

Approved March 16 1992
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~xxx~~/p.m. on Tuesday, March 3, 1992 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Revisor of Statutes
Mr. Dale Dennis, Assistant Commissioner of Education
Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

SB 730 - Concerning the teaching profession; establishing a professional teaching board.

Opponents:

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

SB 747 - Concerning teachers; relating to nonrenewal or termination of contracts of employment; requiring adoption of professional improvement policies by boards.

Proponents:

Senator Dave Kerr, sponsor of SB 747

Ms. Cynthia Lutz Kelly, Deputy General Counsel, Kansas Association of School Boards

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

Superintendent Earl Guiot, Halstead, USD 440, Harvey County

Dr. Gary Reynolds, Superintendent, Clearwater, USD 264, Sedgwick County

Dr. Bill Griffin, President, Allen County Community College

Dr. John K. Burke, Superintendent, Valley Falls, USD 338, Jefferson County

Ms. Helen Stephens, Blue Valley School District, USD 229

Dr. William Wojciechowski, President, Pratt Community College (written testimony only)

Dr. Edward E. Berger, President, Hutchinson Community College (written testimony only)

Opponents:

Dr. Edith Jones, faculty member, Garden City Community College

Mr. Dwane DeWeese, instructor, Pratt Community College/Area Vocational School representing the Pratt Higher Education Association

Mr. Dave Roos, tenured faculty member, Allen County Community College; campus representative to the Kansas Association of Community Colleges

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

SB 730 - Concerning the teaching profession; establishing a professional teaching board.

After calling the meeting to order, Chairman Joseph J. Harder announced that the Committee would continue its hearing on SB 730 due to lack of time yesterday. The Chairman recognized Mr. Gerald W. Henderson, Executive Director, United School Administrators of Kansas, opponent of SB 730. (Attachment 1) Mr. Henderson differentiated teachers and teacher administrators from other professionals in that they work for the public and should be responsible to the public. The current system, he noted, allows for both teachers and administrators to be evaluated and employed by locally elected public boards of education and to be licensed by and responsible to a publicly elected State Board of Education. He recommended that the present system be continued.

Hearing no further requests by conferees, the Chair announced that the

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 123-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Tuesday, March 3, 1992

hearing on SB 730 is concluded and that the bill will be taken under advisement for Committee discussion in the very near future.

The Chair reverted Committee attention to SB 731, relating to revenue bonds, and noted the urgency attached to passage of this bill. The Chair entertained a motion to amend SB 731 by changing the effective date from publication in the statute book to publication in the Kansas Register.

Senator Webb moved, and Senator Karr seconded the motion to strike, on page 3, line 6, "statute book", and insert in lieu thereof, "Kansas Register". The motion carried, and the amendment was adopted.

Senator Webb moved, and Senator Frahm seconded the motion to recommend SB 731, as amended, favorably for passage. The motion carried.

SB 747 - Concerning teachers; relating to nonrenewal or termination of contracts of employment; requiring adoption of professional improvement policies by boards.

The Chair directed Committee attention to SB 747 and recognized the sponsor of the bill, Senator Dave Kerr.

Senator Kerr affirmed that Kansans perceive the existence of a problem when "some teachers remain in the classroom despite the absence of favorable academic outcomes by the students". Senator Kerr said administrators, in response to this situation, often point to the Kansas due process law as the cause of the problem; and they are reluctant to proceed with any action due to cost in both time and dollars. On the other hand, he said, KNEA has come before this Committee many times describing the present system as simplicity itself. Senator Kerr asserted that SB 747 tries to move beyond "fixing the blame" and concentrates on "fixing the problem". He described SB 747 as a sincere attempt to ensure improved quality of instruction in our schools. After stating that he had received a great deal of help from Ms. Cindy Kelly in composing the bill, he gave the floor to Ms. Kelly, an attorney with the Kansas Association of School Boards, who explained the details of SB 747.

The testimony presented by Ms. Cynthia Lutz Kelly is found in Attachment 2.

Following testimony by Ms. Kelly, the Chair announced that due to the number of conferees wishing to be heard, he would defer questions until a later time.

Mr. Gerald W. Henderson, Executive Director, United School Administrators of Kansas, stated that his main purpose today is to illustrate some of the problems associated with the present formal due process system. (Attachment 3) The focus of his testimony related to a teacher having to earn tenure rather than having such tenure come automatically.

Superintendent Earl Guiot, Halstead-Bentley, USD 440, a proponent, described the experience of his district in a reduction-in-force case which began in 1986 and did not conclude until 1989. (Attachment 4)

The superintendent of schools at Clearwater, Dr. Gary Reynolds, testifying in support of SB 747, related his district's experience in non-renewing a tenured teacher and described teacher tenure as one of the greatest impediments to education. (Attachment 5)

Also supporting SB 747 was Dr. W. A. Griffin, Jr., Allen County Community College president. Dr. Griffin's reasons for supporting SB 747 are listed in his testimony found in Attachment 6.

