

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson David Adkins at 9:10 a.m. on January 27, 2000 in Room 514-S of the Capitol.

All members were present except: Rep. Landwehr - excused  
Rep. McKechnie - excused

Committee staff present: Alan Conroy, Kansas Legislative Research Department  
Stuart Little, Kansas Legislative Research Department  
Robert Waller, Kansas Legislative Research Department  
Jim Wilson, Revisor of Statutes Office  
Mike Corrigan, Revisor of Statutes Office  
Dave Stallings, Assistant to the Chairman  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Andy Tomkins, Commissioner of Education, Kansas Department of Education  
Dale M. Dennis, Deputy Commission, Kansas Department of Education  
Judge John White, Iola, Non Judicial Salary Initiative Chairman  
Judge Larry McClain, Olathe, Non Judicial Salary Initiative Member  
Bobbi Mariani, Division of Personnel Services  
Jerry Sloan, Budget & Fiscal Officer, Office of Judicial Administration

Others attending: See attached list.

Chairman Adkins mentioned that the Committee will be taking a field trip to Wyandotte High School, Kansas City, Kansas, on Tuesday, February 1, 2000, learning first hand some of the challenges and opportunities that are available in urban school settings. Hopefully, there will be an appreciation of the complexity of the issues that are confronted by urban educators as well as some of the great things that are going on in urban schools that may very well not be in keeping with many of the myths that many think of as popular perceptions about urban schools.

**Briefing on Problems and Challenges Relating to Urban Schools**

Chairman Adkins welcomed Andy Tompkins, Commissioner, and Dale M. Dennis, Deputy Commissioner, Kansas State Department of Education who gave a briefing on problems and challenges relating to urban schools. Mr. Tompkins and Mr. Dennis presented a list of issues which potentially confront school districts, particularly urban high schools along with a summary of programs currently available to assist school districts in dealing with these issues. The cover letter to their testimony mentioned that the State Department of Education, in partnership with New American Schools and Education Commission of the States, has initiated an effort to help six urban-like districts with school reform efforts. The partnership emphasizes support in selecting research-based instructional designs that will increase student achievement (Attachment 1).

Committee questions and discussion followed. Chairman Adkins thanked Mr. Tompkins and Mr. Dennis for their presentation.

**Briefing on the Review of Judicial Branch Nonjudicial Salary Initiative**

Chairman Adkins welcomed Judge John White, Iola, NJSI Chair, Judge Larry McClain, Olathe, NJSI Member, Bobbi Mariani, Division of Personnel Services and Jerry Sloan, Budget & Fiscal Officer, Office of Judicial Administration, who made a presentation regarding the Nonjudicial Salary Initiative (Attachment 2). The Chairman turned the meeting over to Judge John White. Judge White explained that they were before the Committee to discuss a problem they have in the Judicial Branch, a plan and a proposed solution to it (Attachment 3). He noted that, knowing the state's funding problems, he was pleased to tell the Committee that the proposed solution they have does not include raising any money

## CONTINUATION SHEET

from the State General Fund. They have a proposal to finance nonjudicial employees salary adjustments through increases in docket fees and other ways it can be done within the court system without asking for additional money from the State General Fund.

Judge White mentioned a problem of turnover, attracting employees and keeping them. Judge White noted that 70% of nonjudicial judicial branch employees leaving the Judicial Branch have tenure of less than 3 years. Also, 620 positions had an average of 3.42 years service. Judge White noted that the NJSI includes representatives from the judiciary, clerks of the court, court administrators, court services, and the Office of Judicial Administration. The recommendations of NJSI are (noted in testimony):

### Recommendation 1

- The compensation plan should provide for an annual cost of living adjustment that is commensurate with increases in the inflation rate, as measured by current economic indicators.

### Recommendation 2

- The committee recommends that the Supreme Court adopt separate pay plans for supervisory and non-supervisory employees.
- The plan for supervisory personnel should include a pay for performance component and an annual COLA.
- The plan for non-supervisory personnel should include an annual COLA and periodic step increases. Each of these step increases should be larger than the present 2.5% step increase, but there should be fewer step increases in number.

Judge White introduced Bobbi Mariani, Department of Administration, Division of Personnel Services. Ms. Mariani mentioned that they support the methodology and systems that were used by the Judicial Branch for the Nonjudicial Salary Initiative to develop their pay plan. She noted that their staff was included in all meetings and they provided technical compensation expertise from the Division of Personnel Services. Ms. Mariani mentioned that they encourage support for the plan and that it provides the Executive Branch with a sampling of employees to put on a different pay plan to see how it would work.

Chairman Adkins welcomed Judge McClain, Olatha, NJSI Member. Judge McClain mentioned that he served as administrative judge in Johnson County for four years and their clerk's office employed about fifty people. During that four-year period of time there was one week that they were fully staffed. Judge McClain noted that turnover in both their clerk's office and for probation officers has been around 35% for the past several years, and the training requirements have cost 2/3 of one year of a full-time employee to do the hiring and training of a new employee. Judge McClain noted that the pay plan being proposed has no cost to the State General Fund and encourages support of that pay plan.

Chairman Adkins introduced Jerry Sloan, Budget & Fiscal Officer, Department of Judicial Administration, who presented additional handouts:

- Nonjudicial Employee Compensation, A Report to the Kansas Supreme Court from the Nonjudicial Salary Initiative ([Attachment 4](#))
- Nonjudicial Salary Initiative Fund ([Attachment 5](#))
- Judicial Branch nonjudicial salary initiative fund; receipts; expenditures - copy of a proposed bill ([Attachment 6](#))

Mr. Sloan explained that the first item is the full committee report to the Kansas Supreme Court of the Nonjudicial Salary Initiative Committee. Mr. Sloan mentioned that docket fees are used for different purposes, the majority of which are not for the Judicial Branch.

Mr. Sloan noted that in the handouts there was also a proposed bill to implement the nonjudicial salary initiative recommendations (see attachment 6) and that the most substantive provision of the proposed

## CONTINUATION SHEET

legislation is in section 1.

Chairman Adkins mentioned that it is his intent to have a bill for introduction and he understands that the Revisors are currently working on the language, and given the complexity of the proposal, it might be best to review the completed draft and give Subcommittee Chairman Jeff Peterson an opportunity to review it and that it would be the intention of the Chairman to refer that bill to the Tax, Judicial and Transportation Budget Committee for consideration with the other judicial legislative issues. The Chairman does anticipate having a bill that would embody the proposal available for introduction in the House and it is his understanding that a parallel bill will be available for consideration by the Senate. Chairman Adkins thanked all the conferees from the Nonjudicial Salary Initiative Presentation. Committee questions and discussion followed.

The meeting was adjourned at 10:55 a.m. The next meeting is scheduled for February 1, 2000.

**HOUSE APPROPRIATIONS COMMITTEE  
GUEST LIST**

DATE January 27, 2000

NAME	REPRESENTING
Andy Dunklin	KSDF
<i>[Signature]</i>	" "
Diane Gjerstad	Wichita Public Schools
JOHN W. WHITE	JUDICIAL BRANCH
LARRY McCLAIN	Judicial
Steve Berndsen	Judicial
David Palmer	
Kelly Kullala	USD 203
H. Schwartz	Judicial
BILL BURNS	24 <sup>th</sup> Jud. Dist.
Louis HENTZEN	18 <sup>th</sup> Jud Dist
Jerry Sloan	OJA
Stacey Farmer	KASB
<i>[Signature]</i>	USD 501
Denny Burgess	Kan Dist Judges Assn.
Karen Watney	DOA/DPS
B. Mariani	Dept of Agn.



**Kansas State Department of Education**

120 S.E. 10th Avenue  
Topeka, Kansas 66612-1182

January 27, 2000

TO: House Appropriations Committee

FROM: Andy Tompkins, Commissioner  
Dale M. Dennis, Deputy Commissioner

SUBJECT: Urban High Schools

As per your request, we have compiled a list of issues which potentially confront school districts, particularly urban high schools along with a summary of programs currently available to assist school districts in dealing with these issues.

The State Department of Education, in partnership with New American Schools and Education Commission of the States, has initiated an effort to help six urban-like districts with school reform efforts. The partnership emphasizes support in selecting research-based instructional designs that will increase student achievement.

We have also attached an article which recently appeared in the December issue of the Phi Delta Kappan that might be of interest as you prepare to visit an urban school.

HOUSE APPROPRIATIONS  
1-27-00  
Attachment 1

## ISSUES CONFRONTING URBAN HIGH SCHOOLS

- Motivating and maintaining high expectations for students.
- High percentage of children from low-income families.
- Lack of student readiness upon entering school.
- Lack of regular medical care within the community.
- High percentage of single parent families -- One of the larger districts reports over 50 percent of students come from single-parent families.
- Likely to have a higher crime rate and students with drug and alcohol problems.
- High percentage of parents who have not graduated from high school.
- More likely to have a high percentage of pregnant students.
- Generational poverty.
- Higher concentration of poverty. Children from poverty have fewer educational experiences prior to entering school.
- More difficulty in recruiting teachers particularly minority teachers.
- Greater difficulty in retaining teachers -- Higher percentage of inexperienced teachers due to turnover.
- Growth in non-English speaking students -- One of the larger districts reports over 50 languages in their district.
- Mobility of students
- Children from poverty have fewer educational experiences prior to entering school.
- Higher percentage of high school students spending too much time working and coming to school unprepared.
- Many students have low expectations.
- Greater need for alternative schools.
- Disproportionate distribution of minorities and minority educators.

# PROGRAMS FOR RESPONDING TO THESE ISSUES

## STATE

### PARENTS AS TEACHERS

Parents as teachers is a program designed to give children the best possible start in life and to prepare them for school success by supporting parents in their role as children's first and most important teachers. The program is based on two philosophies--babies are born learners and parents play a critical role from the beginning in determining what tier children will become. The Legislature appropriates funds for this program. For every dollar appropriated by the Legislature, the school district must match it with \$ .75.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
State Allocation	\$ 2,750,000	\$ 2,750,000	\$ 2,750,000	\$ 4,667,000	\$ 5,248,833

### AT-RISK PUPIL ASSISTANCE PROGRAM

This program is part of the general state aid to all public school districts in Kansas. During the 1999-2000 school year, students in this program are weighted at nine percent which generates \$339.30 per student for every student eligible for free meals. These funds must be spent on at-risk students regardless of income. The program and services to help these students are determined by the local school district and approved by the State Board of Education. The most important criteria in the approval process are addressing students' academic achievement.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
State Allocation	\$ 19,477,784	\$ 17,730,573	\$ 26,580,342	\$ 32,354,700	\$ 36,386,909

### KANSAS VOCATIONAL AND TECHNICAL EDUCATION

The State Department of Education is required to approve all vocational and technical vocational programs in order that school districts are eligible for the vocational weighting under the state finance formula. Students in approved vocational programs receive an extra .5 weighting (.5 times amount of time the student is in vocational program times base state aid per pupil). As a general rule, in Kansas the urban districts such as Kansas City, Topeka, and Wichita operate an area school/technical college. A significant number of high school students participate in the vocational programs in school districts and area schools/technical colleges.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
State Allocation	\$ 17,532,435	\$ 18,868,186	\$ 20,149,768	\$ 21,932,748	\$ 23,400,000

## ESOL/BILINGUAL EDUCATION

The state provides extra weighting of .2 for each limited English proficient student enrolled in an approved ESOL/bilingual education program. The reimbursement is only applicable while the student is enrolled in the approved program.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
State Allocation	\$ 3,124,887	\$ 4,207,968	\$ 5,036,708	\$ 5,378,376	\$ 6,555,653

## SPECIAL EDUCATION

The state appropriates funds to assist schools in carrying out the responsibilities for educating children with disabilities. The federal government and the State of Kansas mandate special education. Kansas has also added the gifted program as part of its mandate.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
State Allocation	\$ 185,815,281	\$ 190,392,966	\$ 200,847,777	\$ 218,842,549	\$ 231,069,438
Federal Allocation	\$ 350,000,000	\$ 330,000,000	\$ 393,000,000	\$ 470,000,000	\$ 545,000,000

## STRUCTURED MENTORING PROGRAM

This state-funded program is to provide schools with a highly organized mentoring program designed to improve students skills and raise academic achievement in reading, mathematics, language arts and/or Spanish language arts. This program was funded for the first time in the 1998-99 school year. In most cases, volunteers are utilized as mentors to work with individual students. The legislative appropriation must be matched by an equal dollar amount by the school districts.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
State Allocation	\$ 0	\$ 0	\$ 0	\$ 975,000	\$ 975,000

## EDUCATIONAL EXCELLENCE GRANT PROGRAM

This is a competitive grant program for one year in which the district must match the amount of funds awarded by the state. The Educational System Enhancement component is designed to improve the educational system of a school district. The grants focus on innovative programs that align curriculum, instruction, and assessment with state standards; increase productivity through technology; or implement school reform.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
State Allocation	\$ 1,485,000	\$ 1,485,000	\$ 1,600,000	\$ 1,600,000	\$ 1,600,000



## **TEACHER RECRUITMENT**

The State Department of Education recently developed a computerized program that will allow school districts to place any vacancies on an Internet site. In addition, it provides an opportunity for individuals looking for employment to go out and search. The program is customer friendly in assisting administrators and teachers and seems to be a success. One of the difficulties in this area is being able to pay teachers salaries comparable to the private sector.

## **KANSAS SCHOOL SAFETY HOTLINE**

The 1999 Kansas Legislature appropriated funds to assist the State Department of Education, in cooperation with the Kansas Highway Patrol, in establishing a school safety hotline. The hotline is a toll free number available 24 hours per day, 365 days per year to give students, parents, and community members the opportunity to report any impending school violence. Numerous organizations were very cooperative in the implementation of the hotline by the beginning of the 1999-2000 school year.

In addition, school violence workshops were part of a statewide conference financed with a grant received from the private sector.

