

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:00 p.m. on February 22, 1995 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Brenda Dunlap, Committee Secretary

Conferees appearing before the committee: Mark Tallman, Kansas Association of School Boards
Susan Chase, Kansas National Education Assoc.

Others attending: See attached list

SB 145 - Professional negotiation, definition of terms and conditions of professional service affected

Ben Barrett briefly explained the bill stating the professional employee appraisal procedure has been stricken from the Professional Negotiation Act.

Mark Tallman, Kansas Association of School Boards, testified in support of the bill. This bill would remove an obstacle confronting school boards in attempting to improve educational accountability by strengthening the ability of local boards to improve employee standards. If school boards are to be held accountable by the State, through accreditation, and by a public which is expecting school improvement, they must be able to set the standards by which their own employees, including teachers, are evaluated. We cannot change schools or raise standards if teacher associations can block those changes through the negotiations process. We do not oppose including those being evaluated in the development of evaluation programs. The state evaluation statute already requires that. But we do oppose requiring boards to bargain over the evaluation process along with economic factors such as wages and benefits. (See Attachment 1)

Susan Chase, Kansas National Education Association, testified in opposition to the bill. According to Kansas Statute 72-9001, "the legislative intent of this act is to provide for a systematic method for improvement of school personnel in their jobs and to improve the educational system of this state." By removing the professional employee from the development of the professional employee appraisal system, the person most responsible for improvement in education is being removed. Professional employees have a great interest in improving their profession. The professional employee appraisal procedures should not be removed to ensure the integrity of the professional evaluation system in this state. (See Attachment 2)

Senator Corbin moved that **SB 145** be passed. The motion failed for lack of a second.

Chair directed the Committee to proceed to the school finance bills that had not yet been acted upon. These are **SB 77, SB 135, SB 144, SB 167** and **SB 179**.

A motion was made by Senator Hensley to incorporate **SB 179** into **SB 189**. The motion was seconded by Senator Langworthy, and the motion carried.

Chair called for further motions regarding these bills. There were none. Chair called for other issues that are contained in school finance that the Committee might want to consider.

A motion was made by Senator Oleen proposing that the school districts be authorized, through a local needs budget, an amount equal to 1% of the State Financial Aid each year, not subject to a protest petition, funded by the ad valorem property tax. The motion was seconded by Senator Downey, and the motion failed.

A motion was made by Senator Oleen proposing that the local option budget protest petition signature requirement be increased from 5% of the electors of a district to 10% of electors of a district. The motion was

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION Room 123-S-Statehouse, at 1:00 p.m. on February 22, 1995.

seconded by senator Downey, and the motion failed.

A motion was made by Senator Downey proposing 1) that BSAPP be increased from \$3,600 to \$3,650; 2) that a correlation weight factor be assigned to school districts having enrollments of 1,850 or more; and 3) that the amendment (adopted 2-20) providing for \$100 per pupil on the unweighted enrollment of school districts, be removed. Senator Langworthy seconded the motion, and the motion carried. Senators Lawrence and Harrington are recorded as voting "no."

A motion was made by Senator Downey proposing that **SB 189** be approved as amended, and be recommended favorably for passage. The motion was seconded by Senator Walker, and the motion carried. Senators Lawrence and Harrington are recorded as voting "no."

There was some Committee discussion of **SB 240**, but there were no motions.

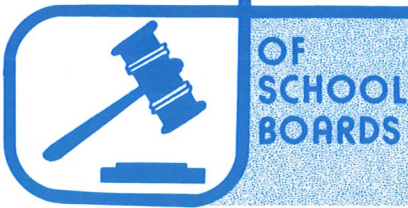
The meeting was adjourned at 1:55 p.m.

The next meeting is scheduled for February 23, 1995.