Superintendent John K. Burke, Valley Falls, stated that "the easiest and best way to improve schools is to improve the teachers". SB 747, he said,

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MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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"adds a focus on teacher improvement". (Attachment 7)

Ms. Helen Stephens stated that the Blue Valley School District, USD 229, strongly supports passage of SB 747. She related that a USD 229 task force is working in the direction of outcomes-based performance, and she is very supportive of the concepts contained in SB 747. (Attachment 8)

Senator Kerr said that many states are considering tenure reform, and he felt the Kansas public is well aware of such a need. He reported that in a recent survey which he conducted in his district 87% of the respondents said a change in this area is needed. The comment section, he continued, indicated that teachers were included among the respondents. Senator Kerr stated that when due process law was implemented in Kansas school districts, it reflected only half the law of higher education; the half that requires tenure to be earned was omitted. SB 747, he said, would correct this situation. Senator Kerr related that SB 747 is not intended to make it appreciably easier to fire teachers, nor is it intended to make less work for superintendents and principals; but it would be work targeted for improving the instruction capabilities of individual teachers. He referred to page 8, lines 18-22, which, he said, describe the teacher improvement plan and the procedures for evaluating that teacher effectively. SB 747, he said, affirms the strong language contained in Judge Bullock's opinion: Kids are at the center of the education process, and all other stakeholders (teachers, administrators, parents, taxpayers, etc.) take a secondary role to kids. Senator Kerr also cited SB 747 as having significant advantages for teachers and said it would allow many teachers who might be discharged before receiving their fourth year contract to work towards a successful career in teaching. Senator Kerr urged the Committee to recommend SB 747 favorably for passage.

Written testimony only in support of SB 747 was submitted by Dr. William Wojciechowski, president, Pratt Community College (Attachment 9); and Dr. Edward E. Berger, president, Hutchinson Community College (Attachment 10).

The Chair recognized the first opponent of SB 747, Dr. Edith Jones, faculty member at Garden City Community College. Dr. Jones stated that "being on probation for six years is not a comfortable way in which one can expedite student thinking with regard to changing ideas and challenging issues". (Attachment 11)

Also opposing SB 747 was Mr. Dwane DeWeese, a faculty member at Pratt Community College/Area Vocational School. Mr. DeWeese stated that three years is ample time for the administration to decide if a teacher has the qualifications necessary to become a permanent member of the faculty. (Attachment 12)

A full-time tenured faculty member at Allen County Community College, Mr. Dave Roos, opposed passage of SB 747. He pointed out that changes in the administration could disrupt the process of becoming a tenured teacher. (Attachment 13)

On behalf of the Kansas National Education Association, Mr. Craig Grant stated that KNEA continues to support the due process procedures agreed upon in the amendments to SB 109. He stated that SB 747 runs contrary to the agreement reached between KNEA and the Kansas Association of School Boards. (Attachment 14)

The Chair thanked the conferees who presented testimony and adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Tuesday, March 3, 1992

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Bill Beckerman	Chilerington High School	Page
Holly A. Mikkonen	Herington High School	Page
Ryle Corman	Dorsey Middle School	Page
Indy Kelly	Topeka	KASB
Carla D Cook	Eureka	KNEA
Jean Snyder	Eureka	KNEA
Jenny White	Wichita	Rose Hill EA
Nancy Higgins	Whitewater	KNEA
Robert H. Huber	Whitewater	K-NEA
Debra Huffman	Deaton	KNEA
Mary Olson	Linnville	KNEA
Harold Pitts	Topeka	AARP-COTF
BILL GRIFFIN	ToLA	ACCE
Rob Bieker	Topeka	KSDE
Nancy P. Green	Topeka	KSDE
Janice Adams	El Dorado K.	KNEA
Brenda West	Rose Hill, KS	KNEA
Mark Tallman	Topeka	KASB
Kay Allen	Topeka	KNEA
Craig Grant	Topeka	KNEA
James N. Reeves	El Dorado H.S.	El Dorado - NEA
Jacque Oakes	Topeka	SQE
John Burke	Valley Falls	USD 338

SENATE EDUCATION COMMITTEE

TIME: 1:30 pm PLACE: 123-S DATE: March 3, 1992

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Earl Lysiot	Halstead	USD 440
Gerald Henderson	Topeka	USD # 364
Gary Reynolds	Clearwater	USD # 364
Danell Seneff	Cuba, Ks	USD 455
Nichelle Stanger	Cassoday, KS	USD 375
Lila Lezer	Wichita, Ks	USD 375
Connie Shueell	Topeka	St. Bon. of Ed.
Marty Shongan	Kiowa, Ks	USD 255
Robin Nichols	Wichita	USD 259
Roy & Leberta Paslay	Topeka	visitors
Frank & Norma Carlson	Cambridge, Minn	"
Dave Rose	Topeka, KS	ALLEN COUNTY C.C. USD 257
Edna Jones	Garden City, Ks.	Garden City Comm. College
Sharon Kellum	Pratt Com. College, Pratt Ks	Pratt Community Col / All.
Merle Hise	Topeka	KACC
Denise Aft	"	USD 500
Bruce Gooden	"	KNEA
Chuck Tilma	Topeka	KNEA
Peggy Craig	Winfield	USD 465
Diane Howard Freeman	Winfield	USD 465
Nancy Gubline	Winfield	USD 465
H. S. Johnson	Wichita, USD # 375	
Jan Fry	El Dorado	KNEA - USD # 490
Wm. Godwin	Lanham	D. Kerr

<u>Name</u>	<u>Address</u>	<u>Organization</u>
Jeff Wagaman	senate staff	Ks. Senate
Marcia Seaton	Benton, Ks.	U.S.D. #375
Nelen Stephenson	Topeka	USD #229
Jeri A. Turner	El Dorado	U.S.D #375
Alonda Fleming	El Dorado	USD 490



SB 730

March 2, 1992

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

Mister Chairman and Members of the Committee:

United School Administrators of Kansas rises in opposition to **SB 730**. While we agree with the language of the bill which would designate teaching as a profession, we have concerns that the major provisions of the bill remove some important checks and balances contained under current regulations for teacher certification (licensure).