# FEDERAL

## TITLE I--HELPING DISADVANTAGED STUDENTS MEET HIGH STANDARDS

This program provides financial assistance to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the challenging state content standards and to meet the challenging state performance standards developed for all children and to improve family literacy. Title I programs provide educational opportunities for the handicapped, educationally deprived, migrants, neglected and delinquent, immigrants, etc.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 59,450,953	\$ 60,117,292	\$ 62,114,748	\$ 66,475,978	\$ 68,769,481

## TITLE II, PROFESSIONAL DEVELOPMENT PROGRAM

This program provides assistance to schools to ensure that teachers and other staff and administrators have access to sustained and intensive high quality professional development that is aligned with challenging state standards in mathematics, science, and reading.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 1,735,162	\$ 2,060,535	\$ 2,084,497	\$ 2,351,546	\$ 2,313,772

## TITLE III, KANSAS EDUCATE AMERICA ACT: GOALS 2000

The Goals 2000: Educate America Act sets in law the original six National Education Goals concerning school readiness, school completion, student academic achievement, leadership in math and science, adult literacy, and safe and drug-free schools. It also adds: (1) two new goals related to parental participation and professional development; (2) encourages development of challenging performance standards on the state and local level to define what students should know and be able to do in core subject areas such as science, math, history, English, geography, foreign languages and the arts; (3) supports local reform efforts to make those standards a reality in every classroom; (4) strengthens teacher training, instructional materials, technologies and overall school services so students will have the tools to achieve higher standards; (5) encourages the development of innovative student performance assessments to gauge progress; and (6) increases flexibility for states, school districts and schools by waiving rules and regulations that might impeded local reform and improvement.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 1,572,125	\$ 3,722,427	\$ 4,054,719	3,919,070	\$ 3,849,507

## TITLE IV, SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES

The Improving America's Schools Act of 1994 creates a comprehensive federal effort in support of National Education Goal Seven by authorizing activities that include drug and violence prevention. The purpose of the Act is to promote school safety, to reduce the demand for and use of drugs throughout the nation, and to create learning environments that support academic achievement for all students.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 2,488,582	\$ 3,397,702	\$ 3,463,281	\$ 3,474,787	\$ 2,816,235

## TITLE VI, INNOVATIVE EDUCATION PROGRAM STRATEGIES

The purpose of Title VI is to support local education reform efforts consistent with statewide reform efforts under Education America Act; to support local efforts to accomplish national goals; to enable schools to implement promising educational reform programs; to provide a continuing source of innovation and educational improvement; and to meet special educational needs of at-risk and high cost students.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 3,069,757	\$ 2,629,384	\$ 3,046,359	\$ 3,246,380	\$ 3,503,979

## TITLE VII, ESOL/BILINGUAL

This program provides supplemental support to districts with special services for limited English proficient and bilingual students.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 3,124,887	\$ 4,207,968	\$ 5,157,067	\$ 5,378,376	\$ 5,599,685

## CARL D PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION AMENDMENTS OF 1998

This program provides grant awards to eligible schools for vocational and technical education activities in rural areas; areas with high percentages of vocational and technical education students; areas with high numbers of vocational and technical students; and communities negatively impacted by changes resulting from the amendments.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 10,561,605	\$ 10,555,849	\$ 11,190,265	\$ 11,311,774	\$ 11,426,744

## COMPREHENSIVE SCHOOL REFORM DEMONSTRATION PROGRAM

The Comprehensive School Reform Demonstration Program provides an incentive to schools for adopting externally developed model programs that are research-based and comprehensive. For the purposes of the program, a comprehensive school reform program is defined as integrating, in a coherent manner, nine components. This is a three-year competitive grant.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 0	\$ 0	\$ 0	\$ 1,158,631	\$ 1,151,462

## EDUCATION FOR HOMELESS CHILDREN AND YOUTH

This program provides activities for and services to ensure homeless children and youth are enrolled in school and attending on a regular basis. The program seeks to ensure achievement by these students in schools.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 219,294	\$172,851	\$ 182,108	\$ 211,738	\$ 204,464

## LEARN AND SERVE AMERICA

Subgrants from this program assist schools and community agencies in developing high quality service learning programs in their communities. Service learning is a structured method of planning and completing service projects that links the projects to learning outcomes and real issues. Through the projects supported by this program, youth ages 5-17 become involved in solving critical community needs through experiential education.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 235,853	\$ 294,816	\$ 282,936	\$ 368,579	\$ 368,777

## READING EXCELLENCE ACT PROGRAM

The Reading Excellence Act program provides competitive reading and literacy grants to eligible state educational agencies. Kansas will receive \$8 million over three years. States, in turn, award competitive subgrants to local education agencies to fund local reading improvement programs and tutorial assistance programs.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 0	\$ 0	\$ 0	\$ 0	\$2,670,764

## CLASS-SIZE REDUCTION PROGRAM

The goal of the class-size reduction program is to help schools improve student achievement by adding additional, highly qualified teachers to the workforce to ensure lower class sizes particularly in grades one through three.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 0	\$ 0	\$ 0	\$ 0	\$ 9,302,904

## NATIONAL SCHOOL LUNCH PROGRAM

Public schools, non-profit private schools of high school grade or under, and residential childcare institutions are eligible to participate in the National School Lunch Program. Participating entities receive cash subsidies for each meal they serve. In return, they must serve lunches that meet federal requirements and must offer free or reduced-price lunches to eligible children. The federal government breaks down the categories of funding into three categories--free, reduced, and paid. The federal reimbursement varies by the level of poverty of students in the district.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 48,386,222	\$ 50,416,641	\$ 50,463,112	\$ 50,967,743	\$ 51,477,420

## SCHOOL BREAKFAST PROGRAM

Public schools, non-profit private schools of high school grade or under, and residential childcare institutions are eligible to participate in the school breakfast program. The categories of funding are broken down by the federal government into three categories--free breakfast, reduced price breakfast, and paid breakfast. Federal reimbursement varies with the level of income.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 9,118,420	\$ 9,596,072	\$ 9,708,689	\$ 9,805,776	\$ 9,903,834

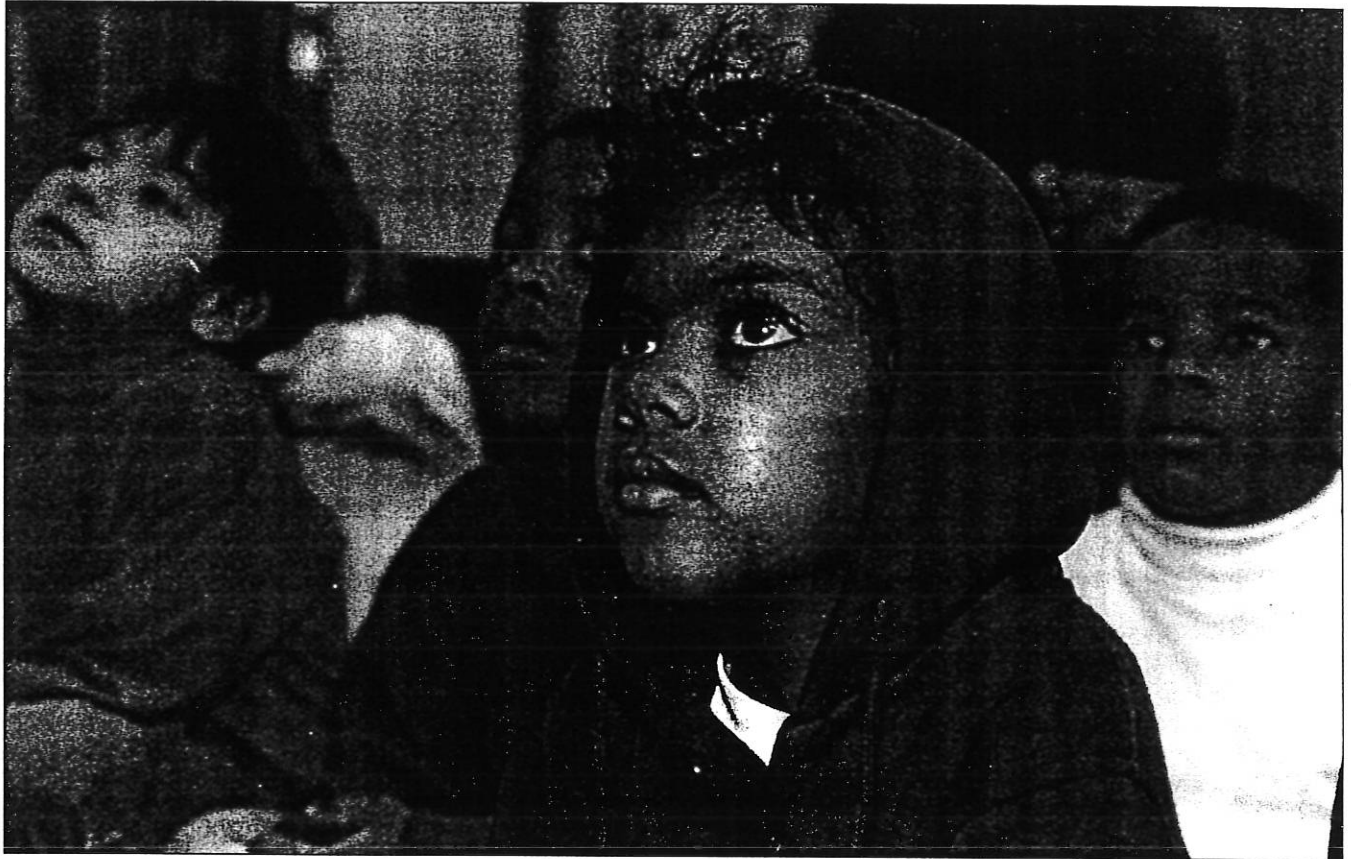
## SUMMER FOOD SERVICE PROGRAM

The summer food service program provides nutritious meals at no charge to low income children during the summer when school is not in session. Sponsors of these programs provide meals at sites such as schools, parks, churches, and community centers. At least 50 percent of the students or more must be eligible for free and reduced price meals under this program.

	Actual 1995-96	Actual 1996-97	Actual 1997-98	Actual 1998-99	Estimated 1999-2000
Federal Allocation	\$ 768,795	\$ 754,551	\$ 834,500	\$ 846,401	\$ 858,2251

# Inner-City Schools

## *A Multiple-Variable Discussion*



*Good intentions and intuition are not enough to guide us in our efforts to improve the lot of those children who attend inner-city schools. The task, Mr. Van Horn points out, calls for systematic study of the body of knowledge in more than a dozen disciplines. He provides a small sampling of the research in a number of those areas here.*

BY ROYAL VAN HORN

**I**F ANYONE tells you, "Just do such and such, and you will have a great school," don't believe them. At best, purveyors of simplistic solutions are selling harmless snake oil; at worst, they divert our attention from solutions to the very real problems facing our schools. Harsh words, but the truth is that, to make great schools — especially great inner-city schools — you have to think in a lot of different categories and consider dozens of variables. You have to think in very untraditional ways, you have to trade what you "know" for what you can prove, and you even have

to learn a little biology. It also helps if you have a long memory or are willing to study the history of education.

To borrow Harold Hodgkinson's "leaky roof" metaphor, improving a school is like remodeling a house. Repairing the plaster and repainting the walls won't fix a roof that leaks or siding that's rotten.<sup>1</sup> Anyone who has ever taken on the task of

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*ROYAL VAN HORN is a professor of education at the University of North Florida, Jacksonville, and writes the monthly Kappan Technology column.*

seriously remodeling a house knows full well that the outcome of the effort is related to how many different things you are willing to fix, replace, redesign, or camouflage. And schools are every bit as complicated as houses.

To illustrate the importance of studying *all* the variables and the ways they interact, consider biology. Biologists often discuss the law of the "least limiting factor." Simply put, this law states that the growth of an organism is limited by the variable that is in shortest supply, not by the variables that are in abundance.

The plants in your yard are good examples. You can give them everything they need: water, sunlight, fertilizer, trace elements, and TLC, but if the soil is too acidic, the growth of your plants will be limited. They might even die.

The law of the least limiting factor also applies to education. We have a large body of educational research that points out a number of least limiting factors. For example, research on "time-on-task" by David Berliner and others documents that as little as 25% of class time is spent on pertinent academic tasks. That is certainly one example of a limiting factor.<sup>2</sup> The research of Wayne Hoy, John Tarter, and Robert Kottkamp on "levels of disengagement" of teachers is another example. These researchers found that some schools have a highly "engaged" faculty while others have a highly "disengaged" faculty. In other words, in some schools teachers feel no allegiance whatsoever to the school, its students, its goals, or anything else.<sup>3</sup> Bruce Joyce and Michael McKibbin label such teachers "negative gatekeepers."<sup>4</sup> So, while you may do anything and everything to improve your school, your efforts are controlled as much by the law of the least limiting factors as by the variables you work to make abundant.

A third way to show the importance of approaching school improvement from multiple directions comes from the research on the Apple Classroom of Tomorrow (ACOT). ACOT research in inner-city schools showed that "high computer access" had little effect on achievement — the variable most people look to when judging educational interventions. Fortunately, the ACOT researchers examined a variety of outcome variables and found that "high computer access" was associated with a higher number of students who planned to go on to some form of postsecondary education.<sup>5</sup> The ACOT students didn't do better on the tests, but they clearly had different futures planned for themselves. If the researchers had considered only achievement variables, they would not have found a number of more provocative noncognitive outcomes.

Noel McInnis' first law of intelligent tinkering stated, "The first law of intelligent tinkering is to save all the pieces." He explained, "Our present educational methods, at all levels, tend to foster a common intellectual skill: thinking the world to pieces. At present any student who emerges with some idea of how the world holds together does so in spite of our teaching."<sup>6</sup> Those who hope to improve inner-city schools must see the problem whole, not in pieces.

Francis Bacon is noted for having said, "In every man there is something wherein I may learn of him and in that I am his pupil." I would put a twist on Bacon's principle and rephrase it thus: "In every discipline there is something I can learn to help me improve inner-city schools, and I intend to learn it."

In a sense, improving inner-city schools is like putting to-

gether a giant jigsaw puzzle. The first task is to find all the puzzle pieces and turn them upright. Finding the pieces will require us to look at a variety of disciplines. The remainder of this article discusses a few disciplines in an attempt to identify the host of variables that are relevant to the task of understanding and improving inner-city schools.

## Neighborhood and Other Sociological Variables

Carefully thinking about a school requires us to consider the neighborhood and social contexts that engulf the school. In *The Truly Disadvantaged*, William Julius Wilson passionately explains the situation:

If I had to use one term to capture the differences in the experiences of low-income families who live in inner-city areas from the experiences of those who live in other areas in the central city today, it would be concentration effects. The social transformation of the inner city has resulted in a disproportionate concentration of the most disadvantaged segments of the urban black population, creating a social milieu significantly different from the environment that existed in these communities several decades ago.

In such neighborhoods, the chances are overwhelming that children seldom interact on a sustained basis with people who are employed or with families that have a steady breadwinner. The net effect is that joblessness, as a way of life, takes on a different social meaning; the relationship between schooling and post-school employment takes on a different meaning. The development of cognitive, linguistic, and other educational and job-related skills necessary for the world of work in the mainstream economy is therefore adversely affected.

In such neighborhoods, teachers become frustrated and do not teach, and children do not learn. It becomes a vicious cycle running through the family, community, and school.

I should also point out that whereas poor blacks are frequently found in isolated poor urban neighborhoods, poor whites rarely live in such neighborhoods. . . . And whereas only 7% of all poor whites live in the extreme poverty areas, 32% of all poor Hispanics and 39% of all poor blacks [live] in such areas.<sup>7</sup>

In addition to Wilson's "concentration effects," a recent article in the *Journal of the American Medical Association* points out that there is even a relationship between poverty and high mortality rates. After controlling for health behaviors and other variables, the researchers concluded:

Socioeconomic stratification itself may be a social force that has harmful health effects in the lower strata, including

- lack of social relationships and social supports;
- personality dispositions, such as a lost sense of mastery, optimism, sense of control, and self-esteem or heightened levels of anger or hostility;
- chronic and acute stress in life and work, related to the social distribution of power and resources.<sup>8</sup>

In short, being poor is stressful and unhealthy.

