

Approved 2-20-90  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

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

3:30 ~~xxx~~ a.m./p.m. on February 13, 1990 in room 519-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman, Revisor of Statutes Office  
Ben Barrett, Legislative Research  
Dale Dennis, Department of Education  
Thelma Canaday, Secretary to the Committee

Conferees appearing before the committee:

Representative Sughrue  
Mr. Terry Malone, Board of Trustees, Dodge City  
Mr. Craig Grant, Kansas National Education Association  
Dr. Merle Hill, Kansas Association of Community Colleges  
Mr. Tuck Duncan, Citizen  
Representative Hensley  
Representative Lowther  
Mr. Bill Curtis, Kansas Association of School Boards  
Mr. Norm Wilks, Labor Relations Specialist, Kansas Association of School Boards  
Mr. Chuck Stuart, United School Administrators

The meeting was called to order by Chairman Crumbaker.

The chairman opened hearings on HB 2807, concerning the election and terms of office of members of boards of education of community colleges.

The chairman recognized Representative Sughrue to explain HB 2807.

Representative Sughrue testified on both HB 2807 and HB 2808. Representative Sughrue said both bills affect the date on which newly elected members take office after being elected for the school district board of education members and the community college board of trustees. Representative Sughrue pointed out newly elected people should be allowed to begin their duties while their enthusiasm is still there. A survey of election dates and when the elected members take office taken in surrounding states was shared by Representative Sughrue. (Attachment 1)

Mr. Malone spoke in support of HB 2807. Mr. Malone gave an example of a president resigning and board members who were "lame ducks" not wanting to make decisions on controversial issues. Mr. Malone pointed out better relations would ultimately result if newly elected members were allowed to take office without the time lapse that now exists.

Dr. Hill said the community college boards he had surveyed had no problems with the time lapse between election and taking office.

Mr. Craig Grant made comments concerning both HB 2807 and HB 2808. Mr. Grant said Kansas National Education Association had no official position on when board members should take office. (Attachment 2)

After a period of discussion hearings on HB 2807 were declared closed by the chairman.

Chairman Crumbaker opened hearings on HB 2808 concerning elections and terms of office of members of boards of education.

Mr. Tuck Duncan testified in favor of HB 2808. Mr. Duncan said he had experienced problems confronted by not assuming office right after the election from both sides. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

room 519-S Statehouse, at 3:30 ~~xxx~~ p.m. on February 13, 1990.

Representative Hensley spoke in favor of HB 2808. Representative Hensley believes elected members should be installed immediately after election as a matter of public policy. Representative Hensley said decisions are made that significantly impact a district for years to come and these decisions should not be made by outgoing members.

Representative Lowther testified in favor of HB 2808. Representative Lowther said problems keep surfacing that bring this issue before the committee. Representative Lowther favors passage of HB 2808.

Representative Pottorff testified in favor of HB 2808 urging favorable passage.

Mr. Curtis spoke against HB 2808. Mr. Curtis said the Kansas Association of School Boards support the current method of election and term of office. Mr. Curtis said new board members could prolong professional negotiations and interfere with personnel deadline dates. (Attachment 4)

After considerable discussion the chairman closed hearings on HB 2808.

The chairman opened hearings on HB 2815 concerning professional negotiations between boards of education and professional employees.

Representative Hensley explained HB 2815. Representative Hensley said HB 2815 would amend the professional negotiations act to add the definition and consequently bring under the scope paraprofessional employees Representative Hensley told the committee of the excellent job done by paraprofessionals in his teaching job at Capital City High School. He believes these paraprofessionals are representative of others throughout the state and should be recognized as professional employees within the professional negotiations act. Representative Hensley urged the committee to consider HB 2815 favorably.

Mr. Grant testified in favor of HB 2815. Mr. Grant said it is frustrating to employees when local boards of education refuse to recognize them for negotiations. (Attachment 5)

Mr. Norm Wilks testified against HB 2815. Mr. Wilks said if paraprofessionals or other noncertified employees of the school district wish to organize and be recognized as a bargaining unit, they have the right to seek such recognition under current law. (Attachment 6)

Mr. Stuart spoke against HB 2815. Mr. Stuart opposes this concept because it would remove flexibility now being employed in school districts to meet the needs of special students. Mr. Stuart said passage of HB 2815 would possibly increase costs. (Attachment 7)

After a period of discussion hearings on HB 2815 were closed by Chairman Crumbaker.