The current Teacher and Administrator Standards Advisory Board, composed of teachers, administrators, and professors of education, has as its task the recommendation of certification standards to the State Board of Education. The State Board then grants teacher and administrator certificates (licenses) to persons who have completed programs approved by the State Board. In our judgement, it is this system of **program approval** which has caused difficulty for both teachers and administrators.

You have undoubtedly heard some of the stories concerning the disparity between schools of education on the number of college hours need to fulfill a particular licensure requirement. We suggest that if program approval is the source of the problems which prompted this bill, then correct those problems. Don't throw out the entire system.

We are also frankly concerned that the system proposed in **SB 730** has the potential of placing the entire program of teacher licensing in the hands of the employees themselves. The **Professional Teaching Board** created in this bill would:

1. Set licensure standards
2. Grant the license
3. Set the fee for such license
4. Discipline any infractions under the system

Under current regulations, the State Board of Education is the licensing agency, with the two advisory boards charged with making recommendations on standards and on disciplinary measures. We believe that this system with its inherent checks and balances should be continued. Under current regulations teachers, administrators and college professors of education must agree on a recommendation to the State Board. Then before changes can be made, new regulations must withstand the process of public hearing and debate before the State Board.

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SB 730 would require the establishment of an entirely new bureaucracy. If such a new agency is needed, and we do not believe it is, then at least we should tie such action to the process now underway in Kansas to define what we want from our schools. If we can agree on what we want kids to know, be able to do, and in fact be like, then it follows that we can agree on the knowledge and skills required of teachers and administrators. The same **outcomes** model should be applicable to both areas: student graduation and professional educator licensure.

We believe **SB 730** has the potential of creating more problems than it proposes to solve. We urge you to recommend the bill unfavorably.

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TESTIMONY ON SENATE BILL 747
before the
Senate Education Committee

by

Cynthia Lutz Kelly, Deputy General Counsel
Kansas Association of School Boards

Mr. Chairman, members of the committee, on behalf of our member boards, thank you for the opportunity to speak in strong support of Senate Bill 747.

Senate Bill 747 changes definitions and procedures under the Kansas Due Process Procedures Act in a manner which is designed to encourage teacher growth and improvement. The bill would create three categories of teachers and define due process rights for each of those classifications:

- 1) "Probationary teachers" are those who have completed less than three consecutive years of teaching in a district. As under current law, these teachers would have no statutorily prescribed due process rights.
- 2) "Continuing teachers" are those who have completed three or more years of teaching in a district. These teachers would fully retain the right to due process based on longevity that they currently have with three procedural changes: a) the right to take depositions of witnesses is eliminated; b) the hearing would be before the board; and c) the time period for holding the hearing is shortened. This proce-

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dure will result in speedier and less costly hearings, while still ensuring that dismissals are not arbitrary. This procedure would not be effective until 1996, allowing current continuing teachers time to achieve tenure.

3) "Career teachers" are those continuing teachers who are granted tenure by a board of education after completing a three year plan for professional improvement. Career teachers would be entitled to greater due process rights than teachers currently enjoy: they could be terminated only for statutorily prescribed reasons, and would have to be placed on a plan of improvement for at least 90 days if a recommended nonrenewal or termination was for reasons related to teaching performance. We would recommend that the due process procedures in Sections 8 and 9 of this bill be amended to reflect the procedures adopted by this committee in SB 109, but otherwise strongly support the procedural changes contained in SB 747.

The most significant portion of SB 747 is found in New Sections 10-12. These sections require boards of education, in cooperation with teachers and administrators, to adopt professional improvement policies for the district which would have to contain the following elements:

- 1) Procedures for selecting the professional improvement panel, a panel consisting of an equal number of teachers and administrators, which would be responsible for selecting and assigning "consulting teachers," for granting or denying applications for tenure, and for making tenure recommendations to the board.
- 2) Procedures for selecting and assigning "consulting teachers," who would be involved in:
 - a) peer evaluation of teachers seeking tenure,
 - b) assisting teachers identified as teachers in need of intervention,

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and c) assisting probationary teachers with professional growth and development.

3) Procedures for a continuing teacher to apply for tenure. This procedure would have to contain the elements prescribed in New Section 12(d) and would have to comply with the procedure set forth in New Section 10.

4) Procedures for identifying teachers in need of intervention and for providing them with administrative and peer assistance;

5) Procedures for assisting probationary teachers with professional growth and development.

In all stages, peer evaluation and assistance would supplement administrative efforts to improve teaching in a school district. No teacher would be required to seek career status, but enhanced due process rights and a required pay differential for career status teachers are included in the bill as incentives to encourage professional growth and improvement.

At the K-12 level, in Kansas and other states, due process protections have been granted based on longevity, not excellence in teaching. SB 747 does not fully reverse that trend, but it does return performance to the tenure decision, and allows a board of education adequate time and information with which to make a reasoned decision.