SENATE EDUCATION COMMITTEE COMMITTEE GUEST LIST

DATE: 2-22-95

NAME	REPRESENTING
Craig Grant	HNFA
Mark Tallman	KASB
Susan Chaw	KNEA
Norm Wilks	KASB
Jim Allena	KEC
Diane Gierstad	USD 259
Ken Bahr	4th Enrollment USD's
Denise Axt	USA
Hershel Bahr	USA
Karen Conklein	Sen. Janis Lee
DON DOESKEN	KOHR - legal
Karen Kanyf	KASB
Matt Propper	Self
Kathy Sexton	Div. of Budget
Patrick Hurley	K-12 Educ. Coalition
Gary Price	USD 460
Bill Munchy	ST BID ED
Chris Burnett	USD 501#
Bart Groering	USD 230



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TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 22, 1995

RE: Testimony on S.B. 145

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today in support of S.B. 145, which was introduced at our request. We believe this bill would remove an obstacle confronting school boards in attempting to improve educational accountability.

Kansas law currently requires that school boards adopt evaluation criteria for all certified employees. We strongly support that provision, and last year, in an effort to strengthen accountability, we proposed a bill to include improvement in student performance as one item boards must consider in evaluating teachers and administrators. After including an amendment proposed by the Kansas-NEA, that bill passed the Legislature.

However, while state law requires that boards adopt evaluation criteria, the Professional Negotiations Act makes "professional employee appraisal procedures" a mandatorily negotiable item. Furthermore, Kansas courts have held that evaluation criteria and procedures are so intertwined that school boards cannot implement changes in criteria without first negotiating changes in procedures.

This issue in this bill is simple: if school boards are to be held accountable by the State, through accreditation, and by a public which is expecting school improvement, they must be able to set the standards by which their own employees, including teachers, are evaluated. We cannot change schools or raise standards if teacher associations can block those changes through the negotiations process.

We do not oppose including those being evaluated in the development of evaluation programs. The state evaluation statute already requires that. But we do oppose requiring boards to bargain over the evaluation process along with economic factors such as wages and benefits. Frankly, why wouldn't any teacher association use board proposed evaluation changes as leverage in bargaining? The union has nothing to lose and everything to gain.

KASB believes that S.B. 145 would strengthen the ability of local boards to improve employee standards. That is a vital step in improving the overall quality of schools.

Thank you for your consideration.

Senate Education
2-22-95
Attachment 1



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

Susan Chase Testimony Before
Senate Education Committee
Wednesday, February 22, 1995

Thank you, Mr. Chairman. I am Susan Chase and I represent the Kansas National Education Association. I appreciate the opportunity to speak with this committee in opposition to SB 145.

Kansas Statute 72-5413 currently includes as a term and condition of professional employee service in negotiations "professional employee appraisal procedures". It is this statement that SB 145 removes from the current statute. Professional employee evaluation is basically broken down into two parts for the purpose of negotiations. One being the criteria used to judge effective practice in simple terms--the "what" part of the process. The second being the procedures used to conduct the evaluation or, in other words, the "How". It is the latter that is negotiated. School districts determine the "what", but must negotiate the "how". The "how" is things such as timelines, number of visits, length of visits, etc.. This gives employees a say in "how the evaluation will be conducted." This is neither unusual nor improper.

According to the Rand Corporation study, "Teacher Evaluation, A Study of Effective Practices" (one of the definitive works done on teacher evaluation), conclusion five states that "Teacher involvement and responsibility improve the quality of teacher evaluation. Recommendation: The school district should involve the teacher organization in the design and oversight of teacher evaluation to ensure its legitimacy, fairness, and effectiveness." The best way to ensure the involvement of the teacher organization is through professional negotiations.

According to Kansas Statute 72-9001 "the legislative intent of this act is to provide for a systematic method for improvement of school personnel in their jobs and to improve the educational system of this state." By removing the professional employee from the development of the professional employee appraisal system, you are removing the person most responsible for improvement in education. Professional employees have a great interest in improving their profession as demonstrated by their work on the Teaching and School Administration Professional Standards Advisory Board and the Professional Practices Commission. This applies also to teachers to work at the local level to develop evaluation procedures that are valid and reliable.

In conclusion, as I looked through the literature on this, every article that addressed the development of evaluation processes stressed the need for the involvement of the employees in the development of the process.

We urge this committee to ensure the integrity of the professional evaluation system in this state by not removing the professional employee appraisal procedures from the Professional Negotiation Act.

Thank you for listening to our concerns.