The meeting was adjourned by the chairman at 5:00 p.m.

The next meeting will be February 14, 1990 in Room 519-S at 3:30 p.m.



STATE OF KANSAS

KATHRYN SUGHRUE  
REPRESENTATIVE, 116TH DISTRICT  
FORD COUNTY  
1809 LA MESA DRIVE  
DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: FEDERAL AND STATE AFFAIRS  
ENERGY AND NATURAL RESOURCES  
RANKING MINORITY MEMBER: GOVERNMENTAL  
ORGANIZATION  
MEMBER: MIDWESTERN CONFERENCE ON  
HEALTH—COMMISSIONER ON  
INTERSTATE COOPERATION

Mr. Chairman and members of the Education Committee

Thank you for scheduling hearings for 2807 and 2808.

I have been approached by voters and former school board members who are concerned about lame duck board members that have enacted important business transactions before their term as board members expired.

May I testify on both 2807 and 2808 at the same time - the requests are the same. Both bills would affect the date on which newly elected members take office after being elected for the school district board of education members and the community college board of trustees.

Presently boards elected in April assume their new position July 1. With H.B. 2807 and H.B. 2808 the newly elected members would take office May 1.

This is all the bill does just shorten the time from election date to the time when the newly elected officers take office.

In drafting the bills you will notice that obsolete provisions were deleted in both bills, provision which have been in the election laws since the days of school unification. For an explanation of technical changes address those questions to Avis.

Why is this change needed?

(1) Newly elected people are usually excited and anxious to assume office - why should they wait 3 months, the enthusiasm could wane.

*Attachment 1.  
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(2) Newly elected individuals are serious about the position, will have done their homework and know what is needed to be done - as for training superintendents and college presidents are most capable and can train the new boards.

(3) Board members who seek election and are defeated often make several important decisions without letting the new board have any input - the board that will need to live with decisions made.

(4) Many times old board members do not attend from April to July - thus hampering the consideration of necessary business.

(5) Our surrounding states - Oklahoma, Missouri, Colorado, Iowa and South Dakota all install newly elected persons at the first meeting after the election date. Nebraska has a strange system as you will notice.

(6) Board members and board of trustees are voted on by the people - they support schools both on policies and financially. Why shouldn't we listen to their recommendations?

For these reasons H.B. 2807 and 2808 as requested by the voters should be considered favorably.

*A-1-2  
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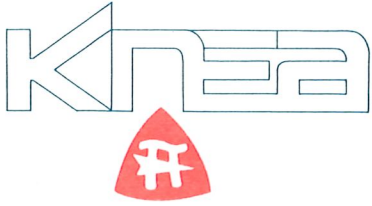
SURVEY OF ELECTION DATES FOR MEMBERS OF LOCAL BOARDS OF EDUCATION

State	Date of Election	Date Newly Elected Mbrs Take Office	Term of Office
<u>Missouri</u>	1st Tues. in April every year. 6 Mbrs on each BOE, 2 elect. yrly.	1st Bd. Mtg. after election date	3 yrs. overlapping terms.
<b>(Bill in Missouri General Assembly this year would switch to Kansas method-- Members would take office on July 1)</b>			
<u>Oklahoma</u>	4th Tues. January every year	1st Mon. February	3 and 5 yr. overlapping terms.
<b>New law, effective this year:</b>			
	4th Tues. May	1st Mon. June	
<u>Nebraska</u>	(most populous districts) general election in Nov.	January 1	4 yrs. overlapping terms
	(many other elem and HS dists) 1st Tues in April	July 1	
<b>Most have 6 mbrs. every other year elections (3-3)</b>			
<u>Iowa</u>	2nd Tues of Sept. every year. 5 mbrs (2-2-1) or 7 mbrs. (3-2-2-)	"Organizational Mtg." 3rd Monday of Sept.	3 yr terms
<u>Colorado</u>	1st Tues. after 1st Mon. in May in odd numbered years. 5 members (2-3)	Immediately, May be sworn in within 10 days	4 yr terms