Substantive school reform cannot occur simply through requiring more of students, administrators, boards and school districts without involving teachers in the equation. SB 747 provides the incentives necessary to ensure that instructional effectiveness is an integral part of efforts at educational reform.

We strongly urge you to recommend SB 747 favorably for passage.

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SB 747

March 3, 1992

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

Mister Chairman and Members of the Committee:

United School Administrators of Kansas rises in support of **SB 747**. We believe that the system outlined in the bill which requires a teacher to earn tenure rather than having such status come automatically as the result of time spent is appropriate. The formal due process procedures granted to teachers after three years in a district causes my members to ask but one question before recommending to boards of education that a teacher be granted a fourth contract. "Can I do better?"

The amount of time and resources required to prepare for the formal due process procedure dictates that this question be asked. Removing a tenured teacher is an arduous task at best. One principal I visited with claimed that the time spent documenting the inappropriate teaching behavior of a tenured teacher would likely be in excess of a hundred hours over an eighteen month period. Two of my members, Dr. Gary Reynolds of Clearwater, and Mr. Earl Guiot of Halstead are here to testify to both the time and expense required to remove a tenured teacher.

It is our belief that while this bill with its required improvement plan leading to possible tenure will cause added work for building principals, such work will lead to improved instruction in a proactive rather than a reactive manner. We urge your favorable consideration of this change from automatic to earned tenure for Kansas teachers.

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Comments for the Senate Education Committee, to be delivered March 3, 1992, in Topeka:

I am Earl Guiot, Superintendent of Schools, Unified School District No. 440 of Halstead-Bentley. I want to thank you for the opportunity to appear before this committee and speak in favor of relaxation of the stringent tenure laws that affect education. I hope to tell you the experience of our district in a RIF case which began in 1986 and did not conclude until 1989.

A brief history of the time-line is that the Board, in March of 1986, decided they would reduce staff in the area of Industrial Education. In November of '86, we had the panel hearing, in February of '87, we received the decision from the Hearing Committee. It was appealed to the District Court, and was heard in the District Court in December of '87. The decision from the District court was received in January of '88; the case by-passed the Appellate Court because both parties agreed that whatever the decision, they would appeal it to the Supreme Court. It finally concluded in April, 1989. So from March of '86 to April of '89 is the length of time that was involved.

This should not have been a complicated course of action because it was merely a reduction in force--it was not officially a non-renewal of a tenured teacher. But, with the present tenure laws, it was extremely complicated and was extremely costly. It was extremely costly in terms of money to the district and in terms of time to the district. In the area of time, I don't have the exact hours, but over a three-year period of time, the administrator time, Board of Education time--how long does it take to build a file of this size? I don't know--more than I had to put into it. But it was of high priority and needed to be done.

In dollar cost, we spent more than \$40,000 in attorney's fees, deposition fees and hearing panel members fees and court recorder fees. And that doesn't include transportation and all that other expense that was incurred.

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That's the story I have from experience. Here is the belief that I have that the tenure law needs changing. Presently, after three years, you get that contract for the fourth year, you automatically have tenure. That creates some dilemmas, and there are two schools of thought. One says, "You know, if that teacher will ever make it, you keep them, and we'll work with them". The other says, "If that teacher isn't perfect and you don't want to have him or her for the rest of your life, you send him or her on". Well, I previously was of the first kind, and now I'm of the second kind. If we don't want to be married to them forever, they better hit the road. And that's not fair! Because there are some teachers who could be excellent teachers when given more time. Some given more time turned out to be excellent teachers. That's a chance you can't take.

We all need to improve, and sometimes when teachers get tenured, they don't work to improve. People say, "Oh, we have an evaluation system, my gosh, we can evaluate those people out". I share with you, if you want to take years and years to do it and spend at least \$40,000, maybe you can. The evaluation system is operated by administrators who are badly overworked, legal fees and specialist fees are supposedly supported from badly under-funded budgets. Members of the professional teachers' association are provided counsel at no cost to them. These are counselors who specialize in this kind of activity; so what happens is that most districts don't go for removal. Most districts don't want to have the exposure in time and exposure in money to go through a termination. It's easier to say, "Well, they're not too bad, they might improve; nobody's perfect"--those kinds of things are found being said.

So who are the losers in this situation? The losers are the students. The losers are the good teachers. I have never understood why good teachers want to pay dues to an organization when one of their primary goals in life is to keep bad teachers from being non-renewed. The losers are the patrons of the community

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the taxpayers of the district. Everyone seems to feel the need to choose sides, both among the staff and the community. The loser is society in general when we do not have the best possible teachers in the classroom. There are a lot of good young teachers who can't get a job because positions are filled by marginal teachers. Granted not many, but if there is one, that's one too many! If your son or daughter or grandson or granddaughter is in that class, they might just as well all be that way. One is too many. The good teachers do not need a tenure law.

I thank you for your time and attention and hope you will work to improve this situation. Thank you.

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Mr. Chairman and members of the committee, my name is Gary Reynolds, Superintendent of Schools in Clearwater, Ks. Clearwater is approximately 15 miles southwest of Wichita. We have an enrollment of 1070 students with 72 certified teachers.

I am here to testify in support of SB #747. Our experience the past 2 years in non-renewing a tenured teacher has become a nightmare of delays, emotional distress, and financial spending.