Over the years, I have developed the habit of exploring the neighborhoods surrounding the inner-city schools where I conduct professional development workshops or supervise student teachers. I simply start at the school and drive in a square, spiraling away from the school until I am a mile or more away. It quickly becomes obvious that some inner-city schools have

neighborhoods made up of individual homes and small apartment complexes. Others are surrounded by huge dilapidated federal housing projects. Any comparison of "neighborhood schools" in these radically different neighborhoods would be unwise and misleading.

Such explorations have driven me to ask myself, "Are there inner-city neighborhoods that are so bad that we should not allow a school to exist there?" My not so tentative answer is yes. My reasoning is simple: concentrating that many high-risk and often difficult-to-teach youngsters in one place creates too big a job for all but a few hardy and highly dedicated teachers who quickly flee to the suburbs when given the chance. Incidentally, many inner-city schools literally have to hire an armed security guard to keep the cars in the parking lot from being stolen and to escort teachers to and from the school. Many talented teachers simply refuse to work under such conditions.

Some of the leaders of the nation's great cities have started to intervene in an attempt to improve the inner-city neighborhoods where the poor are concentrated. One approach has been to create "enterprise zones." Among other things, these zones offer incentives to businesses to move jobs to depressed areas in the core city. Unfortunately, early evidence on the effectiveness of enterprise zones indicates that most of the jobs created in them are filled by people from outside the enterprise zone. It seems that creating jobs in depressed areas and giving job-related skills to the poor are two different issues.<sup>9</sup>

Researchers such as Ellen Brantlinger offer additional insights into the differences between the experiences of high- and low-income students. In a Phi Delta Kappa *Research Bulletin*, she shares this eloquent conclusion about her research:

The narratives of adolescents in this study confirm several propositions about the influence of social class on schooling. Class distinctions and conflict are ever present in the ongoing life of school, and there is a dominant/subordinate delineation in adolescents' thinking about social class. In addition, school is not a socially neutral setting. Low grades, tracking, special education placements, and humiliating interactions with teachers made school a source of stress for low-income participants. Conversely, for high-income adolescents, school was a privileging experience.<sup>10</sup>

One factor that causes great stress to low-income populations is the persistent practice of "tracking" or ability grouping of students. Jeannie Oakes, a specialist in curriculum and policy at UCLA, puts the problem succinctly:

[Studies of learning opportunities and students' day-to-day experiences] reveal striking track-related differences across the board, with some of the most dramatic evidence showing tracking's particularly negative impact on the opportunities of low-income, African-American, and Latino students. This work, together with new research investigating track-related student

outcomes and reanalysis of earlier studies, supports the increasingly clear and consistent (if not yet universally accepted) conclusion that this common way of organizing students for instruction is, in most instances, neither equitable nor effective.<sup>11</sup>

Incidentally, the literature on retention shows that this practice is also distributed inequitably with regard to income, with consistently negative consequences for retained students.<sup>12</sup>

Obviously, we do not live in a classless society, but schools do not need to aggravate the problem. Schools and the people who run them need to be smarter than that. The Association for Supervision and Curriculum Development (ASCD) has made the detracking of schools a priority and has even created materials to help accomplish the task. ASCD's position is clear: "Students should not be permanently grouped for instruction according to their assumed ability to learn."<sup>13</sup>

Schools exist in a larger context. To improve inner-city schools requires at the very least that we understand the context and that we strive to improve it. There are a lot of variables that we must study and understand if we are serious about helping the millions of children who attend inner-city schools.

### Teacher Variables

A good place to start a discussion of teacher variables is with the values held by the teacher corps. For example, Jack Frymier and others conducted the Phi Delta Kappa Study of Core Values.<sup>14</sup> The good news from the Core Values Study is that there are many values that 70%, 80%, and even 90% of educators agree on. The bad news is that between 10% and 30% of educators do not share the values of the majority. For example, approximately 20% of teachers believe that "obedience and respect for authority are the most important virtues children should learn."

Another set of teacher variables that educators interested in improving inner-city schools must consider includes those that relate to teacher certification, recruitment, retention, professional development, turnover, and so on. Once again, the data on inner-city schools are not encouraging. According to *Quality Counts '98*, from the publishers of *Education Week*, "Schools in urban districts are twice as likely to hire teachers who have no license or only an emergency or temporary license." The percentage of unlicensed and underlicensed teachers in the U.S. ranges from less than 7% in some nonurban districts to as high as 31% in urban districts.<sup>15</sup> In addition, in 1996, 58% of urban eighth-graders had at least one teacher leave during the school year, compared to 27% for nonurban eighth-graders.<sup>16</sup> As a profession, we have great difficulty recruiting qualified teachers to work in the nation's inner cities, and we have just as much trouble keeping them there.

Another troubling variable is the faculty turnover rate in inner-city schools. This problem has one daunting consequence:

## **SOME LEADERS OF THE GREAT CITIES HAVE STARTED TO INTERVENE IN AN ATTEMPT TO IMPROVE THE INNER-CITY NEIGHBORHOODS WHERE THE POOR ARE CONCENTRATED.**

1-12



it makes it all but impossible to conduct team building and other professional development activities aimed at increasing the cohesiveness and quality of a school's faculty. Several years ago, I helped direct a multi-year project funded by the Florida Department of Education to provide extensive staff development for the faculties of six inner-city schools in Duval County. At the end of the first year, one of the schools where we were making great progress suffered a 40% turnover of its teachers. Furthermore, the superintendent, without even considering our efforts, transferred the principal to a different school. Sadly, many of the teachers who left were the ones who had experienced the most professional growth over that first year. We virtually had to start over. I suspect that many inner-city principals feel the same way every August.

In the late Sixties and early Seventies, Donald Veldman and others at the University of Texas, Austin, developed a Comprehensive Personal Assessment System (COMPAS) for teacher education students.<sup>17</sup> General personality characteristics, attitudes, and interests of teacher education students were measured using a variety of formal and informal instruments. A staff psychologist/counselor and faculty members used this information to help students set goals for themselves in their new roles as teachers. Although not designed to screen students, the researchers found that, in practice, when a university psychologist reviewed the data and reached the conclusion that a student probably shouldn't continue to pursue a career in teaching, the student had often anticipated that conclusion and had even begun to explore other career plans. Unfortunately, very few teacher education programs have anything akin to COMPAS in place.

Although we have known for a long time how to screen teacher candidates effectively, we seem to lack the will to do so. Given the uneven quality of teacher education graduates — ranging from mediocre to excellent — we must find better ways to staff our schools, especially our inner-city schools, by finding better teachers. Two highly successful efforts have been doing this effectively for many years; they are Martin Haberman's "Star Teachers" program and the "Teacher Perceiver" process developed by the Gallup Organization. In Haberman's words,

No school can be better than its teachers. And the surest and best way to improve the schooling of the approximately 12 million children and youth in poverty is to get better teachers for them. The strategy for doing this is not mysterious and has been evolving for more than 35 years.

The premise of the strategy is simple: selection is more important than training. My calculated hunch is that selection is 80% of the matter.<sup>18</sup>

Using structured interview techniques developed over many years and taking the time to observe teacher candidates teach children in inner-city schools during the summer prior to hiring

have proved to be highly effective in selecting what principals and others often agree are their "Star" teachers. According to Haberman, there is less than a 5% error rate in the process.

The Gallup Organization's approach (detailed in Gary Gordon's article, page 304, this *Kappan*) is remarkably similar to Haberman's. Like Haberman, Gallup has developed an extensive personality profile of the successful urban teacher. Interviewers of teacher candidates are then trained in the use of the "teacher perceiver" techniques. They look for certain key things during the interview process.

Among the 11 qualities Gallup identifies in the best urban teachers, dedication is especially important in light of Frymier's findings with regard to children at risk and Bonnie Bernard's research on the "resilient child," who is capable of overcoming severe risk factors.<sup>19</sup> We have the capability to systematically select teachers for our inner-city schools with attributes such as commitment and dedication, and we desperately need to do so. I encourage everyone to study the work of Haberman and that of the Gallup Organization.

### School Climate and Faculty Sociometry

Suppose for now that you attend to the variables discussed above and manage to select and recruit an entire faculty of excellent teachers for your school. Will these teachers coalesce into a congenial, goal-oriented, high-performing, and empathetic faculty? Maybe. But the culture and climate of your school are likely to be deciding factors. As Hoy, Tarter, and Kottkamp put it:

The climate of a school is an important concept in its own right. The extent to which the school atmosphere promotes openness, collegiality, professionalism, trust, loyalty, commitment, pride, academic excellence, and cooperation is critical in developing a healthy work environment for teachers and administrators.<sup>20</sup>

Over a period of about 10 years the authors developed, validated, and normed the Organizational Climate Description Questionnaire (OCDQ) for both elementary and secondary schools. One of the most interesting aspects of the climate profile is the "disengaged teacher behavior" variable. This variable is in most instances the strongest predictor of school climate.

Disengaged Behavior refers to a lack of meaning and focus to professional activities. Teachers are simply putting in time and are nonproductive in group efforts or team building; they have no common goals. Their behavior is often negative and critical of their colleagues and the organization.<sup>21</sup>

As part of the work in Duval County I mentioned earlier, we used the OCDQ to measure the climate in the six inner-city elementary schools we were trying to help. The results

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were telling, especially on the disengaged teacher behavior variable. The pre-intervention data showed a range for the disengagement variable that went from average to more than four standard deviations above the mean.<sup>22</sup> Given these data, we subsequently spent a considerable amount of time on “team-building activities” with all six faculties. (Unfortunately, the grant evaluator did not administer the OCDQ at the end of the project, so we have no comparative data.) If my discussion of the importance of school climate does nothing else, it should convince you that inner-city schools need a school climate that engages teachers. It should also convince you that it is risky to generalize about a group of schools — each school should be studied individually.

Another way to understand the climate of a school is to look at teachers’ personalities and how they affect the school’s social systems. The study of the formal and informal social interactions in groups of people is called “sociometry.” For example, take the elementary teacher who designs a simple questionnaire for his or her class that includes such questions as “If you were to pick someone

in this class to do a science project with, whom would you pick?” Imagine that the teacher then writes the children’s names around the edges of a large piece of paper and draws arrows from each child to his or her chosen partner. Such a sociogram has many uses, including identifying class leaders and social isolates. This and similar techniques can be used as well to study the interrelationships within a school faculty.

In a long-term study of faculty interactions, Joyce and McKibbin developed a continuum of teacher personality types: 1) omnivores, 2) active consumers, 3) passive consumers, 4) the resistant, and 5) the withdrawn. The researchers described those at the extremes of their scale as follows:

*Omnivores.* These people actively use every available aspect of the formal and informal [social] systems that are available to them. . . . They actively attempt to improve the schools in which they work. They simply will not be denied. They appear to be able to overcome obstacles, and they do not carry emotional baggage that prevents them from profiting from a great variety of activities. . . .

*The Withdrawn.* People in a withdrawn state require a great deal of outside energy if they are to become involved. They may push away activity in one or more domains, either avoiding the formal system where they can, engaging in relatively few activities that they generate themselves, [or] participating relatively rarely in the informal interaction scene in the workplace.<sup>23</sup>

The researchers then turned their attention to how these types affect the social systems of schools. In one school, for example, the informal social system was “governed by a negative gatekeeper [who was] extremely effective at diminishing the effects of any initiative made by another person.” Eventually the researchers began classifying schools as either “high-

ly energized, maintaining, or depressant.” The first type activates “the energy of individuals,” the second is “supportive but not synergistic,” and the last generates “obstacles to the release of energy.”<sup>24</sup> They conclude by proposing new forms of staff development aimed at improving the social system of a school. They even go so far as to propose the creation of what they call “social therapists” — people who can intervene and help fix social systems that are dysfunctional.

It is clear from such research that we must attend to the formal and informal social systems of schools before we can have great schools. This is particularly challenging in inner-city schools, where the level of disengagement of teachers is apt to

be high. One recent trend makes matters worse: the advent of “extended-day programs.” To respond to the growing number of working parents — and often as part of an effort to transform a school into a vehicle for the delivery of community or social services — many inner-city schools have implemented extended-day programs that offer child care both before and after school. Unfortunately, many teachers find working

in extended-day programs an attractive way to supplement their income. Imagine the difficulty of holding a grade-level meeting or conducting any kind of staff development activities when as many as half of the teachers are not available either before or after school! I wish I could propose a solution to this problem, but I simply do not know of one.

### Student Characteristics and Entry-Level Variables

We often act as if children come to school with nearly equal backgrounds and experiences, all of them ready to learn. Clearly, such is not the case, and so we must attend to radical differences between students. A thorough discussion of this important topic is beyond the scope of this article, so I will mention only some of the more interesting variables here.

Both Dustin Heuston of the Waterford Institute and Marilyn Jaegar Adams, author of *Beginning to Read*, often cite research indicating that some children come to school with as little as 300 hours of “early language experience,” while others come to school with as many as 3,000 hours of early language experience. Early language experience includes such things as watching “Sesame Street,” being read to, playing with magnetic alphabet letters, talking with adults, having books in the home, hearing nursery rhymes, and so on. I asked Adams to explain the radical disparity, and she said that parents who tend to read to their children read to them a lot, and parents who tend *not* to read to their children rarely do so at all.<sup>25</sup> Imagine for a moment what it’s like to have a kindergarten class in which more than half of the children have had just 300 hours of early language experience. Can you give them an additional 2,700 hours of experience in a single year?

Adams’ discussion of the range of children’s early language experience is based in part on the research of Shirley Brice

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*Los Angeles elementary students pay rapt attention to the performance of a school play.*

Heath, of Dina Feitelson and Zahava Goldstein, and of William Teale. Heath studied homes in three communities in the Southeast. In one community, she found that "parents did not make a habit of reading to their children. They did not engage their preschoolers in school-like conversations and learning experiences. Their homes were empty of children's books and educational toys."<sup>26</sup> Feitelson and Goldstein found that "about 60% of the kindergartners in neighborhoods where children tend to do poorly in school did not own a single book. In contrast, kindergartners in neighborhoods where children tend to do well in school owned, on average, more than 54 books each."<sup>27</sup> Similarly, Teale studied 24 San Diego preschoolers and found that, "across all 24 children such instructional [teaching/learning literacy] events occupied roughly 10 minutes a day for a total of 60 hours per year. Events in the category of 'storybook time' occupied, on average, less than two minutes per day for a total of about 10 hours per year."<sup>28</sup> Reading Marilyn Jaeger Adams' work and reviewing the three studies above was downright depressing. Some children come to school with the deck clearly stacked against them.