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State	Date of Election	Date Newly Elected Mbrs Take Office	Term of Office
<u>South Dakota</u>	3rd Tues in June (90% of dist.) 5 mbrs. (2-2-1)	Sworn in at first July mtg.	3 yrs.
	Or, if held in conjunction with the city elections in a community on 2nd Tuesday in April (10% of dist.)		
<u>Minnesota</u>	3rd Tues in May every year. 7 mbrs. (2-2-3)	July 1	Three yr terms overlapping.
	<b>Optional System</b>		
	3rd Tues. in November	January 1	

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Craig Grant Testimony Before The  
House Education Committee

Tuesday, February 13, 1990

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate the opportunity to speak to the committee about HB 2807 and HB 2808.

I chose to place my name under comments as the association has no official position on when board members should take office. My statements will point out potential problems which we see exist in the present system. A "lame duck" board can and has in some cases caused problems for a school district. If a campaign was heated and the issues of the day divided the challengers from the incumbents, a defeated incumbent board could make decisions which tie the hands of the recently elected board. Personnel decisions, building decisions, curriculum and textbook decisions could be made in the interim which set the direction of the school for three to five years into the future, well into the term of the next board.

Another problem associated with a July 1 date is potential for contract talk and budget preparation situations. The impasse date is June 1 and it appears that a newly elected board should have some input as to whether a board goes to impasse or not. Additionally, the July 1 date gives new board members little time to have input into the budget before the budget hearing date. An earlier date might help in these situations.

*Attachment 2 .  
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Although Kansas-NEA has no official position on this issue, we see the merit in the positions presented by the proponents to HB 2807 and HB 2808. It probably only would be an issue in districts where there are heated and intense elections, but it could be a troublesome situation which could be relieved by a change in the law. Thank you for listening to our thoughts.

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R. E. "TUCK" DUNCAN  
ATTORNEY AT LAW

TESTIMONY OF  
R.E. "TUCK" DUNCAN  
before the  
HOUSE COMMITTEE ON EDUCATION  
February 13, 1990

It is a pleasure appearing before the Committee. As a former member of a board of education I believe I can testify with authority regarding valid reasons to alter the dates that a newly elected member takes office. I have been both a newly elected member taking over for a retiring member and I have been an "involuntarily retired" member. Thus, I have experienced the problems confronted by not assuming office right after the election from both sides. When I was elected the current board made many decisions that I do not believe would have been made had I taken office right away. Upon my retirement it soon became clear that I was a "lame duck". Once the public has decided who their elected representative will be, then that person should assume that role. I know that negotiations may be on-going, but the budget isn't approved until after July 1 any way-- so let the new person get involved immediately. Also, with multiple year contracts, this issue of on-going negotiations is diminished as a reason for delaying the taking of office until July 1. In truth, there probably is no one good time because there are always matters to be decided. The point is, the public wanted to make a change...don't defeat their will by delay.

Thank you.

*Attachment 3.  
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Testimony on HB 2808  
before the  
House Education Committee

by

Bill Curtis, Assistant Executive Director  
Kansas Association of School Boards

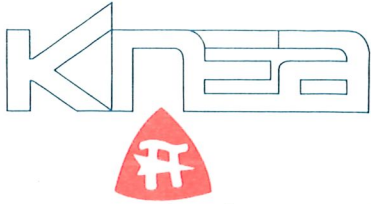
February 13, 1990

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. The primary thrust of HB 2808 is to change the term of office for a school board members from the current July 1, to May 1. KASB opposes HB 2808.

The Delegate Assembly of the Kansas Association of School Boards has long endorsed the policy that supports the current method of election and term of office. The rationale behind that policy involves two circumstances involving Kansas law. The first involves personnel deadlines of April 10 and May 10. The second involves the professional negotiations process that indicates the vast majority of school districts in Kansas settle contracts between May 1 and July 1. Historically, fewer than 10% of the districts have settled before the May 1 date while approximately 75% have settled by June 30. To ask a new board member to immediately become involved in two very important areas would vastly affect the continuity and efficiency of operation. Three or four new board members would, in our opinion, unnecessarily prolong the negotiations process.

We thank the committee for its time and attention. KASB urges that HB 2808 not be passed out of this committee favorably.

