

Approved: 3-10-97
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 17, 1997 in Room 519-S of the Capitol.

All members were present except:

Representative John Ballou - Excused

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

Conferees appearing before the committee:

Norm Wilks, Kansas Association of School Boards
Craig Grant, Kansas National Education Association
Mark Tallman, Kansas Association of School Boards

Others attending: See attached list

Hearings on **HB 2147 - Teachers & administrators, contract nonrenewal or termination notification dates**, were opened.

Norm Wilks, Kansas Association of School Boards, appeared before the committee as a proponent of the bill. He explained that the proposed bill would fix a possible conflict between the board and the Family Medical Leave Act regarding the nonrenewal of a contract. (Attachment 1)

Craig Grant, Kansas National Education Association, appeared as an opponent of the bill. He told the committee that with the passage of the bill anyone who was on leave could be dismissed for reasons unrelated to the leave and would not know until August 1 that their contract hadn't been renewed. (Attachment 2)

Hearings on **HB 2147** were closed.

Hearings on **HCR 5014 - Resolution directing the State Board of Education to define basic education to determine a suitable funding base**, were opened

Mark Tallman, Kansas Association of School Boards, appeared before the committee as a proponent of the bill with proposed amendments. While KASB supported the concept that the state should fund a basic education they were concerned that the resolution was too narrow. He suggested changing the wording "basic education" to "suitable education". (Attachment 3)

Craig Grant, Kansas National Education Association, appeared as an opponent to the bill. He believes that the State Board has already done what the resolution is requesting. (Attachment 4)

Hearings on **HCR 5014** were closed.

The committee meeting adjourned at 5:30 p.m. The next meeting is scheduled for February 18, 1997.

HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: February 17, 1997

NAME	REPRESENTING
Pat Lehman	Olathe USD 233
NORM WILKS	KASB
Mark Tallman	KASTZ
Katherine Werckle	USA
Brilla Highfill Scott	USA
Herchel Psoer	cit.
Charles T. Powers	CIT
Craig Grant	KNEA
Ken Baker	KACC
Denise Apt	USA
Don Ryan	USD 321
Danielle Nee	Governor's Office
Patricia Buchanan-Sym	Inters - Rep. Carl Holmes
Ann C. Burnett	USD 501 #
Jacquie Oakes	SQE
Diane Gjerstad	Wichita Public Schools
Jim Zorally	Shawnee Mission

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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Testimony on H.B. 2147
before the
House Education Committee

by

Norm Wilks, Director of Labor Relations
Kansas Association of School Boards

February 17, 1997

Mr. Chairman and members of the committee, we appreciate the opportunity to testify in favor of the passage of H.B. 2147.

We requested that the bill be introduced to support a Resolution approved by our 1996 Delegate Assembly. The bill is intended to avoid a potential conflict for boards of education to comply with the continuing contract law and notice of nonrenewal of the state of Kansas and the Family and Medical Leave Act as approved by Congress.

The Family and Medical Leave Act provides that upon return from FMLA leave an employee is entitled to be returned to the same position the employee held when the leave commenced or to an equivalent position. The Act also provides that the rights established by the Act may not be diminished by any employment benefit program or plan. In addition the regulations provide that the employees cannot waive nor may employers induce employees to waive rights under FMLA.

These provisions of FMLA may create a conflict for a board to nonrenew a contract according to the Continuing Contract Law. If an employee is on Family and Medical Leave on the nonrenewal date, can a board nonrenew? The employee on Family and Medical Leave is entitled to return to work. This may invalidate the nonrenewal notice of May 1. At the least a conflict is present.

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The problem also may be increased if the special considerations for instructional employees under FMLA are used. Under such provisions if the leave is to end shortly before the end of a semester, the leave may be extended for the best interest of the students. Such action may also take Family and Medical Leave beyond May 1, depending upon the ending time for school.

The taking of FMLA leave prior to May 1 may occur during a time period when the employee is being evaluated. Therefore, evaluations as required by K.S.A. 72-9001 may not be completed in a timely fashion.

The employee should not be allowed to challenge a nonrenewal based on the effective timing of the Family and Medical Leave period and the employer providing rights as required by federal law. The extension of the nonrenewal date from May 1 to August 1 in only those cases involving Family and Medical Leave will avoid a potential conflict between the two laws.

This issue is fairly technical and we do not anticipate the situation to occur with great frequency but H.B. 2147 should be passed to provide relief in those cases where the problem does occur. We thank you for your attention to this matter.



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

Susan Chase Testimony on HB 2147
before House Education Committee
Monday February 17, 1997

Thank you Mr. Chairman and members of the committee for allowing me to testify. I am Susan Chase and I represent the Kansas National Education Association. KNEA is speaking in opposition to HB 2147.