One of the more interesting variables associated with early reading success is exposure to nursery rhymes:

A strong, highly specific relationship was found between knowledge of nursery rhymes and the development of phonological skills, which remained significant when differences in IQ and social background were controlled. Measures of nursery rhymes and of detection and production of rhyme and alliteration were related to early reading, but not to early arithmetic . . . and it is reasonably certain that the relationship is causal.<sup>29</sup>

As it turns out, there is a strong relationship between "phonological awareness" and learning to read. Children need to understand that letters are associated with particular sounds and that words are made up of component sounds. I would imagine that children with 3,000 hours of early language experience have had considerable exposure to rhymes.

In light of these findings, it is clear that any discussion of student variables must also consider child-rearing practices, especially during the preschool years. The literature in this area is rich but difficult to negotiate. The ERIC database alone yields 630 citations under the major descriptor "child rearing." Even a cursory examination of the literature reveals striking differences in child-rearing practices. For example, consider the following conclusion from just one study: "SES is positively related to level of social support available to the mothers which, in turn, is related to the quality of care mothers provide their children."<sup>30</sup> In other words, if you're poor, it will be much more difficult for you to care for your children.

Discussing our inability to cope with the striking differences in children's abilities, Dustin Heuston makes the following argument.

1. Studies have shown that a teacher generally cannot give more than one minute a day of individual attention to the students.
2. As the classes get older, a class spread phenomenon begins to provide a different situation for the teacher. A good rule of thumb is that there are as many years of difference in students' ability in a class as the grade level of the class. For example, in the second grade, there are two years of difference in the students, which spreads to four years in the fourth grade

and probably eight years in the eighth grade. In other words, some students in class in the eighth grade might be reading at the fourth-grade level while others are reading at the 12th-grade level. Since the teacher is limited to a minute a day of individual attention with each student, most of his/her energy must be spent teaching somewhere in the middle, hoping to somehow hold the interest and serve the needs of as many of his/her students as possible. This "teaching by approximation" is of limited usefulness for the students at either end of the spectrum. Hence the slower students usually are not served, and indeed the average pace of the class is too much for them, while the brighter students become bored as they are not fed intellectually.<sup>31</sup>

Heuston goes on to describe why a "brute strength" approach to the problem of student ability hasn't worked in the past and why it's unlikely to work in the future. He proposes using very advanced computer-aided instruction, which the Waterford Institute has been systematically developing for many years.<sup>32</sup> From even my brief discussion here, we must conclude that students come to school very much "unlike," with radically different backgrounds and abilities. We must attend to this fact, and we must not settle for teaching "by approximation."

Good intentions and intuition are not enough to guide us in our efforts to improve the lot of the one-quarter of the nation's children who attend inner-city schools. The task calls for systematic study of the body of knowledge in more than a dozen disciplines. The literature in these disciplines is dispersed but robust and often full of detail. I have tried to give just a taste of the research in some of the many areas that must be examined.<sup>33</sup> We must learn still more in these and other categories if we are to solve the immensely complicated puzzle of creating successful and vibrant inner-city schools.

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33. At the end of an article such as this, it is customary to point out the limitations of the present work. I did not consider important teacher characteristics, such as training, certification, and age; policy and funding variables at the local, state, and national levels; the literature on instruction; variables from the fields of developmental, educational, and cognitive psychology; variables from educational leadership and supervision; curricular variables; and variables from several other important disciplines. In addition, I ignored variables from such distant fields as environmental psychology — the study of the relationship between the physical environment and human behavior. On this last point, see Royal Van Horn, "Environmental Psychology: Hints of a New Technology?," *Phi Delta Kappan*, June 1980, pp. 696-97. ■

**House Appropriations Committee  
January 27, 2000  
Nonjudicial Salary Initiative Presentation**

**Judge John White, Iola  
NJSI Chair**

**Judge Larry McClain, Olathe  
NJSI Member**

**Bobbi Mariani  
Division of Personnel Services**

**Jerry Sloan  
Budget & Fiscal Officer  
Office of Judicial Administration**

*House Appropriations  
1-27-00  
Attachment 2*



# NONJUDICIAL SALARY INITIATIVE

Salary Proposal  
for  
Nonjudicial Employees

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# JUDICIAL BRANCH PAY PLAN

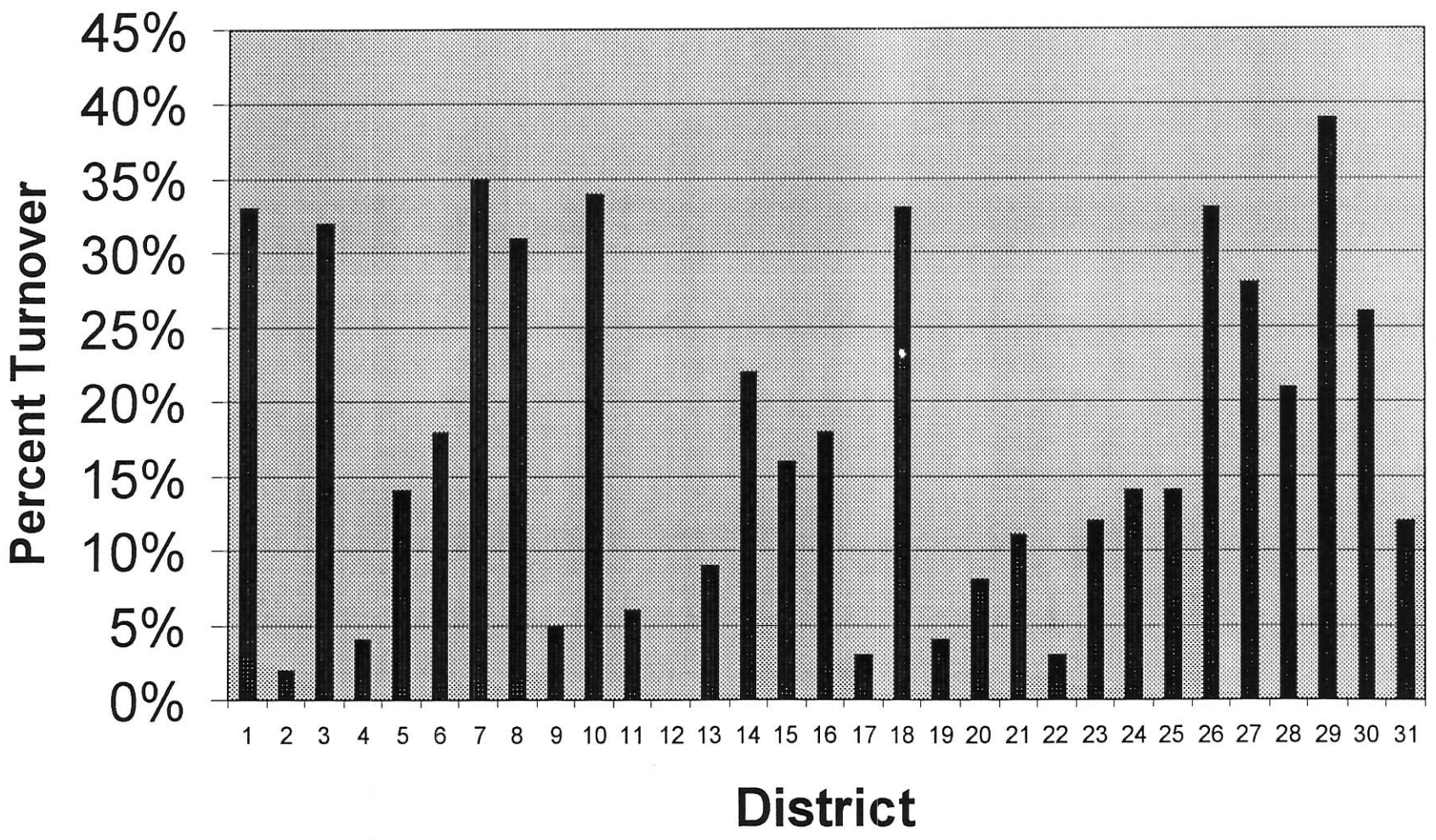
- The Problem
- The Plan
- The Solution

# TURNOVER

- All nonjudicial --17%
- Clerk of Courts--23%
- Court Services--12%
- 70.3% leaving system have tenure of less than 3 years
- 620 positions had average of 3.42 years service



# Clerk's Turnover



**Judicial Branch Pay Plan (FY 00)**  
**Annual Rates**  
**Effective June 13, 1999**

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15
13	16,765	17,181	17,618	18,054	18,512	18,949	19,406	19,906	20,384	20,904	21,382	21,944	22,485	23,026	23,587
14	17,618	18,054	18,512	18,949	19,406	19,906	20,384	20,904	21,382	21,944	22,485	23,026	23,587	24,190	24,773
15	18,512	18,949	19,406	19,906	20,384	20,904	21,382	21,944	22,485	23,026	23,587	24,190	24,773	25,397	26,021
16	19,406	19,906	20,384	20,904	21,382	21,944	22,485	23,026	23,587	24,190	24,773	25,397	26,021	26,666	27,310
17	20,384	20,904	21,382	21,944	22,485	23,026	23,587	24,190	24,773	25,397	26,021	26,666	27,310	27,997	28,704
18	21,382	21,944	22,485	23,026	23,587	24,190	24,773	25,397	26,021	26,666	27,310	27,997	28,704	29,411	30,098
19	22,485	23,026	23,587	24,190	24,773	25,397	26,021	26,666	27,310	27,997	28,704	29,411	30,098	30,867	31,595
20	23,587	24,190	24,773	25,397	26,021	26,666	27,310	27,997	28,704	29,411	30,098	30,867	31,595	32,406	33,197
21	24,773	25,397	26,021	26,666	27,310	27,997	28,704	29,411	30,098	30,867	31,595	32,406	33,197	34,008	34,861
22	26,021	26,666	27,310	27,997	28,704	29,411	30,098	30,867	31,595	32,406	33,197	34,008	34,861	35,734	36,566
23	27,310	27,997	28,704	29,411	30,098	30,867	31,595	32,406	33,197	34,008	34,861	35,734	36,566	37,502	38,418
24	28,704	29,411	30,098	30,867	31,595	32,406	33,197	34,008	34,861	35,734	36,566	37,502	38,418	39,374	40,352
25	30,098	30,867	31,595	32,406	33,197	34,008	34,861	35,734	36,566	37,502	38,418	39,374	40,352	41,371	42,370
26	31,595	32,406	33,197	34,008	34,861	35,734	36,566	37,502	38,418	39,374	40,352	41,371	42,370	43,451	44,470
27	33,197	34,008	34,861	35,734	36,566	37,502	38,418	39,374	40,352	41,371	42,370	43,451	44,470	45,594	46,696
28	34,861	35,734	36,566	37,502	38,418	39,374	40,352	41,371	42,370	43,451	44,470	45,594	46,696	47,882	49,046
29	36,566	37,502	38,418	39,374	40,352	41,371	42,370	43,451	44,470	45,594	46,696	47,882	49,046	50,274	51,522
30	38,418	39,374	40,352	41,371	42,370	43,451	44,470	45,594	46,696	47,882	49,046	50,274	51,522	52,770	54,080
31	40,352	41,371	42,370	43,451	44,470	45,594	46,696	47,882	49,046	50,274	51,522	52,770	54,080	55,411	56,763
32	42,370	43,451	44,470	45,594	46,696	47,882	49,046	50,274	51,522	52,770	54,080	55,411	56,763	58,198	59,571
33	44,470	45,594	46,696	47,882	49,046	50,274	51,522	52,770	54,080	55,411	56,763	58,198	59,571	61,110	62,587
34	46,696	47,882	49,046	50,274	51,522	52,770	54,080	55,411	56,763	58,198	59,571	61,110	62,587	64,147	65,707
35	49,046	50,274	51,522	52,770	54,080	55,411	56,763	58,198	59,571	61,110	62,587	64,147	65,707	67,350	68,994
36	51,522	52,770	54,080	55,411	56,763	58,198	59,571	61,110	62,587	64,147	65,707	67,350	68,994	70,720	72,488
37	54,080	55,411	56,763	58,198	59,571	61,110	62,587	64,147	65,707	67,350	68,994	70,720	72,488	74,235	76,128
38	56,763	58,198	59,571	61,110	62,587	64,147	65,707	67,350	68,994	70,720	72,488	74,235	76,128	77,958	79,914

## Percentage Salary Increase (1988 – 1999)

Year	State COLA	Avg. Weekly Wage Private Sector	Inflation Rate
1988	2.0	3.0	---
1989	4.0	2.8	4.6%
1990	3.0	2.7	4.8%
1991	1.5	4.2	5.5%
1992	---	3.3	3.2%
1993	1.0	3.9	3.1%
1994	0.5	2.8	2.6%
1995	1.5	3.2	2.9%
1996	1.0	3.5	2.7%
1997	---	4.6	2.9%
1998	1.0	3.5	1.8%
1999	1.5	3.5	2.0% est.
2000	---	---	2.5% est.

