalf of the 302 members of the Kansas Association of School Boards. KASB is in favor of the provisions found in H.B. 2687.

While the Kansas Association of School Boards does not have a policy regarding a teacher or teachers represented on the Board of Directors of the Kansas State High School Activities Association, we do have a policy (VI, G, p.7) that states: "KASB will support legislation which would provide for greater school board representation on the KSHSAA Board of Directors."

Therefore, we would ask that if you are favorably inclined to grant teacher representation on the KSHSAA Board of Directors, you also give favorable consideration to increasing board of education membership from six to 12 (line 0041) and making the corresponding amendments on line 0042 (ten) and line 0044 (two). We would also ask that line 0062 be amended to read two instead of one--referring to the KSHSAA executive board.

Our position is quite simple. It is, after all, the local board of education that makes all decisions relative to involvement with the Kansas State High School Activities Association. We are not asking for control, only for greater representation.

Thank you for your consideration.

*Attachment 2  
House Education 2/15/88*

Kansas State High School Activities Association Administrative Organization

MEMBER JUNIOR HIGH/MIDDLE and SENIOR HIGH SCHOOLS

**State Board of Education**  
Originally approved Association Bylaws and Incorporation, and must approve any changes in Bylaws or Articles of Incorporation before they can become effective. Annual report of KSHSAA must be submitted to State Board.

**Appeal Board**  
Five members of Board of Education elected by Boards of Education of member schools and five administrators elected by member schools. *NOTE: No member of the Board of Directors may serve on Appeal Board.*

**Board of Directors**  
State Board of Education appointed members; Board of Education Members elected by local boards of education; Superintendents and Principals elected by member schools. (Maximum — 50)

**Executive Board**  
Board of Education, Superintendents and Principals elected from Board of Directors. (Maximum — 9)

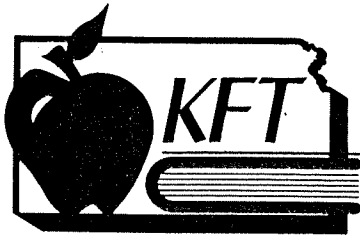
**Executive Secretary**  
Selected by the Executive Board

**Association Staff**

**Advisory Committees**

Regional Administrator & Board of Education Meetings	Kansas Coaches Association	Kansas High School Athletic Directors Association	Kansas Officials Association	Kansas Association of League Commissioners	Scholars' Bowl Advisory Committee	Kansas Speech Communication Association	Kansas Music Educators Association	Kay-Kayette Sponsors
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*Attachment 3  
House Education 2/15/88*



# KANSAS FEDERATION OF TEACHERS

310 West Central/Suite 110 • Wichita, KS 67202 • (316) 262-5171

## TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2712

James E. Copple  
Kansas Federation of Teachers

February 15, 1987

Madame Chairman, members of the House Education Committee, House Bill No. 2712 is preventative and corrective legislation. While HB. 2712 speaks to a very specific problem that arose in Wichita, it has ramifications for collective bargaining elections throughout the state. Furthermore, this legislation is designed to clarify existing law regarding the filing of petitions and the conduct of elections. Let me state the problem.

Under current statute, petitions for the purpose of conducting a collective bargaining election cannot be filed within twelve months of a previously certified election. In other words, if your election was certified by the Department of Human Resources on October 15, 1987, you could not file a petition for another election until October 16, 1988. Due to the process of validating petitions and time delays for elections, it is conceivable that that election would not be certified until sometime in November. When and where there is an annual contract, you would progressively delay the time when you could file a petition. That delay is a problem when the certification of your elections are delayed to December 1st. If you file a petition after December 1st, your election is automatically "kicked" to the summer to avoid elections being held during the process of negotiations.

To correct this problem we are asking for the following statutory remedy:

1. Create a "window period" for the submission of petitions. Under this statute petitions may be filed anytime between July 1st and December 1st regardless of when the previous election was certified.
2. Collective bargaining elections must be held between August 1 and January 30.

Madame chairman, it is the belief of the Kansas Federation of Teachers that this legislation maintains the spirit of K.S.A. 72-5417 and KSA. 5418 which



*Attachment 4  
House Education 2/5/88*

seeks to prevent more than one collective bargaining election within a year. This is a position we support and feel that the legislative intent is correct. The practice, however, has been to potentially deny an election each year. This is particularly true in districts where they negotiate one year contracts, as in the case of Wichita in 1987. We believe this legislation will assure that there can be a collective bargaining election held each year. Currently that is not the case. The Kansas Federation of Teacher is now organizing throughout the state. In several districts we are close to achieving the 30% necessary for filing a petition for the purpose of determining the agent for collective bargaining. In other words, teachers are seeking alternatives in professional representation. There will be more and more collective bargaining elections. We believe that this legislation cleans up the process and assures all teachers the right to vote for the agent of their choice. We urge your support of House Bill No. 2712.