We oppose HB 2147 for a couple of reasons. Our first concern is that by changing the nonrenewal date for those individuals who have used the Family Medical Leave Act, you are in essence punishing individuals who need to take the leave. With the bill as it is written, a teacher who takes the month of October off to care for an aging parent will not know until August 1 if their contract is being nonrenewed. This is in direct opposition to the intent of the Federal legislation. The intent of the legislation is to provide unpaid leave for those individuals who need to care for a family member who is ill without suffering undue consequences.

Secondly, we believe that this measure is unnecessary. If an individual takes a leave under the Family and Medical Leave Act, then that individual cannot be dismissed for taking the leave. The individual can be dismissed for reasons unrelated to the leave, such as a reduction in force. Therefore a notice of a reduction in force can be done by the May 1 deadline as long as the contract is followed in determining who is to be reduced.

I want to thank you for allowing me to speak. KNEA urges the committee to not pass this bill out favorable.



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 17, 1997

RE: Testimony on H.C.R. 5014 - Definition and Cost of Basic Education

Mr. Chairman, Members of the Committee:

H.C.R. 5014 directs the State Board of Education to define a basic education that Kansas taxpayers should share in funding and to determine a suitable funding base for public school operations.

While we have concerns about the specific wording of this resolution and question whether the State Board can accomplish this responsibility within the time limits specified, KASB does support the concept that the state as a whole should provide funding for a basic education for each child. Our policy states:

The state should determine a base or minimum budget per pupil, which should be adequate to provide a suitable level of funding for all students and districts to achieve expected outcomes, and adjusted annually to reflect changes in costs.

We believe this is what the constitution of our state requires, and we believe it is appropriate public policy even if the constitution does not require it. In a mobile society and integrated economy, the citizens of each community have an interest in the education of every child in the state. No one can say, "it's someone else's responsibility," because the consequences of a poor education - lower productivity, welfare costs, crime - are rarely limited to a single community.

However, we believe that the directions contained in this resolution are too narrow. It appears to only address the cost of academic components in determining a suitable funding base. We believe the cost of education must include at least two other components. First, there is a basic level of health and security that each child requires in order to achieve a suitable education. Schools have been providing these services for decades and we think most Kansans believe this is appropriate. Second, schools must meet a wide range of state and federal mandates. Surely we can agree that those costs which are imposed upon school districts from higher levels of government are part of basic educational costs and are in no sense "local" choices.

We therefore recommend the following amendments to H.C.R. 5014:

First, change the phrase "basic education" to "suitable education" wherever it appears.

Second, on page 2, line 6, after "education" add "and are required by state law or regulation for school accreditation, student graduation, college admission or scholarship eligibility,"

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Third, on page 2, line 9, insert a new paragraph as follows: "Be it further resolved: That the State Board of Education is directed to identify components necessary for the health and safety of each child, such as, but not by way of limitation, school nurses, meal programs and transportation services; and to identify all state and federal mandates which have a fiscal or administrative impact on school district operations, such as, but not by way of limitation, special education services, health and child safety reporting requirements, due process requirements for students and staff, certification and inservice requirements; free textbook and transportation; compulsory attendance enforcement, collective bargaining requirements and non-discrimination requirements."

Fourth, on page 2, line 11, after the end of the word "components" insert "and essential student health and safety requirements, and federal and state mandates."

Fifth, on page 2, line 14, after the word "education" insert "and in meeting the cost of essential health and safety requirements and federal and state mandates."

In addition to these recommended amendments, we urge the committee to recommend that an appropriation be made to allow the State Board to accomplish this task, and that such an appropriation allow for broad public input in determining a definition for a suitable level of funding.

Thank you for your consideration.



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

Susan Chase Testimony on HCR 5014
before the House Education Committee
Monday February 17, 1997

Thank you Mr. Chairman and members of the committee for allowing me to testify. I am Susan Chase and I represent the Kansas National Education Association. I am here to speak in opposition to HCR 5014.

KNEA opposes HCR 5014 because we believe that the State Board has already done what is requested in the bill. By setting graduation criteria and curriculum standards the board has already defined what it believes every student should know and be able to do. Those criteria and standards establish what basic skills a student should acquire in the school setting.

We also believe that the State Board has determined what funding is necessary for districts to provide that education to the students they serve. Every year the State Board of Education proposes a budget to the governor and legislature. We believe that budget represents what the State Board believes is necessary to provide a student with the skills they will need in the future workplace. This year that budget included a proposal of a \$4000 base per pupil.

If the current standards and criteria are not what individuals believe is a basic education then that needs to be brought to the attention of the State Board. Individuals or groups have the right to suggest that something either needs to be added or deleted from the standards and criteria the board has established.

We do not need to be asking the board to undertake what could be a very expensive and time consuming task to accomplish what they already have in place. Therefore, KNEA urges this committee to not pass this bill out favorable.

Thank you very much for allowing me to speak..