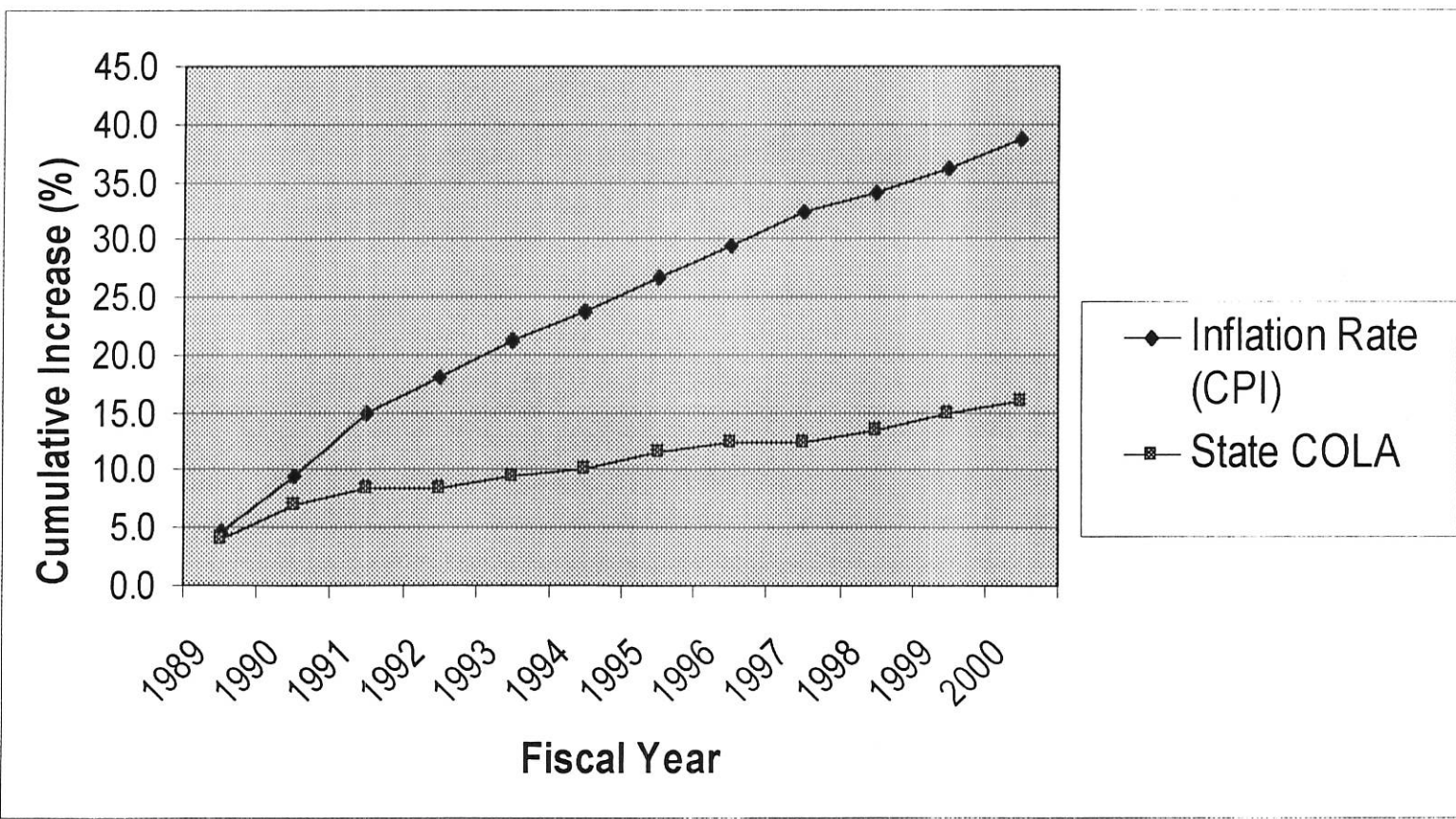
# Wage Comparison--State, Private, and CPI

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Entry Level Salary State	\$8.00	8.12	8.12	8.20	8.24	8.37	8.45	8.45	8.53	8.66
Entry Level Private	\$8.00	8.34	8.61	8.95	9.20	9.49	9.82	10.28	10.64	11.01
Entry Level Inflation	\$8.00	8.44	8.71	8.98	9.21	9.48	9.74	10.02	10.20	10.40
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Entry Level Salary State	\$15,000	15225	15225	15377	15454	15686	15843	15843	16001	16241
Entry Level Private	\$15,000	15630	16146	16775	17245	17797	18420	19267	19942	20640
Entry Level Inflation	\$15,000	15825	16331	16838	17275	17776	18256	18786	19124	19506

# Inflation Rate v. State COLA

## Cumulative Increase

### FY1989-FY2000



## NJSI Charge

- Review present pay plan and recommend revisions to job classifications and salaries
- Study pay philosophy of present plan and make recommendations for future pay plan including development of a pay structure to implement the plan;
- Review present Court Personnel Rules affecting compensation and make recommendations concerning revision of the rules as the committee finds appropriate;
- Other compensation issues will be subject to ongoing study

**COMMITTEE MEMBERS AND REPRESENTATION**

The NJSI includes representatives from the judiciary, clerks of the court, court administrators, court services, and the Office of Judicial Administration. The Department of Administration, Division of Personnel Services and the Office of Judicial Administration have provided staff services and valuable information to the committee.

**Appointees to the NJSI:**

- Hon. John W. White, Chief Judge, 31<sup>st</sup> Judicial District, NJSI Chair
- Hon. Larry McClain, Chief Judge, 10<sup>th</sup> Judicial District
- Hon. Larry Solomon, Chief Judge, 30<sup>th</sup> Judicial District
- Robin Becker, District Court Clerk, 17<sup>th</sup> Judicial District
- Kathleen Collins, District Court Clerk, 29<sup>th</sup> Judicial District
- Louis Hentzen, District Court Administrator, 18<sup>th</sup> Judicial District
- Mary Kadel, Chief Court Services Officer, 14<sup>th</sup> Judicial District
- Patricia Henshall, Personnel/Programs Director, Office of Judicial Administration
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- Kathy Porter, Executive Assistant to the Judicial Administrator
- Amy Bertrand, General Counsel
- Nancy Trickett, Education Technician

**Kansas Supreme Court**

Jack Fowler, Administrative Assistant to the Chief Justice

# RECOMMENDATION 1.

■ THE COMPENSATION PLAN SHOULD PROVIDE FOR AN ANNUAL COST OF LIVING ADJUSTMENT THAT IS COMMENSURATE WITH INCREASES IN THE INFLATION RATE, AS MEASURED BY CURRENT ECONOMIC INDICATORS.



## RECOMMENDATION 2.

■ THE COMMITTEE RECOMMENDS THAT THE SUPREME COURT ADOPT SEPARATE PAY PLANS FOR SUPERVISORY AND NONSUPERVISORY EMPLOYEES.

■ THE PLAN FOR SUPERVISORY PERSONNEL SHOULD INCLUDE A PAY FOR PERFORMANCE COMPONENT AND AN ANNUAL COLA .

■ THE PLAN FOR NONSUPERVISORY PERSONNEL SHOULD INCLUDE AN ANNUAL COLA AND PERIODIC STEP INCREASES. EACH OF THESE STEP INCREASES SHOULD BE LARGER THAN THE PRESENT 2.5% STEP INCREASE, BUT THERE SHOULD BE FEWER STEP INCREASES IN NUMBER.

	STEP A	STEP B	STEP C	STEP D	STEP E
<b>Employment Term At Each Step</b>	<b>Entry Level</b>	<b>After 6 Mos.</b>	<b>After 1 year of employment</b>	<b>After 3 years at Step C and "full performance"*</b>	<b>After 4 years at Step D</b>
<b>Total Employment</b>	<b>0-6 mos.</b>	<b>6 mos. – 1 yr.</b>	<b>1 yr. – 4 yrs.</b>	<b>4 yrs. – 8 yrs.</b>	<b>8 yrs. -</b>
<b>Comparison with current pay matrix</b>	<b>Approximates current step 5</b>	<b>Approximates current step 6</b>	<b>Approximates current step 9</b>	<b>Approximates current step 12</b>	<b>Approximates current step 15</b>
<b>Pay increase</b>	<b>Entry Level</b>	<b>Add 2.5% to Step A**</b>	<b>Add 7.5% to Step B</b>	<b>Add 7.5% to Step C</b>	<b>Add 7.5% to Step D</b>
<b>Step Levels under present plan included in this Step</b>	<b>Steps 1-3</b>	<b>Step 4</b>	<b>Step 5-7</b>	<b>Steps 8-11</b>	<b>Steps 12 - 15</b>

\* The "full performance" requirement is intended to place a pay for performance component into this pay plan. Recommendations for evaluating "full performance" will be provided to the Court.

\*\* Granting a 2.5% step increase at six months will be discretionary with no rights to appeal denial of the step increase.

# Phase I

- Proposal was included in Supreme Court Budget submitted to Governor
- Approximately \$2.6 million to fund

# Phase II

- Revision of Pay Classification
- Development of Pay for Performance Matrix for Managers and Supervisors

# Phase III

- Implementation of Pay Plan

NONJUDICIAL EMPLOYEE COMPENSATION

A REPORT TO THE  
KANSAS SUPREME COURT

FROM THE  
NONJUDICIAL SALARY INITIATIVE

August 13, 1999

House Appropriations  
1-27-00  
Attachment 4

## EXECUTIVE SUMMARY

*"To provide efficient, effective and creative public service to the people of Kansas through an employee compensation system that is competitive; has internal equity; is based on employee skills, competencies, and performance; and is fiscally sound."*

-State Compensation Philosophy

The Kansas Supreme Court appointed the Nonjudicial Salary Initiative (NJSI) on June 4, 1999, to study the present pay plan for nonjudicial employees, to make recommendations concerning appropriate changes to the plan, and to propose a legislative approach to obtain funding for implementing the changes.

In recent years, the Judicial Branch's system of compensating its employees has led to high turnover rates and difficulty in hiring and retaining qualified applicants. Because this pay plan is not competitive with salary levels in the private sector or in other government offices, our courts cannot remain efficient, effective or creative. Unless modifications are made to the Judicial Branch pay plan, the courts cannot compete for services of qualified employees.

The NJSI believes there is interest among legislators in modifying the existing state's pay plan. The concept of a performance-based pay plan appears to have gained favor among a number of lawmakers. As the Supreme Court formulates its legislative proposal for salary increases, the NJSI proposes a performance-based pay plan, as discussed in the following recommendations.

### RECOMMENDATION 1.

**THE NJSI RECOMMENDS THAT THE JUDICIAL BRANCH'S COMPENSATION PLAN PROVIDE FOR AN ANNUAL COST OF LIVING ADJUSTMENT THAT IS COMMENSURATE WITH INCREASES IN THE INFLATION RATE, AS MEASURED BY CURRENT ECONOMIC INDICATORS.**

**RECOMMENDATION 2.**

**THE NJSI RECOMMENDS THAT THE SUPREME COURT ADOPT SEPARATE PAY PLANS FOR SUPERVISORY AND NONSUPERVISORY EMPLOYEES. THE PLAN FOR SUPERVISORY PERSONNEL SHOULD INCLUDE A PAY FOR PERFORMANCE COMPONENT AND AN ANNUAL COLA . THE PLAN FOR NONSUPERVISORY PERSONNEL SHOULD INCLUDE AN ANNUAL COLA AND PERIODIC STEP INCREASES. EACH OF THESE STEP INCREASES SHOULD BE LARGER THAN THE PRESENT 2.5% STEP INCREASE, BUT THERE SHOULD BE FEWER STEP INCREASES IN NUMBER.**

**RECOMMENDATION 3.**

**THE NJSI RECOMMENDS THAT THE SUPREME COURT REVISE ITS PERSONNEL RULES TO EXTEND THE PROBATIONARY TERM OF NEW EMPLOYEES FROM SIX MONTHS TO ONE YEAR.**

**THE JUDICIAL BRANCH COMPENSATION PLAN SHOULD PROVIDE FOR A STEP INCREASE IN SALARY OF AT LEAST 5% ONCE THE NEW EMPLOYEE HAS SUCCESSFULLY COMPLETED THE ONE YEAR PROBATIONARY TERM.**

**RECOMMENDATION 4.**

**THE NJSI RECOMMENDS THE COMPENSATION PLAN SHOULD PROVIDE FLEXIBILITY FOR HIRING OF AN EMPLOYEE ABOVE THE ENTRY LEVEL SALARY (STEP 1) WHEN A JUDICIAL DISTRICT DEMONSTRATES THAT AN EMPLOYEE CANNOT BE HIRED AT THE ENTRY LEVEL OF COMPENSATION.**

**RECOMMENDATION 5.**

**THE NJSI RECOMMENDS THAT THE SUPREME COURT SUPPORT ELIMINATION OF THE LONGEVITY BONUS, IF THE LEGISLATURE FUNDS RECOMMENDATION 1. THE NEED AND JUSTIFICATION FOR LONGEVITY BONUSES IS NO LONGER VALID IF RECOMMENDATION 1 IS FUNDED.**

**RECOMMENDATION 6.**

**THE NJSI RECOMMENDS THE SUPREME COURT PROVIDE BY RULE FOR PERIODIC REVIEW OF THE JUDICIAL BRANCH PAY PLAN TO ASSURE THAT THE PLAN REMAINS CONSISTENT WITH THE JUDICIAL BRANCH COMPENSATION PHILOSOPHY.**



## NONJUDICIAL SALARY INITIATIVE REPORT

*"To provide efficient, effective and creative public service to the people of Kansas through an employee compensation system that is competitive; has internal equity; is based on employee skills, competencies, and performance; and is fiscally sound."*

-State Compensation Philosophy

### INTRODUCTION

The Kansas Supreme Court, in response to concerns of the Judicial Branch's judicial and nonjudicial employees, appointed the Nonjudicial Salary Initiative (NJSI) on June 4, 1999, to study the present pay plan for nonjudicial employees. The Court directed that the NJSI study the existing plan, make recommendations concerning appropriate changes to the plan, and suggest a legislative approach to obtain funding for implementing the proposed changes.

District court clerks, court administrators, court services officers and members of the judiciary provided information to the NJSI concerning problems faced by district courts in hiring and retaining employees. The Office of Judicial Administration provided an analysis concerning "turnover" among nonjudicial employees. The Office of Judicial Administration also created an Internet listserve that provided a means for Judicial Branch employees to send their suggestions and comments concerning the pay plan to the NJSI. Representatives from the Department of Administration, Division of Personnel Services provided additional information concerning proposed pay plans and the Statewide Human Resources and Payroll System (SHaRP).

The NJSI has developed recommendations for modification of the present pay plan. Certain modifications will have an immediate impact on the salaries of our nonjudicial employees. Other recommendations include modifications that will become effective in future years. The directive to the NJSI from the Supreme Court required that preliminary recommendations of the NJSI be submitted to the Court by September 1, 1999, for use in preparation of the Judicial Branch's Year 2001 budget. This report

contains those preliminary recommendations. Subject to the Court's acceptance and approval of this report and recommendations, the NJSI will continue meeting to refine its recommendations for presentation to the Year 2000 Kansas Legislature.

### **COMMITTEE MEMBERS AND REPRESENTATION**

The NJSI includes representatives from the judiciary, clerks of the court, court administrators, court services, and the Office of Judicial Administration. The Department of Administration, Division of Personnel Services and the Office of Judicial Administration have provided staff services and valuable information to the committee.

#### Appointees to the NJSI:

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#### Kansas Supreme Court

Jack Fowler, Administrative Assistant to the Chief Justice

## BACKGROUND

The NJSI held its organizational meeting in Wichita on June 11, 1999. The committee subsequently met in the Office of Judicial Administration on June 23, July 15, and July 28, 1999. The NJSI considered the following background information in preparing its report and recommendations.

### Judicial Branch Pay Plan

Letters to the Supreme Court from chief judges and clerks of the district courts have expressed a pressing need for change in the pay plan.<sup>1</sup> Statistical data from the Office of Judicial Administration reinforces the concerns expressed by the clerks and chief judges. In each of the past two years, one in four employees in the clerk of the district court offices have left the court system. In the urban areas of the state, where caseloads are rapidly increasing, more than one in three of the clerks' staff have left those offices.<sup>2</sup>

Letters received by the Court express the following concerns:

- our turnover rate is so high we are unable to evaluate accurately our personnel needs
- the state's pay plan that was once competitive with those in private industry is no longer attractive to potential job applicants
- it is becoming increasingly difficult to attract quality applicants
- once new employees have received training and experience, they leave for better paying jobs.