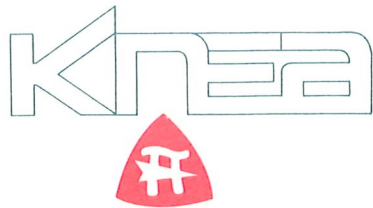
TESTIMONY IN SUPPORT OF HOUSE BILL NO 2712

Jan Erickson, Vice President  
Federated Teachers of Holcomb

Madame Chairman, members of the House Education Committee, I am Jan Erickson, the Vice-President of the Federated Teachers of Holcomb. Our organization is now in its second year and we have experienced some exciting growth and are looking forward to the opportunity of representing teachers in collective bargaining. While we are not currently the bargaining agent, we are within two teacher memberships of being able to file a petition for the purpose of conducting an election to determine which organization will represent the teachers in collective bargaining. Holcomb, Kansas, like many districts in Kansas have historically negotiated one year contracts. House Bill No. 2712 assures us that each year we will be able to give teachers a choice in collective bargaining. We believe this choice is important. Given the language of the current statute, we anticipate elections being progressively delayed to the point where we would not be able to make a choice each year. The legislation before you today would assure our organization, and quite frankly, all organizations who are faced with one year contracts, that they would be able to choose their bargaining agent each year. That is important to our members and we believe it is important to all teachers.

While the current legislation emerged as result of the situation in Wichita, it applies throughout the state. Teachers need alternatives and they should be guaranteed the right to choose who will represent them in professional issues. The change before you will make that easier and cause little confusion. We hope you will concur with House Bill No. 2712.

*Attachment 5  
House Education 2/15/88*



Craig Grant Testimony Before The  
House Education Committee  
Monday, February 15, 1988

Thank you, Madame 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 HB 2712.

HB 2712 is an attempt by the AFL-CIO to increase the opportunities to hold bargaining elections in our schools. This issue arose when the union found out that it could not challenge the Wichita-NEA this year for negotiating rights for the teachers of Wichita. Because of the rules which allow elections only if another election has not taken place within the previous 12 months, the union cannot challenge this year but must wait until next year to see if a challenge can be formed.

If the union has its way in HB 2712, elections could take place up until January 30 of any year. Right now the cut off date is December 1. There is logic and rationale for this cut off date. A representative who will be negotiating for teachers must give notice on February 1 as to what items that representative wants to negotiate. A representative needs time to prepare that list by surveying, gathering data, and writing proposals for submission on February 1. Maybe since the AFL-CIO does not represent any group of teachers in negotiations, it does not realize the time and effort which goes into preparation of a package. If the dates were changed, a representative might not know until January 30 or 31 that it had been elected to represent teachers. This would leave virtually no time for the representative to

Craig Grant Testimony Before House Education Committee, 2/15/88, page two

prepare adequately for the February 1 commencement of negotiations. The present limitations which have been utilized by the Department of Human Resources since the enactment of the professional negotiations act are soundly based in logic and need not be changed by the legislature.

Kansas-NEA asks that the committee report HB 2712 unfavorably for passage as it is unneeded and potentially disruptive to the negotiations process. Thank you for listening to the concerns of our 22,000 members.



TESTIMONY ON HOUSE BILL NO. 2712  
BEFORE THE HOUSE EDUCATION COMMITTEE

BY

PATRICIA E. BAKER, SENIOR LEGAL COUNSEL  
Kansas Association of School Boards

February 15, 1988

Mr. Chairman, members of the Committee, I appreciate the opportunity to appear before you on House Bill 2712 which deals with the timing for representation elections under the Kansas Professional Negotiations Act.

We recognize that the question of elections for representation is of primary importance to members of the bargaining units that may be competing for recognition. Our concerns with the bill are limited to practical considerations of the timelines suggested by the bill.

1. In several sections of House Bill 2712, language is changed to reflect a time period encompassing the current school year rather than the previous twelve months. As a practical matter, most negotiated agreements cover one or more fiscal years, not school years. The terms and conditions of employment agreed to by the parties are not limited to a nine month contract, even in situations where that is the actual term of employment.

It is suggested that the calendar year, or fiscal year or twelve month period be retained in the statute.

2. Of more concern to boards of education are the time limits for filing a petition and holding an election to determine the representative agent. Section 2, lines 55 through 59, would allow an election to be held as late as two days prior to the statutory deadline for submitting items for negotiation. A board of education could, quite possibly, not know on the first of February where to submit such notices.

It is suggested that the dates for filing a petition (line 46) be changed to July 1 to October 1; and that the dates for holding elections be changed to August 1 to December 1. This would allow all parties to prepare for negotiations.

We thank you for the opportunity to appear today.