In April 1990, the board of education voted to non-renew a tenured teacher. The teacher requested a hearing and the hearing was scheduled for September 1990. The hearing was postponed. In December of 1990 the teacher representative on the hearing panel was changed. Finally the hearing panel met on July 25, August 7, and September 16, 1991, to address the non-renewal issue. Today is March 3, almost 2 full years since the non-renewal was initiated and we are still awaiting a decision from the hearing panel.

This has become quite an emotional issue due to the delays involved, the length of time it has taken to plod through the process, and the fact that the spouse of the teacher who was non-renewed also teaches in the same school district.

To date we have paid \$16,800 in legal fees and have yet to receive a decision from the hearing panel. This \$16,800 does not include clerical time, pay for substitute teachers who covered classes for teachers who were called to testify at the hearing, costs associated with the hearing process, administrative time in preparing for the hearing, and possible settlement costs and/or appeal costs.

One of the greatest impediments to education is teacher tenure. SB #747 provides a much better approach to the tenure question by extending the time required to reach tenure, yet providing a measure of security for teachers.

Extending the number of years from 3 to 5 would provide building level administrators more time to adequately assess the abilities of teachers and provide assistance in improving the instructional techniques of certified staff members. As it stands now we find at the end of 3 years of teacher supervision and evaluation that some of the teachers are too poor to keep yet too good to let go. This dilemma would be addressed positively by increasing the tenure timeline from 3 years to 5 years.

I support the provisions of SB #747 and ask that you give the bill serious consideration.

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Allen County Community College
1801 N. Cottonwood
Iola, KS 66749-1698
(316) 365-5116



W.A. Griffin, Jr., Ed.D
President

Senate Bill No. 747
Testimony As A Proponent
Dr. W.A. Griffin, Jr.
President
Allen County Community College

Members of the Senate Committee on Education:

I address you today requesting your serious consideration to this bill. I also would like to state that I believe in tenure for faculty members as I have seen the abuses faculty can be subjected to without it. I also offer this testimony as SB 747 affects community colleges, not AVTS's or USD's.

I support Senate Bill 747 for the following reasons and ask the committee to pass it on:

1. It clearly defines a teacher as a teacher. I see no other professional employee covered by the bill...i.e. counselors or librarians.
2. It clearly establishes a procedure for reaching the point of tenure and in developing excellent faculty with planning and a means of getting to that point.
3. It increases the length of time to make the continuing contract a binding tenure. I may believe that I know a good teacher when I see one in just a few minutes but frankly that is a purely subjective judgment. The expanded length of time will allow administrators and faculty peers to make better judgments with more objective data.
4. It will put community colleges in a similar track with the Kansas universities in granting continuing contracts for faculty.

"A Touch of Kansas Class"

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The procedure is appropriate and will lead to better decisions on granting continuing contracts to faculty. I urge the committee to pass on the bill.

I respect those that speak in opposition of the bill, however, I sincerely believe the passage of the bill is actually fairer to faculty than the current system.

I thank the committee for the opportunity to speak in favor of Senate Bill 747.

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TESTIMONY OF JOHN K. BURKE, Ph.D.
SUPERINTENDENT OF SCHOOLS
USD 338
CONCERNING

SENATE BILL No. 747

By way of introduction, I am currently Superintendent of Schools in USD 338, Valley Falls. I have served as a school administrator for the last twelve years, the last seven as a superintendent. It is my belief that Senate Bill 747 offers teachers, students and administrators a better opportunity to improve instruction than current legislation.

Each year thousands of teachers receive evaluations concerning their professional performance and continued employment. Some of these evaluations result in the nonrenewal of tenured and non-tenured teachers. In fact, a November 1991 publication of the Kansas Association of School Boards indicates that during the 1990-91 school year the contracts of 109 nontenured teachers were nonrenewed, the contracts of 23 tenured teachers were nonrenewed, and 137 teachers resigned when they were informed that their contract would not be renewed. These proceedings are never pleasant and possibly could be avoided with passage of this legislation.

Many of our school districts are recognizing the need to change and restructure schools as we know them. Organizational psychologist, Judith Bardwick, in her recent book, Danger in the Comfort Zone, has stated that this

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change process takes from three to five years to complete. It only makes sense that an organized, collegial effort focused on instructional improvement would be beneficial to the change process.

The field of cognitive psychology has recently experienced tremendous growth. Our understanding of teaching and learning has never been greater. Two books, both by Howard Gardner, underscore this point. In 1983, Gardner published Frames of Mind: The Theory of Multiple Intelligences which promotes a very different perspective on human intelligence. Teachers and schools have not begun to implement the evidence presented in this book into the schools. More recently, Gardner has published a book entitled, The Unschooled Mind, in which he promotes a more effective way for teachers to teach. These two sources provide a new and improved way of looking at intelligence and learning. If our schools are to improve, our teachers must be encouraged to continue to learn all they can about how children learn. The easiest and best way to improve schools is to improve the teachers. This plan adds a focus on teacher improvement.