*Attachment 4  
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Craig Grant Testimony Before The  
House Education Committee  
Tuesday, February 13, 1990

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to speak in favor of HB 2815.

Kansas-NEA supports HB 2815. We believe that paraprofessionals should be given the right to collectively negotiate under the present PN act. Presently these employees are under the Public Employee-Employer Relations (PEER) Act and even if a majority of paraprofessionals want to negotiate, the local board of education can refuse to recognize them for negotiations. This is very frustrating to employees and does little to promote good morale or harmonious relations. Only three school districts have voluntarily recognized these employees.

Kansas-NEA has spoken many times about the need to change the PEER act. HB 2815 is a new approach to that situation. HB 2815 takes one group of support personnel, the paraprofessionals, and places that group under the PN act. The rationale for putting these individuals in the PN act is that, as professional employees, these people require a certificate issued by the state board of education. This certainly makes this group of employees more akin to the ones covered by the PN act than those under the PEER act.

Kansas-NEA's first preference is to allow all educational employees the right to talk to their employers collectively. HB 2815 moves one of these groups into that category. We hope you would act favorably on HB 2815. Thank you for listening to our concerns.



TESTIMONY ON HOUSE BILL NO. 2815  
BEFORE THE HOUSE EDUCATION COMMITTEE

By

NORMAN D. WILKS, LABOR RELATIONS SPECIALIST  
Kansas Association of School Boards

February 13, 1990

Mr. Chairman and members of the committee, the Kansas Association of School Boards, which represents 302 of 304 Unified School District Boards of Education would like to express its opposition to H.B. 2815.

We are opposed to the expansion of the Professional Negotiations Act to include paraprofessionals. The original legislative purpose of the Professional Negotiations Act was to provide for negotiations of terms and conditions of professional service. The act was designed to cover many of the items unique to professional service and not to employees of a nonprofessional status. Many paraprofessionals and/or teacher aids are hired under different hiring practices, many are volunteers and many work on an "as-needed" basis. These differences would make it difficult to place paraprofessionals or other teachers' aids under a Professional Negotiations Act.

We are also opposed to the bill because of the definition of paraprofessional employee. The definition under Paragraph d of the bill provides that a paraprofessional is a person employed by the board for the assistance or support of certified personnel. Creative minds may

well argue that bus drivers, cooks, custodians, secretaries and a variety of other support personnel within the unified school district are there for the assistance and support of persons employed by the board in positions which require a certificate issued by the State Board of Education.

Finally, if the paraprofessionals or other noncertified employees of the school district wish to organize and be recognized as a bargaining unit, they have the right to seek such recognition under current law as set forth in the Public Employer/Employee's Relations Act.

For the reasons stated above, we remain opposed to H.B. 2815.

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## HB 2815

Testimony presented before the House Committee on Education  
by Charles L. "Chuck" Stuart, Legislative Liaison  
United School Administrators of Kansas

February 13, 1990

Mister Chairman and members of the committee, I am Chuck Stuart representing the United School Administrators of Kansas. Our membership is opposed to the provisions of HB 2815 for several reasons. First of all we are opposed to the addition of paraprofessionals to the definition of "professional employee" in the law. Currently, "professional employees" hired by school districts have the benefit of teacher certificates, which carry with them some indication of competence. While paraprofessionals must update skills through class work or in-service programs, there is no certificate at initial hiring which indicates potential competence.

Many school districts hire paraprofessionals only after the school year has begun and after the specific need is known. Likewise, in many cases paraprofessionals are used in one on one situations with handicapped students, and if that student leaves the district, the paraprofessional is no longer needed. Including paraprofessionals under the definition of "professional employee" with full due-process rights now afforded teachers would seriously impede the flexibility required to efficiently serve special students.

In recent conversations with school superintendents and special education directors, we have learned that current flexibility allows schools to respond to specific needs of special students through the use of paraprofessionals in ways which may well be jeopardized should that flexibility be removed.

Our second concern is that if schools and special education cooperatives are forced to consider time definitions under the terms and conditions of employment for paraprofessionals as is now the case with certified teachers, the cost of special education could rise significantly.

For the probable loss in flexibility and the possible increase in costs we oppose the provisions of HB 2815 and ask that you report it unfavorably. Thank you for this opportunity to express our concerns.

*Attachment 7  
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