Other factors in addition to inadequate salaries contribute to our employee turnover. In 1997, the Legislative Division of Post Audit noted that "(b)etween 1987 and 1996, case filings have increased 40% while nonjudicial staff have increased 7%."<sup>3</sup> Budget cuts in 1990

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<sup>1</sup> Copies of letters to the Supreme Court from Chief Judges and Clerks of the Court were provided to NJSI for the committee's use.

<sup>2</sup> Appendix A-"Analysis of the Problem", Office of Judicial Administration

<sup>3</sup> Performance Audit Report: Reviewing the Kansas Court System's Allocation of Staff Resources to the District Courts: A Report to the Legislative Post Audit Committee by the Legislative Division of Post Audit, State of Kansas; June 1997; p.ii

translated to a loss of positions. A 1997 study of compensation issues concerning all state employees included a finding that "many believe employee morale is low."<sup>4</sup>

In June 1999, the Office of Judicial Administration prepared an analysis of nonjudicial employee turnover. OJA reached the following conclusions:

"When we broke it down into job function, i.e., clerks' offices, CSOs, and judicial support staff, the area with the most problems was the clerks' offices and primarily in the lower salary/classification levels. The table below shows some of this data regarding the percentage on an annual basis of positions that turned over. This is also shown on the attached graphs for the clerks' offices and CSO offices by judicial district.

Annual Turnover of Selected Segments

All Nonjudicial	17%
Clerks' Offices	23%
Court Services Officers	12%

We also discovered in reviewing this data that a significant number of employees leaving had only worked for us for a short time. One particularly striking statistic is that 70.3% of the employees who left and required a permission to fill had been working for us less than three years. The average length of service for the 620 positions in our data was 3.42 years and this included 11 employees that came to the court system at unification. What is happening is that our starting salaries have failed to remain competitive. Moreover, if we are able to hire someone, it is easy for them to find a higher paying job before too much time is invested with us. This is also evident from the following table reflecting percentage wage increases prepared from data provided by the Kansas Legislative Research Department and from an understanding of Kansas' pay practices.

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<sup>4</sup> State of Kansas, Diagnostic Review and Draft Philosophy and Strategies for the State's Classification and Compensation Systems, Revised Final Report, Fox, Lawson & Associates, June 25, 1997, p.50.

Percentage Salary Increases  
(1988-1999)

<u>Year</u>	<u>State COLA</u>	<u>Avg. Weekly Wage Private Sector</u>
1988	2.0	3.0
1989	4.0	2.8
1990	3.0	2.7
1991	1.5	4.2
1992	---	3.3
1993	1.0	3.9
1994	0.5	2.8
1995	1.5	3.2
1996	1.0	3.5
1997	---	4.6
1998	1.0	3.5
1999	1.5	3.5

When cost of living increases are given, each step in the pay plan is increased by that amount which in particular means, the starting salary, or step 1, is only increased by the COLA. Using the data above, assuming our starting salaries were competitive in 1988, the starting salary has fallen 26.48% below that offered in private industry."<sup>5</sup>

A clerk of the court in one of the urban districts that has experienced substantial turnover provided the following comments:

- With the turnover comes constant training of new employees.
- Our caseload filings have increased 33% over the last ten years.
- With the constant turnover and increased workload, it is difficult to maintain accuracy. The supervisors are overwhelmed with constant training and lack of accuracy of the new employees. The feeling is that we are a training ground for staff to move on to higher paying positions. Needless to say, the morale within the office is very low and difficult to improve.<sup>6</sup>

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<sup>5</sup> Id., Appendix A

<sup>6</sup> Letter to the Supreme Court from Joyce Reeves, Clerk of the District Court, Third Judicial District, Shawnee County, March 10, 1999.

The OJA analysis shows that an average of one in eight Court Services Officers (CSOs) will leave the Judicial Branch each year. Inadequate salaries are a major reason for departure of Court Services employees. In the hiring and retention of CSOs, the Judicial Branch is competing with other government agencies, primarily Community Corrections departments, city court systems, and the Federal system where higher salaries are paid for similar work.<sup>7</sup>

The courts of Kansas have provided efficient, effective and creative public service to the people of Kansas. However, in recent years the Judicial Branch's system of compensating its employees has led to high turnover rates and placed Kansas courts in a position of being unable to hire and retain qualified applicants. With a pay plan that is not competitive with salary levels in the private sector or in other government offices, our courts are in the position of providing public service in a work environment that cannot remain efficient, effective or creative. Unless modifications are made to the Judicial Branch pay plan, the courts cannot compete for services of qualified employees.

### **Legislative Background**

During the 1996 Interim, the Legislative Budget Committee of the Kansas Legislature studied the Kansas Pay Plan. The study was in response to concerns expressed by agency managers, employees, and other legislators. As a result of the Committee's work, the consulting firm of Fox Lawson was hired to address these concerns and to examine civil service goals, objectives, and priorities for a state pay plan.

The Fox Lawson Report is better known by its title, Performance 2000. The Executive Summary of the Report states:

"Performance 2000 puts forth the purpose, goals and objectives for the classification and compensation system(s) for the classified employees within the executive branch and non judicial employees in the judicial branch as well as the strategies to be followed in order to fulfill the stated goals and objectives.

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<sup>7</sup> Appendix B-Kansas Court Services Paper; Appendix A, OJA Analysis

Within the strategic plan document, the specified goals are as follows:

The classification and compensation system(s) should facilitate internal equity across positions within all departments, agencies and applicable branches of Kansas state government. The classification structure(s) should also reflect meaningful differences in the level of work within each occupational group.

The compensation system(s) should reflect both internal equity and external parity within the various labor markets in which the State must compete. The system(s) should also reward employees who perform at above standard levels within their respective job class.

The performance appraisal system shall be used to facilitate two-way communication between supervisors and employees regarding expected levels of performance."

In 1998, the Department of Administration prepared a report addressing a number of issues raised in the Performance 2000 recommendations.<sup>8</sup> The Department's report concluded:

Investigation of performance-based pay, quantified job evaluation, broad banding, and a host of other contemporary human resource management systems during the past year has led to the conclusion that **the State of Kansas is attempting to bring about change in culture, rather than a change in pay philosophy, per se.** The new culture would take on the following characteristics:

- responsiveness to changing needs of government
- shift in responsibility and accountability
- recognition of accomplishment over length of service
- realization that different kinds of work may be worthy of different treatment

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<sup>8</sup> Appendix C-"Evaluation of Performance 2000 Report Issues", Department of Administration, Division of Personnel Services, November 25, 1998.

- continued adherence to quality management principles such as customer service and process improvement”

The NJSI believes there is interest among legislators to modify the existing state pay plan. The concept of a performance-based pay plan appears to have gained favor among a number of lawmakers. The Supreme Court's legislative proposal for salary increases should include consideration of a performance-based pay plan as discussed in our recommendations.

### **PAY PLAN RECOMMENDATIONS**

*"The ultimate goal of the Kansas court personnel system is to attract and retain qualified, dedicated employees for the mutual benefit of the employees and the public they serve."*<sup>9</sup>

The Judicial Branch has based its pay plan on the pay plan applicable to other state classified employees. The present state pay plan was adopted in 1941, and has remained essentially the same for the past sixty years. The legislature modified the pay plan in 1985 and 1989 to provide for a pay matrix that includes 38 grades and 15 steps within each grade.<sup>10</sup> Increases from step to step approximate 2.5%; increases from grade to grade approximate 5%. In 1989, the legislature revised the pay plan to include a longevity bonus for employees having ten or more years of service.<sup>11</sup> The longevity bonus is awarded at the rate of \$40 for each year of service not to exceed twenty-five years (\$1,000). The Legislature established longevity bonuses to "recognize permanent employees who have provided experience and faithful long-term service to the state of Kansas in order to encourage officers and employees to remain in service of the state."<sup>12</sup>

The salary schedule shown by the pay matrix is increased each year by the cost of living adjustment (COLA) established by the Kansas legislature. An employee remaining

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<sup>9</sup> KCPR 1.1-PERSONNEL SYSTEM PURPOSE AND SCOPE

<sup>10</sup> Appendix E – State of Kansas pay matrix

<sup>11</sup> The 1989 legislative change to the pay plan also reduced from three years to one year the time on step in the upper steps and added two steps to each salary range.

<sup>12</sup> K.S.A. 75-5541(f)



within the same grade or salary range will annually receive a COLA, a step increase of 2.5%, and a longevity bonus if the employee is eligible.

### RECOMMENDATION 1.

**THE NJSI RECOMMENDS THAT THE JUDICIAL BRANCH'S COMPENSATION PLAN PROVIDE FOR AN ANNUAL COST OF LIVING ADJUSTMENT THAT IS COMMENSURATE WITH INCREASES IN THE INFLATION RATE, AS MEASURED BY CURRENT ECONOMIC INDICATORS.**

Each year since implementation of the revised pay plan, except in fiscal years 1992 and 1997, the legislature has provided state employees with a salary adjustment. The adjustment has been referred to by legislators and employees as a cost of living adjustment (COLA). In reality, the adjustment bears little resemblance to a COLA. The inflation rate has exceeded the salary adjustment in every year since implementation of the state's present pay plan. However, because we have come to know the salary adjustment as a COLA, in this report we will refer to it as a COLA rather than a salary adjustment.

While the legislature has funded COLAs for ten of the past twelve years, the salaries of court employees have not kept pace with the inflation rate.<sup>13</sup> The estimated cost of living increase from 1989 to 2000 is 38.6%. In the same period, our court employees received annual COLAs totaling 16%. Table I shows a comparison of the annual COLA and the inflation rate.<sup>14</sup>

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<sup>13</sup> Consumer Price Index--All Urban Consumers (1982-84 equals 100): the increase in the average index for the fiscal year (July-June).

<sup>14</sup> Statistical data from "Kansas Fiscal Facts", Kansas Legislative Research Department, Sixth Edition, June 1999, p.32

Table I.  
COLA v. Inflation Rate  
(FY 1989-FY 2000)

Fiscal Year	State Classified Service COLA	Inflation Rate
1989	4.0%	4.6%
1990	3.0%	4.8%
1991	1.5%	5.5%
1992	----	3.2%
1993	1.0% effective 12/18/92	3.1%
1994	0.5%	2.6%
1995	1.5% effective 9/18/94	2.9%
— 1996	1.0%	2.7%
1997	----	2.9%
1998	1.0%	1.8%
1999	1.5%	2.0% (est.)
2000	1.0%	2.5% (est.)

The COLA funding policy has had an adverse impact on the courts' ability to hire and retain employees. Each year the salaries on the pay matrix are increased by the COLA authorized by the legislature. Since 1989, the salaries for each grade or classification have increased by 16%. When we consider entry level salaries, the salaries at which we attempt to employ applicants, we see that in the past twelve years those salaries have increased by 16%. A position that in 1989 had an entry level salary of \$7.00 per hour now pays \$8.20 per hour. To keep pace with the inflation rate the same \$7.00 per hour salary should now be \$10.23 per hour.

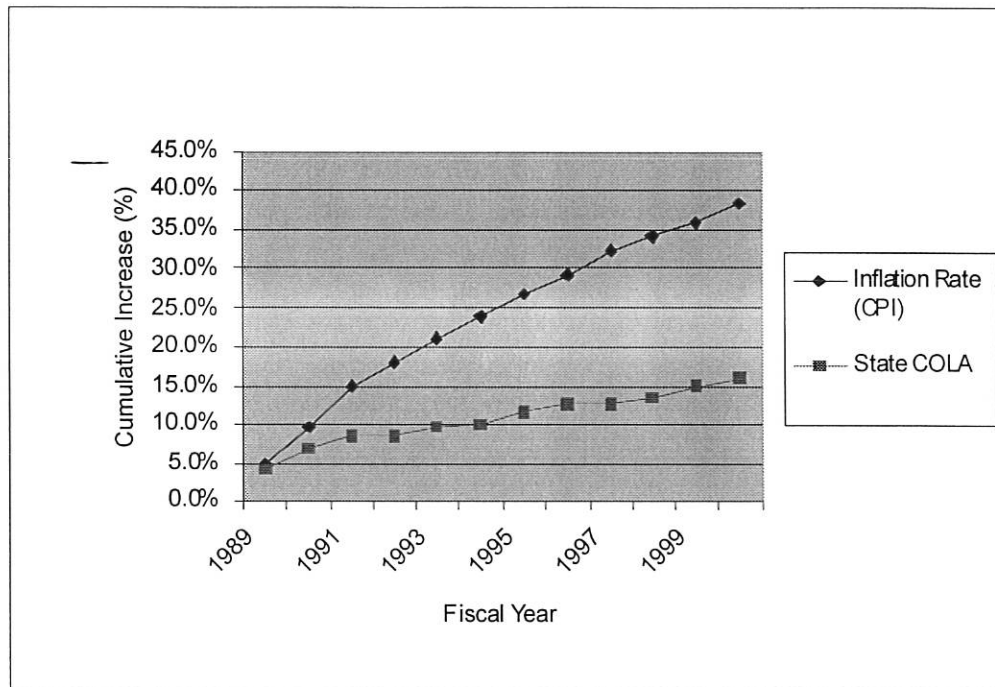
Our current employees also feel the effect of a COLA that is less than the inflation rate. Until our employees reach step 15 on the pay matrix they receive a step increase of approximately 2.5% in addition to the COLA. In a few of the years shown above, the total of the step increase (2.5%) and the COLA was less than the inflation rate. In the period 1989-2000 our employees can expect step increases of 30% and COLAs of 16%, a total increase of 46%. However, after deducting the 38.6% inflation rate we realize that our employees have effectively received a salary increase of less than 8%.<sup>15</sup> Chart A shows a

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<sup>15</sup> The data shown does not reflect the delay in effective dates of the COLAs.

comparison of the cumulative inflation increase and the cumulative COLA increase for the period 1989-2000.

**Chart A**  
**Inflation Rate v State COLA**  
**Cumulative Increase**  
**FY 1989-FY2000**



These problems could be addressed if the Judicial Branch's compensation plan provided an annual adjustment for increase in cost of living that is commensurate with increases in the inflation rate, as measured by current economic indicators.