The addition of the continuing teacher and career teacher categories in this legislation would offer the teacher and administrator more time to work together. The three-year action plan of improvement that would be developed by the teacher and the administrator would provide a close working relationship for both parties. The

monitoring of the action plan by the supervisor and at least one consulting teacher would provide opportunities for peer coaching and mentoring for the continuing teacher. The assessment of the teacher's effectiveness through student achievement of curriculum outcomes and other measures would add relevant objective accountability to the process. The addition of the professional improvement panel, that would make recommendations to the local board of education concerning tenure, is a welcome step towards more teacher input into the objectivity of the tenure process. These changes would improve the employment for teachers and provide opportunities for real school improvement.

In summary, this plan adds emphasis to teacher empowerment, staff development, objective assessment, peer coaching, mentoring, allowing for more time for a decision to be made concerning tenure, and the addition of better compensation as a reward for career teacher status. It is legislation that will go a long way towards improving education in Kansas.

BLUE VALLEY U.S.D. 229
Overland Park, Kansas
by
Helen Stephens

Mr. Chairman and Members of the Committee:

We are here to lend our support to SB 747.

We believe the concepts put forth go hand in hand with the QPA and education reform in Kansas. We in Blue Valley have implemented similar provisions of SB 747 and believe this is in the best interest of children and teachers.

We urge the committees favorable consideration of SB 747.

Thank you for the opportunity to speak to you today.

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Testimony of Dr. William A. Wojciechowski, President

Pratt Community College/Area Vocational School

In Favor of Senate Bill 747

Mr. Chairman and distinguished members of the Education Committee. I am here to voice my opinion in favor of this proposed legislation which I believe is long overdue in this state. First, I would like to put the term "tenure" - which is the result of the continuing contract law - into some historical perspective. Tenure is a form of job protection which was devised around the turn of the century as a means of protecting the academic freedom of the teachers in the classroom. It came as a result of the prohibition of teachers to deal with sensitive subjects in the classroom. The Theory of Evolution is an example. In public education, tenure evolved as a means of protecting teachers from indiscriminate firing or layoffs simply to replace that teacher with a person at the lower end of the salary scale as a means of saving money. Today, tenure serves neither of those purposes. Boards and administrations are more responsible and are held accountable for their actions, and teachers are afforded due process. But, like so many other traditions, tenure is here to stay. The period leading up to tenure serves more importance than the concept itself;

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and that is what this proposed legislation really addresses. The years leading to a permanent contract are very important because they allow for the evaluation of the competency of that teacher after a period of observation, gathering data on the outcomes of what has been taught, and assessing the overall worth of that teacher in terms of his/her performance and support for the goals and objectives of the institution. The time period allowed under present law, i.e., three years or at the fourth contract, is not enough to allow for such a crucial decision. And, that decision is crucial because, in effect, it virtually guarantees employment which can only be discontinued after lengthy observations, data gathering, hearings, appeals, and the list goes on. Today, teaching and learning are more complex processes than they were years ago. Subject matter has changed considerably; the means by which that subject matter is delivered have changed considerably not only because of sophisticated technology but also because we know more about how people learn. The sophisticated theory about left and right brain capabilities and the systems approach to learning are just two cases in point. Because of the increased complexity of both teaching and learning, administrators must take more time to evaluate teachers to assure themselves not only of the subject matter expertise

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but also on that teacher's understanding and application of learning theories and delivery methods. It takes considerably more than one classroom observation a year or a semester to accomplish this. At Pratt Community College/Area Vocational School for example, our instructional deans supervise approximately 20 teachers each as just one of a myriad of administrative duties. Our management philosophy focuses on inservice education and training as a means of improvement because we believe we have a responsibility to our teachers to help them improve. The proposed legislation allows for sufficient time to render effective evaluations, to work with the teacher to improve where necessary, and then to evaluate the outcomes of that process. With the requirement of student outcomes assessment as a criterion for accreditation, community colleges must now begin to track students and student data to determine the effects of the teaching-learning process in terms of the institution's objectives. This process assures the student that he/she is getting the education they have contracted for, but it will also provide an added means for measuring the performance of the teacher in the classroom and laboratory. However, the process requires that we track students and student data for up to two years after they leave our institution. It's a complex process that

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two years after they leave our institution. It's a complex process that takes time. The proposed legislation gives us this time. The new Section 10 is, in effect, the type of tenure policy followed by the vast majority of four year colleges and universities, i.e., tenure not being granted until the seventh contract is offered and signed. This, I believe, is essential for community colleges. We are institutions of higher education, and we should operate under policies generic to those kinds of institutions. Finally, I believe the new legislation is added protection for the teachers themselves. Because of the complexity in teaching and learning I discussed earlier and because of the limited evaluation time we now have, more administrators cannot give teachers who are having some difficulties the benefit of the doubt. It's the old cliché of "It's better to be safe than be sorry." It's better to let the teacher go than take the chance that the teacher's performance is likely to improve. The new legislation allows for that time and, in effect, the additional time is a form of protection. Subject matter sophistication, the psychology of learning, complex technology, sophisticated delivery methods, continued accreditation, assured accountability, and thorough evaluation -- I see all of these being considered and accommodated as a result of the passage of this legislation.

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Hutchinson Community College

February 28, 1992

OFFICE OF THE PRESIDENT

Dave Kerr, Senator
Thirty-fourth District
State Capitol, Room 120-S
Topeka, Kansas 66612-1594

Dear Senator Kerr:

I am writing in support of Senate Bill 747 which revolutionizes the continuing contract process for faculty members. The advantages of the bill are that it provides the faculty member the security of being a "Continuing Teacher" at the end of three years and an action plan for teachers to strive toward before becoming "Career Teachers" and then receiving tenure.

Three years of teaching does not seem to be an adequate period of time for all teachers to attain the status of lifelong tenure. The extended time frame described in the legislation would make the tenure experience more comparable to that of a university setting. The progress evaluation is something that would be helpful and allow for on going improvement. The recognition of the designation of career teacher would be even more significant because of the pay differential that it provides.

One of the down sides of the current continuing contract law is that an instructor who may be improving, but not yet be to the expected level for a tenured faculty member, will not be renewed at the end of a three year period because it would automatically signify tenure. Nonrenewal is the option used because of the commitment made to a teacher that has not achieved, but perhaps has potential to become a good instructor. The bill has the potential for improving the quality of instruction while mandating administration to provide opportunities for faculty career growth.

I will be out of state February 29 through March 4 but am interested in the progress of this legislation.

Sincerely,

Edward E. Berger
President

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DATE: March 3, 1992

TO: Senate Committee on Education Members

FROM: Edith Jones, Instructor
Garden City Community College

RE: Opposition to SB 747

As a faculty member at Garden City Community College for 17 years, I am concerned about the ramifications suggested in SB 747. I consider teaching an extremely important profession and would suggest that "teaching" is not a genetic predisposition. I would also maintain that educational institutions should be in the business of assisting educators in becoming more competent in the execution of their teaching duties. As a community college faculty person, I maintain that our most important mission is to teach.

On the other hand, I am concerned with the possibility that the suggested bill would prevent individuals from becoming a "career" or true professional for a least six years. I would maintain that in some cases that is MUCH too long. If incompetence can be identified within the present three year probationary period, a plan of action should be developed and when progress has been made, the instructor would be held accountable under continuing contact. But one must remember, administrators still have the responsibility to supervise the quality of that continuing instruction! There is recourse. No, it is not as easy as termination without comment, but it is possible. Evaluation and suggestions for improvement are to be followed. If such improvements are not manifested in faculty, then termination can and must follow. High quality instruction, both in content and method, is much too valuable to disregard following the current three year probationary period.

In addition, I am concerned that academic freedom may certainly be limited by the innuendos of this proposal. Educating students to think is not something that should have to be shadowed for six years! One person or persons (the administration) do not have all the "right" answers! Community college faculty must have the right to challenge thinking and ideas that may not currently be in vogue with administration. That is and will be continually important in a free society! Being on "probation" for six years is not a comfortable way in which one can expedite student thinking with regard to changing ideas and challenging issues. Concurrently, faculty freedom does not end with the classroom but must continue to allow each and every faculty member to raise issues, to explore new ideas and to express personal opinions.

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A related problem, the very real concern at the community college by full-time faculty, is the use, and we suggest over-use, of hourly people to teach classes. How is quality control extended to these individuals? Yes, they are cheaper and economics is an issue at this point in time. No, they do not provide stability to institutions and/or aid in the development of programs and the untapped potential within community colleges. Yes, adjunct faculty do provide the flexibility of hiring when a need is evidenced. Yes, they are a threat to full-time faculty positions. Would we now have to wait for six years to determine if we had some degree of job security? Would a six year probationary period provide the administration with methods of replacing not-so-permanent faculty? Ultimately, full-time faculty could be replaced with a variety of hourly/part-time professionals. Is that or would that become higher quality instruction at the community college? It is maintained that teaching is a profession. Instructors do not just get paid for an hourly job performed but for the additional hours, the creative thinking, the commitment, and the unique expertise each brings to the situation.

The community college and its faculty are in the business of educating a wide variety of individuals, and we must do our job in outstanding ways! These methods are changing and will continue to change as our student body changes. I would agree that methods of encouraging and aiding current probationary teachers to become better at teaching is important. But, why wait until the fourth through sixth years! The teeth is in the law now to eliminate incompetent faculty at a community college. Let it be done!

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Senate Education Committee
Hearing - 1:30 PM, Tuesday, March 3, 1992
123 South Capitol
Topeka, KS

RE: Senate Bill 747

I'm Dwane DeWeese, an instructor of Auto & Diesel Mechanics from Pratt Community College/Area Vocational School. I have taught for 21 years and served on the Board of Trustees for 5 years. Being a representative of Pratt Higher Education Association I'm here today to testify against Senate Bill 747. I don't believe we need to change the law we have on the books currently in force. There are four major points I would like to emphasize today.

A. Three years is ample time for the administration to decide if a teacher has the qualification they are looking for to become a permanent member of their faculty. It's the responsibility of the administration to work with faculty to bring out the faculty members outstanding contributions to the classroom. If the faculty member can't fit in or doesn't have the specific qualities the administration is looking for, they have three years to make that decision.

B. Point two: A faculty member after three years probably has invested into the community, purchased a home, has become a church member, children are enrolled school, participate in sports, and are a part of the total community.

C. Point three: It appears to me this is another way for the administration to get at the teachers in about the fifth year to clean house, hire less qualified, inexperienced and less expensive personnel.

D. It also appears to me that we have very serious financial problems and unemployed people in Kansas today. Our small businesses on main street are having problems with low cash flow in rural America. Thus leading to our small towns vanishing. Our farms are in trouble due to the lack of return on investments. Our schools are in need of some reform. I think it is time to get education back on track rather than worry about Senate Bill 747.