#### **RECOMMENDATION 2.**

**THE NJSI RECOMMENDS THAT THE SUPREME COURT ADOPT SEPARATE PAY PLANS FOR SUPERVISORY AND NONSUPERVISORY EMPLOYEES. THE PLAN FOR SUPERVISORY PERSONNEL SHOULD INCLUDE A PAY FOR PERFORMANCE COMPONENT AND AN ANNUAL COLA. THE PLAN FOR NONSUPERVISORY PERSONNEL SHOULD INCLUDE AN ANNUAL COLA AND PERIODIC STEP INCREASES. EACH**

**OF THESE STEP INCREASES SHOULD BE LARGER THAN THE PRESENT 2.5% STEP INCREASE, BUT THERE SHOULD BE FEWER STEP INCREASES IN NUMBER.**

The NJSI recommends that the Court adopt separate pay plans for supervisory/management personnel and nonsupervisory personnel. The committee has reviewed materials concerning other pay plans and believes that the "one plan fits all" pay matrix should be substantially modified, if not abandoned. The Department of Administration has concluded:

**"'One size fits all' classification and pay systems are neither necessary nor advisable.** If the State wishes to operate government more like a business which is a common idea among progressive government leaders, the notion that all employees must be treated alike, must be replaced with the notion that all employees must be treated fairly. These should be mutually exclusive concepts, but traditional government systems have assumed that identical treatment is the only avenue to fairness despite differences in jobs and levels of performance. The State of Kansas should be open to considering some features of new performance-based pay systems as well as being open to retaining features of our current system if they work well for certain types of jobs and agency organizations."<sup>16</sup>

As previously noted, the legislature has shown interest in a state pay plan based on performance. Information provided to our committee shows that pay for performance is currently popular with several agencies of government. Despite the current popularity of the concept, we do not recommend inclusion of all employees in a pay for performance plan.

### **Nonsupervisory Employee Plan**

Although we have emphasized the current popularity of performance based plans, the plan we recommend has only one step increase based on performance. Our rationale

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<sup>16</sup> Id *Evaluation of 2000 Report Issues*, pp. 7-8

for not placing more emphasis on pay for performance involves many issues. Our primary concerns center around the inherent straining of relationships between employees and supervisors, between employee and employee, and the time-consuming evaluation process that would be necessary to effectively administer such a plan.

In a report to Tennessee courts, the National Center for State Courts had this to say about pay for performance plans:

"Some researchers state that while pay-for-performance systems have been somewhat successful in non government organizations, because of the ability to quantify goals and objectives, these quantifiable factors are not found in the public sector. They cite three major factors for the failure of pay for performance in public settings:

1. Supervisors must know the desirable job behavior exists to reward it; many performance appraisal instruments are flawed, and supervisors have imperfect knowledge concerning the performance of subordinates. Appraisal results may be biased.
2. Pay for performance is premised on pay being a primary motivational factor for employees, but research indicates that workplace participation, job enrichment, professionalism, and recognition are more important to employees.
3. Pay for performance imposes excessive information gathering and paperwork demands on the supervisor and by focusing on a narrow measurable range of employee performance; it can discourage interpersonal and inter group cooperation."<sup>17</sup>

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<sup>17</sup> *Pay For Performance Employee Appraisal System*, National Center for State Courts report to Tennessee Supreme Court, Appellate Courts and Administrative Office of the Courts, May 1995, p.4

The NJSI recommends that the Supreme Court adopt the following pay plan for all nonsupervisory employees. According to OJA data, 84% of our nonjudicial employees would be included in this plan, if it is adopted.

	STEP A	STEP B	STEP C	STEP D	STEP E
Employment Term At Each Step	Entry Level	After 6 mos.	After one year of employment	After three years at Step C and "full performance"*	After four years at Step D.
Total Employment Term	0-6 mos.	6 mos.-1 yr.	1 yr.-4 yrs.	4 yrs.-8 yrs.	8 yrs.-
Comparison with current pay matrix	Approximates current step 5	Approximates current step 6	Approximates current Step 9	Approximates current Step 12	Approximates current Step 15
Pay Increase	Entry Level	Add 2.5% to Step A**	Add 7.5% to Step B	Add 7.5% to Step C	Add 7.5% to Step D
Step Levels under present plan included in this Step	Steps 1-3	Step 4	Step 5-7	Steps 8-11	Steps 12-15
<p>*The "full performance" requirement is intended to place a pay for performance component into this pay plan. Recommendations for evaluating "full performance" will be provided to the Court.<sup>18</sup></p> <p>** Granting a 2.5% step increase at six months will be discretionary with no right to appeal denial of the step increase.</p>					

The general concept of this proposal is to make the starting salaries more competitive, to limit the number of steps in order to make them more significant, and to use more of the salary enhancement money for a realistic "COLA" and less for "step movement." This proposal will require a substantial amount of funding the first year. Moreover, this proposal will continue to have a cost for "step movement" in future years, although it is less than the current system. This means if the governor does not recommend a general pay plan adjustment or recommends only a small adjustment, insufficient funding would be available for a meaningful COLA and step movement.

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<sup>18</sup>Appendix F-Sample evaluation forms used in the Tennessee judicial branch, provided by the National Center for State Courts.

## Steps and Movement Between Steps

This proposal reduces the number of steps for each grade to five. The starting step, step A, would be about step 5 of the current plan. This would further make up the shortcomings of our current starting salary that the Court has partially addressed this year.<sup>19</sup>

The next step, step B, would be roughly equivalent to the current step 6 and the employee would be eligible to advance to step B after six months. The NJSI recommends that the personnel rules be modified to provide for granting permanent status after one year.<sup>20</sup> A thorough evaluation should still be done after six months and a modest increase at that time encourages that evaluation.

An employee would be eligible for step C after one year of employment. For employees new to the system, the completion of one year of service also means mandatory membership in KPERS and the required 4% contribution to that system. The NJSI proposes that step C be roughly equivalent to the current step 9, or about a 7.5% increase over step B so that an employee actually receives an increase, and not a decrease in pay upon completion of one year of service.<sup>21</sup>

Obviously, under this proposal, the cost after the first year is substantially more than with the current system. Even discounting the enhanced starting salary, this proposal gives an increase after one year, equivalent to what it would take three years to get under the current system. This must be addressed to meet the fiscal goals.

To move to the next step, step D, would require meeting two criteria: Three years on step C and satisfying established criteria for “full performance.” The requirements for

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<sup>19</sup> For FY 2000, the Supreme Court has approved a pay increase for any clerical employees under 20 on permanent status who were below the step 3 salary level. Employees below step 3 were moved to step 3. See OJA Analysis, Class Change Plan, p.3

<sup>20</sup> See Recommendation 3

<sup>21</sup> See Recommendation 2

“full performance” in the Clerks’ offices would be recommended by the Clerks’ Advisory Council and those for CSOs by the CSO Advisory Committee. For administrative assistants and court reporters, the Kansas District Judges Association would review standards. In addition to providing another serious performance review at this stage in an employee’s career, it would modestly address the “pay for performance” desire that has been stated. An employee must be functioning at full performance before this raise is granted. The proposal for step D would be roughly equivalent to step 12 on the current system, about a 7.5% increase.

After four more years, a total of eight years on the job, an employee would be eligible for the final step, step E. This would essentially be a longevity step. While it might be considered generous, we suggest step E be equivalent to step 15 in the current system, an additional 7.5% increase.

While on the surface it appears that employees would be concerned about the lack of raises during many of the years of their employment and a relatively early “top out,” this proposal assumes more realistic COLAs which will materially benefit longer-term employees and give newer employees a meaningful (about 10%) raise during the years they do move on the matrix.

Under this system, evaluations would take on renewed importance, and the current forms and system should be revised. Training for supervisors will need to be provided on how to fairly evaluate employees and coach them to achieve “full performance.”

### Implementation

While we know any implementation plan creates perceived inequities, the proposal below would give every employee an expectation of a reasonable COLA. In addition, employees on steps 1, 2 and 3 would go to step A (equivalent to step 5).



Employees on step 4 would go to step B (equivalent to step 6).<sup>21</sup> Employees on steps 5, 6 and 7 would go to step C, those on steps 8, 9, 10 and 11, to step D and those on steps 12, 13, 14 and 15 to step E. It is important that reasonable COLAs be given in the future. The most dramatic perceived inequity are employees on step 11 at implementation. They will go to step D, which is equivalent to step 12, but that may just be an acceleration of normal step movement (e.g. six months early) and then those employees will not be eligible for additional step movement for four years. They must be able to expect COLAs in the future.

Of the positions in the affected classes, if current employees all stayed until implementation, the average raise, above what they would expect under the current system, would be 5.40%. The maximum increase, above the current plan, would be 10.42% and the median would be 6.22%. One hundred eighty-six (186) of these employees (about 15%) would get less than .50% more than they could currently expect. Most of these are currently at the top of the range, or will go there during FY 2000, and that top will not increase without a COLA.

#### Costs

Because this proposal provides for significant increases for most employees, the cost for this proposal is not small. In addition, while it is not mandatory for the first year, a general salary plan adjustment for increase in cost of living of about 2.5% should also be recommended in order to reward employees on step 15. To implement this proposal will require \$2,102,366 above the base cost of the current plan. When fringe benefits are added, the total cost is \$2,391,652. If we were also to include a 2.5% COLA, or general increase in the matrix, it would cost an additional \$1,214,462. All of these figures are based only on the positions reviewed for this analysis.

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<sup>21</sup> This would put employees who were moved to step 3 due to Supreme Court order No. 60 and those going to step 4 on this implementation "ahead" of new employees.

The advantage of this proposal, if fully implemented in FY 2001, is that, other than new employees, only those employees who are currently on steps 1, 2 and 3 at the beginning of FY 2001 will receive a merit increase during FY 2002. (The base for those on step 4 at implementation will be larger in FY 2002, but they will not receive an increase during that year). In FY 2003 none of the current employees would be eligible for a step increase. In 2004, those on steps 5, 6 and 7 would be eligible for an increase and those on step 4 would receive an increase for half a year. In 2005 those currently on steps 1, 2 and 3 as well as those on steps 8, 9, 10 and 11 would be eligible for step movement. With this limited step movement, reasonable adjustment for increase in cost of living for all nonjudicial employees should be possible using funding that was historically dedicated to step movement.

### **Manager/Supervisor Plan(s)**

The NJSI has discussed possible pay plans for our supervisors and managers. We agree that the plan(s) for managers and supervisors should include a pay for performance component, but we have been unable to agree on a recommendation as to the form of the plan. We recognize that moving our managers and supervisors to a performance-based pay plan will be a dramatic change, one that will require much planning, preparation and training. Therefore, we suggest that the Court implement the committee's recommendations in phases.

The committee members agreed that a movement to pay for performance for managers and supervisors requires overhauling the current evaluation system. Separate evaluation forms for line staff and managers and supervisors must be developed, as well as the guidelines for "full performance." All employees must be given meaningful training on the new forms and the "full performance" criteria. All supervisors and managers must also receive training on how to fairly evaluate employees, and how to coach them to achieve their best performances. OJA suggests the new forms be used for at least for a 12-month period following their adoption before the pay for performance component is

implemented. This period will provide a period to evaluate the forms and the effectiveness of the training.

For the present, we recommend that the proposed plan for nonsupervisory employees include managers and supervisors. After the NJSI has had sufficient time to study other pay plans, we will prepare a recommendation concerning a pay plan for managers and supervisors that will address performance based pay issues.

### **RECOMMENDATION 3.**

**THE NJSI RECOMMENDS THAT THE SUPREME COURT REVISE ITS PERSONNEL RULES TO EXTEND THE PROBATIONARY TERM OF NEW EMPLOYEES FROM SIX MONTHS TO ONE YEAR.**

**THE JUDICIAL BRANCH COMPENSATION PLAN SHOULD PROVIDE FOR A STEP INCREASE IN SALARY OF AT LEAST 5% ONCE THE EMPLOYEE HAS SUCCESSFULLY COMPLETED THE ONE YEAR PROBATIONARY TERM.**

The NJSI discussed the six-month probationary term and has concluded that six months is not sufficient time to evaluate a newly hired employee. The NJSI recommends that the Court amend its personnel rules to extend the present probationary term of six months to one year.

The Court's present personnel rules provide that newly hired employees shall serve a probationary term of six months before being granted permanent status with the court system. A newly hired employee enters the system at step 1 of the applicable grade and after serving the six-month probationary term, provided he or she is granted permanent status, is moved to Step 2 of the pay plan. At the end of 12 months of service, the employee has received two step increases. However, due to rules pertaining to KPERS benefits, at the beginning of the second year of employment a 4% contribution to KPERS becomes effective. The employee's "take-home" pay is reduced to less than the employee was receiving during the previous six-month period. To prevent this

inequitable result, NJSI recommends that the Court modify the pay plan to provide for a step increase of 5% or more at the end of the first year of employment.

#### RECOMMENDATION 4.

#### THE NJSI RECOMMENDS THE COMPENSATION PLAN SHOULD PROVIDE FLEXIBILITY FOR HIRING OF AN EMPLOYEE ABOVE THE ENTRY LEVEL SALARY (STEP 1) WHEN A JUDICIAL DISTRICT DEMONSTRATES THAT AN EMPLOYEE CANNOT BE HIRED AT THE ENTRY LEVEL OF COMPENSATION.

A complaint raised by appointing authorities is that the present entry-level salary in many classes is insufficient to attract qualified applicants. A remedy for this problem appears to be available in KCPR 4.7:

“4.7 Beginning Pay

Initial appointment to any position with the Judicial Branch shall be at step 1 of the pay grade assigned to the classification in which the position is assigned. Upon recommendation of the appointing authority and the Personnel Officer, the Judicial Administrator may seek approval from the Chief Justice for compensation up to step 5 when the needs of the court system make such action necessary. Exceptions must be based on either: 1) An employee’s outstanding and unusual experience and ability beyond the qualification requirements specified for the position; or 2) A critical shortage of qualified applicants exists.”

NJSI recommends that the Court establish a procedure for uniform implementation of KCPR 4.7 by amending the rule as follows:

“4.7 Beginning Pay

- a. Initial appointment to any position with the Judicial Branch shall be at ~~step 1~~ *the entry level* of the pay grade assigned to the classification in which the position is assigned. Upon ~~recommendation~~ *request* of the appointing authority and the Personnel Officer, the Judicial Administrator may seek approval from the Chief Justice for compensation up to step 5 when the needs of the court system make such action necessary. ~~Exceptions~~ *Requests* must be based on ~~either~~: 1) An employee’s ~~outstanding and unusual~~ experience and ability ~~beyond the qualification requirements specified for the position;~~ *or* and 2) A critical shortage of qualified applicants ~~exists~~.

- b. *As part of the request, the appointing authority must submit:*
1. *A list of other employees in the district serving in the same job classification and their pay step;*
  2. *A copy of the advertisement for the position conforming to the judicial branch job specification for the job classification, the name of the newspaper, and date(s) of publication;*
  3. *A copy of the notice of posting distributed through the judicial branch; and*
  4. *A list of the other applicants showing why each was not qualified."*

#### **RECOMMENDATION 5.**

**THE NJSI RECOMMENDS THAT THE SUPREME COURT SUPPORT ELIMINATION OF THE LONGEVITY BONUS, IF THE LEGISLATURE FUNDS RECOMMENDATION 1. THE NEED AND JUSTIFICATION FOR LONGEVITY BONUSES IS NO LONGER VALID IF RECOMMENDATION 1 IS FUNDED.**

This recommendation is made on condition that the Court adopts Recommendation 1, funding of an appropriate COLA. The longevity bonus provided for in K.S.A.75-5541(f) benefits employees who have completed 120 months of service to the state. The NJSI recognizes the value of rewarding an employee who has provided "faithful long-term service to the state." However, the greater benefit to all employees is derived from payment of a realistic COLA. We do not recommend that the Court initiate an effort to abolish the longevity bonus, but if such legislation is proposed, the Court should support it. The funds included in the Court's budget for longevity bonuses could then be applied to funding an adjustment for increase in cost of living.