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Testimony on SB 747

Good afternoon.

My name is Dave Roos. I bring a unique perspective to these hearings. I am a full time tenured faculty member at Allen County Community College. I am the campus representative to Kansas Association of Community Colleges, and I am one board member of USD 257. I basically am opposed to this bill for four reasons.

First, as a faculty member I say if it isn't broken, don't fix it. Right now the administrator of faculty has, by law, five visitations and counseling sessions with a new faculty before there is a need to make a recommendation for tenure. Since the colleges that I am familiar with strive to hire fair minded and professional administrators I believe that five classroom visitations with formal meetings after each should be enough to determine whether the new person has the knowledge, can develop the teaching skills, and has a personality that fits into the community college mission. I fail to see what is gained by adding three additional years. Most of the community college teachers are not first year teachers fresh out of university with nothing but graduate assistant teaching as experience. What would be added and by whom?

Second, speaking as a faculty from a small institution, I ask the question, "What is the likelihood that the Dean of Faculty who begins the process is the one that recommends the tenure?" Over the past six years we have had two presidents and three Dean of Faculty. Under this bill, a new faculty six years ago could have had three different development plans under three different deans each of which could have different ideas about what is needed to create a good faculty member. I suggest the value of staff development would lie in the fact the Dean should know the needs of these faculty and can assist them in fulfilling those needs.

Third, you are talking about six years of an instructor's life. Should at the end of six years the faculty member not be given advanced status, and that is possible since there is a fiscal note attached, what then? I see nothing in this bill like due process that allows the faculty member any recourse should "career" status not be given. All I see is that they could try again year after year. Let us assume that the hiring age of the normal full time Community College faculty is 28 years. Add six and the person is now 34. Let's assume that they now move to another college. They must again start over as I understand the bill. Has that faculty member become less knowledgeable by moving to another campus? Have they suddenly lost their ability to teach by changing campuses? Do they lose their concern for community and mission because they have moved to another community? Yet this law dictates that they would again have to pass through the process to again be certified as "career". And I firmly believe that the huge majority of faculty that I know will want that designation.

A related question is whether the faculty that now has full tenure would essentially go back to year four and have to begin the process of working toward "career". I saw nothing in the bill that would "grandfather" existing faculty into the new level unless

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New Sec. 10 (a) in fact means that. And that is not clear to me and others that I have had read this bill. If that is a "grandfather" clause I would ask that it be made clear. And if this is a "grandfather" clause, how many boards would vote a meaningful salary separation between the designations "continuing" and "career" considering the state wide fiscal note it would carry. (As of now, the community colleges are not even getting supplementary aid for our enrollment increases much less additional funding to finance this increase.) Further, if campuses are on a salary schedule as many are, would an additional column have to be added for this step all along the schedule? If so, again, how would it be funded? Wouldn't this have to be a negotiated item under the negotiations law? In short, why add one more twig to the brush pile when fiscal constraints have already made faculty salaries a difficult and potentially volatile issue?

Finally, I raise the issue of paperwork. If this process is to be meaningful, the Dean of Faculty would have far more extensive files and records to keep. SB 747 is essentially directing an MBO approach. And one of the disadvantages of that management process is the fact that it requires complete documentation every step of the way. As written, this bill would cause the Dean of Faculty, the faculty member and at least one other faculty member acting as mentor, plus the Staff Development Committee, to generate a paper trail certifying the instructor's progress through process.

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KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before
Senate Education Committee
Tuesday, March 3, 1992

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to speak in opposition to SB 747.

Kansas-NEA had hoped that our work--and it was work--to reach an agreement with KASB on SB 109 would bring to a close, for at least awhile, the topic of due process for teachers. However, we see that once again we must build back the barriers which separate us philosophically.

Having been unsuccessful in lengthening the probationary period for teachers in SB 109, we now see that we are faced with a bill which would:

1. Lengthen any probationary status (titled such or in reality such) to a six year minimum;
2. Take away current due process rights for teachers after 1996;
3. Put merit pay in effect for the few teachers who might be granted "tenure"; and
4. In practical terms, close out any possible real due process to a majority to teachers in Kansas.

This new threat to the rights of teachers is couched in the flowery language of a system similar to the university tenure system. As we all realize well, primary and secondary teachers are under much, much greater scrutiny by administration than are their university counterparts. An evaluation statute which requires a minimum of two formal evaluations each year for the first two years plus a minimum of one formal evaluation the third year give the administration ample opportunity to make decisions about the continuation of employment. After that time, all our present law requires is that the Board of Education provide reasons for a termination and have evidence to substantiate those reasons.

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Under SB 747, the Board of Education, when dealing with the employment status of a teacher after six years of service,--or three years in the case of current employee--would make an economic, as well as a procedural, decision. The Board would decide whether it could "afford" the procedural due process and the differential pay.

Our members are not interested in tenure. We continue to request that the due process procedures we agreed to in SB 109 continue to be provided to the teachers. SB 747 is thereby opposed and puts our agreement on SB 109 in jeopardy.

William Shakespeare wrote that "a rose by any other names smells as sweet." We do not believe that SB 747 is a rose, but think perhaps the smell is not what we like. We oppose SB 747. Thank you for listening to our concerns.

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