#### **RECOMMENDATION 6.**

**THE NJSI RECOMMENDS THE SUPREME COURT PROVIDE BY RULE FOR PERIODIC REVIEW OF THE JUDICIAL BRANCH PAY PLAN TO ASSURE THAT THE PLAN REMAINS CONSISTENT WITH THE JUDICIAL BRANCH COMPENSATION PHILOSOPHY.**

The Judicial Branch "Personnel System Purpose" states:

“The purpose of the Kansas court personnel system is to establish and maintain equitable and uniform policies, procedures, job classifications, and compensation plans to effectively:

- a. Provide equal employment opportunities to all applicants on the basis of merit regardless of race, color, sex, age, religion, national origin, disability or political affiliation. See KCPR 5.1, at 19; see also Appendix C.
- b. Insure that all employees are properly compensated and that such compensation bears a direct relationship to the position occupied.
- c. Provide regular employee performance reviews so meritorious performance may be rewarded and unsatisfactory performance may be remedied. See KCPR 5.24, at 28.
- d. Provide uniform and adequate medical and retirement plans.

The ultimate goal of the Kansas court personnel system is to attract and retain qualified, dedicated employees for the mutual benefit of the employees and the public they serve.”<sup>22</sup>

The present state pay plan on which the Judicial Branch pay plan is based has been in existence for approximately sixty years. The state plan, and consequently the Judicial Branch plan, has not been changed by the legislature in the past ten years. The present Judicial Branch plan does not provide for adequate salaries that will permit the district courts to hire and retain employees. As shown by the information provided in this report, the conditions affecting the courts' ability to hire and retain employees did not totally occur in recent years.

The NJSI recommends that the Supreme Court establish by Rule or otherwise, a procedure for future reviews of the salary plan(s) affecting employees of the Judicial Branch to assure that the purpose of the Kansas Court Personnel Rules is met.

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<sup>22</sup> KCPR 1.1-PERSONNEL SYSTEM PURPOSE AND SCOPE

## Nonjudicial Salary Initiative Fund

The Judicial Branch is proposing legislation which would increase certain docket fees to create a Nonjudicial Salary Initiative (NJSI) Fund. The purpose of the NJSI Fund is to enable the Judicial Branch to attract and retain qualified employees, to compensate its employees with a pay plan that keeps pace with the cost of living, as well as to reward employees who demonstrate exceptional performance.

A docket fee is required for each case filed in the district or appellate court. In civil, limited actions, domestic, small claims, and appellate court cases, the fee must be paid before the case is filed. However, the fee is often ordered to be reimbursed by the losing party. The docket fee in traffic, fish and game, criminal, juvenile, and treatment cases is not required to be paid in advance. Collection of the fee in those cases is often spread over a period of time.

From each docket fee collected, certain dollar amounts are deducted and paid by the court to various funds, the majority of which are, interestingly, executive branch or county entities, as described below:

- Statutory charges for law library fees are paid to the county treasurer. These charges vary from county to county.
- A \$1.00 fee in all criminal cases including traffic, fish and game, and watercraft; and from all treatment and juvenile cases, is paid to the county treasurer for use by the county or district attorney.
- A fee of \$.50 for the Indigent Defense Services Fund is deducted from all criminal, fish and game, and watercraft, as well as from all treatment and juvenile cases.
- A fee of \$9.00 for the Law Enforcement Training Center Fund is deducted from all criminal, traffic, fish and game, and watercraft fees collected.
- There are fees of \$5.00 and \$10.00 deducted from the docket fees of civil, limited actions and small claims cases which are paid monthly to the county general fund.
- The remainder of the docket fees are paid to the state treasurer on a monthly basis. The largest portion of this money goes to the State General Fund, but certain percentages are assigned to several different funds. The funds currently receiving a percentage of docket fees include the following:

Access to Justice Fund  
Protection From Abuse Fund  
Dispute Resolution Fund  
Judiciary Technology Fund  
Trauma Fund

Juvenile Detention Facilities Fund  
Crime Victims Assistance Fund  
Judicial Branch Education Fund  
Kansas Endowment for Youth Trust Fund  
Permanent Families Account in the  
Family And Children Investment Fund

After filing, each case requires court personnel time, equipment, and materials. Even with the proposed increases, the docket fee is only a small percentage of the cost of litigation, and will

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still reimburse only a negligible portion of the cost of each case to the court system. Once the docket fee has been paid in a particular case, the court continues to provide service over the life of that case, including creating and maintaining the case file, issuing summons, garnishments, executions, setting hearing dates, processing money paid in on judgments, as well as storage and retrieval of case records.

The proposed increases in docket fees will not restrict any potential litigant's access to the courts. For those who cannot afford the docket fee, a poverty affidavit will continue to offer the opportunity to ask the court for a waiver of the docket fee. Also, as stated above, the docket fee is often assessed to the losing party, and is often payable over time.

In addition, although even the increased docket fees do not fully reimburse the courts for the services provided, the increases do make those using the courts responsible for a larger portion of the cost of a case, leaving the taxpayer with a smaller burden for the costs of the court system.



Case Type	Current Fee	National Average Fee
Appellate Cases*		
Supreme Court	55.00	123.50
Court of Appeals	55.00	123.50
<b>Total Appellate Courts</b>		
Civil Cases		
Regular Actions	66.50	87.39
Domestic Relations	66.50	87.39
Limited Actions	19.50	44.12
	39.50	44.12
	64.50	44.12
Small Claims	19.50	21.78
	39.50	21.78
<b>Total Civil</b>		
Other		
Traffic	46.00	
	45.00	
Fish and Game	46.00	
<b>Total Other</b>		
Criminal		
Felony	134.50	
Misdemeanor	102.50	
<b>Total Criminal</b>		
<b>Grand Total</b>		

FULL FUNDING (NJSI & 2.5% COLA)	
Proposed Fee	Money Raised
100.00	
100.00	
	<b>48,892</b>
100.00	
100.00	
45.00	
45.00	
75.00	
25.00	
45.00	
	<b>3,827,746</b>
46.00	
46.00	
46.00	
	<b>21,238</b>
140.00	
105.00	
	<b>36,271</b>
	<b>3,934,146</b>

Nonjudicial Salary Initiative Cost:

Phase I	\$2,364,646
COLA	\$1,203,586
<b>Total</b>	<b>\$3,568,232</b>

	Filings (or Terminations**, where appl.)	% of Cases Docket Fees Collected	Current Fee	Estimated % of Cases with varying Docket Fees
<b>Appellate Cases*</b>				
Supreme Court	195	66%	55.00	
Court of Appeals	1,878	51%	55.00	
<b>Civil Cases</b>				
Regular Actions	22,564	98%	66.50	
Domestic Relations	37,998	75%	66.50	
Limited Actions	124,816	98%		
\$500 or less			19.50	55%
\$500.01 to \$5,000			39.50	40%
over \$5,000			64.50	5%
Small Claims	15,476	98%		
\$500 or less			19.50	55%
\$500.01 to \$1,800			39.50	45%
<b>Other</b>				
Traffic	193,079 **	92%		
moving violations			46.00	90%
non-moving violations			45.00	10%
Fish and Game	4,186 **	83%	45.00	
<b>Criminal</b>				
Felony	18,559 **	16%	~ 134.50	
Misdemeanor	20,584 **	38%	~ 102.50	

\*All receipts currently go to the State General Fund

\*\*Terminations

~The percentage of cases for which a docket fee would have been assessed were multiplied by 25% for felonies and 75% for misdemeanors based on estimates of payments received.

Judicial Branch nonjudicial salary initiative fund; receipts; expenditures

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) there is hereby established in the state treasury the judicial branch nonjudicial salary initiative fund.

(b) All monies credited to the fund shall be used for the purpose of providing annual salary adjustments for judicial branch employees. Expenditures from the fund shall be in addition to the funding authorized for increases to the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act for fiscal years commencing after June 30, 2000. Monies credited to the fund shall not be used for judicial salary increases.

Sec. 2. K.S.A. 20-1a04 is hereby amended to read as follows: 20-1a04. The clerk of the supreme court shall remit to the state treasurer at least monthly all moneys received by or for ~~him~~ *the clerk* for docket fees, and all amounts received for other purposes than those specified in K.S.A. 20-1a01, 20-1a02 or 20-1a03, unless by order of the supreme court ~~he~~ *the clerk* is directed to make other disposition thereof. Upon receipt of any such remittance the state treasurer shall deposit *and credit to the judicial branch nonjudicial salary initiative fund, a sum equal to 55% of the remittances of docket fees and to the state general fund, a sum equal to 45% of the remittances of docket fees.* ~~the entire amount thereof in the state treasury and the entire amount thereof shall be credited to the state general fund.~~

Section 3. K.S.A. 20-367 is hereby amended to read as follows: 20-367. Of the remittance of the balance of docket fees received monthly by the state treasurer from clerks of the district court pursuant to subsection (f) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit to the access to justice fund, a sum equal to ~~6.78%~~ *5.34%* of the remittances of docket fees; to the juvenile detention facilities fund, a sum equal to ~~4.35%~~ *3.42%* of the remittances of docket fees; to the judicial branch education fund, the state treasurer shall deposit and credit a sum equal to ~~3.34%~~ *2.63%* of the remittances of docket fees; to the crime victims assistance fund, the state treasurer shall deposit and credit a sum equal to ~~.9%~~ *0.71%* of the remittances of the docket fees; to the protection from abuse fund, the state treasurer shall deposit and credit a sum equal to ~~2.68%~~ *2.11%* of the remittances of the docket fees; to the judiciary technology fund, the state treasurer shall deposit and credit a sum equal to ~~6.77%~~ *5.33%* of the remittances of docket fees; to the dispute resolution fund, the state treasurer shall deposit and credit a sum equal to ~~.56%~~ *0.44%* of the remittances of docket fees; to the Kansas endowment for youth trust fund, the state treasurer shall deposit and credit a sum equal to ~~1.98%~~ *1.56%* of the remittances of docket fees; ~~and~~ to the permanent families account in the family and children investment fund, the state treasurer shall deposit and credit a sum equal to ~~.32%~~ *0.25%* of the remittances of docket fees; to the trauma fund, a sum equal to ~~2.34%~~ *1.84%* of the

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remittance of docket fees; and to the judicial branch nonjudicial salary initiative fund, the state treasurer shall deposit and credit a sum equal to 21.28% of the remittance of docket fees. The balance remaining of the remittances of docket fees shall be deposited and credited to the state general fund.

Section 4. K.S.A. 60-2001 is hereby amended to read as follows: 60-2001. (a) Docket fee. Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of ~~\$66.50~~ \$100.00 to the clerk of the district court.

(b) Poverty affidavit in lieu of docket fee. (1) Effect. In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in (A) the six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) Form of affidavit. The affidavit provided for in this subsection shall be in the following form and attached to the petition:

State of Kansas, \_\_\_\_\_ County.

In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee.

(c) Disposition of docket fee. The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with K.S.A. 20-362 and amendments thereto.

(d) Additional court costs. Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this

state shall charge any district court in this state a fee or mileage for serving any paper or process.

Section 5. K.S.A. 61-2501 is hereby amended to read as follows: 61-2501. (a) Docket fee. No case shall be filed or docketed pursuant to this chapter without the payment of a docket fee in the amount of ~~\$19.50~~, if the amount in controversy or claimed does not exceed \$500; ~~\$39.50~~, if the amount in controversy or claimed exceeds \$500 but does not exceed \$5,000; ~~\$45.00~~, if the amount in controversy or claimed does not exceed \$5,000, or ~~\$64.50~~ \$75.00, if the amount in controversy or claimed exceeds \$5,000. If judgment is rendered for the plaintiff, the court also may enter judgment for the plaintiff for the amount of the docket fee paid by the plaintiff.

(b) Poverty affidavit; additional court costs. The provisions of subsections (b), (c) and (d) of K.S.A. 60-2001 and amendments thereto shall be applicable to actions pursuant to this chapter.

Section 6. K.S.A. 61-2704 is hereby amended to read as follows: 61-2704. (a) An action seeking the recovery of a small claim shall be considered to have been commenced at the time a person files a written statement of the person's small claim with the clerk of the court if, within 90 days after the small claim is filed, service of process is obtained or the first publication is made for service by publication. Otherwise, the action is deemed commenced at the time of service of process or first publication. An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff's small claim, the clerk of the court shall require from the plaintiff a docket fee of ~~\$19.50~~ \$25.00, if the claim does not exceed \$500; or ~~\$39.50~~ \$45.00, if the claim exceeds \$500; unless for good cause shown the judge waives the fee. The docket fee shall be the only costs required in an action seeking recovery of a small claim. No person may file more than 10 small claims under this act in the same court during any calendar year.

Section 7. K.S.A. 28-172a is hereby amended to read as follows:  
28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

On and after July 1, 1998:

Murder or manslaughter	\$164.50
Other felony	<del>+34.50</del> 140.00
Misdemeanor	<del>+02.50</del> 105.00
Forfeited recognizance	62.50
Appeals from other courts	62.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways (including those listed in subsection (c) of

K.S.A. 8-2118, and amendments thereto), a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of Kansas Statutes Annotated and amendments thereto or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of ~~\$45~~ \$46 shall be charged. When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by mail or in person, the docket fee to be paid as court costs shall be ~~\$45~~ \$46.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of \$46 shall be charged. When an action is disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or in person, the docket fee to be paid as court costs shall be \$46.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 1999 Supp. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

Sec.8. K.S.A. 8-2107 is hereby amended to read as follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uniform act regulating traffic on highways, when a

person is stopped by a police officer for any of the offenses described in subsection (d) and such person is not immediately taken before a judge of the district court, the police officer may require the person stopped, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such police officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person stopped until the date of the hearing stated on the receipt. The driver's license and a written copy of the notice to appear shall be delivered by the police officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with a police officer under this subsection (a) shall have such license returned upon final determination of the charge against such person.

(2) In the event the person stopped deposits a valid Kansas driver's license with the police officer and fails to appear in the district court on the date set for appearance, or any continuance thereof, and in any event within 30 days from the date set for the original hearing, the court shall forward such person's driver's license to the division of vehicles with an appropriate explanation attached thereto. Upon receipt of such person's driver's license, the division shall suspend such person's privilege to operate a motor vehicle in this state until such person appears before the court having jurisdiction of the offense charged, the court makes a final disposition thereof and notice of such disposition is given by the court to the division. No new or replacement license shall be issued to any such person until such notice of disposition has been received by the division. The provisions of K.S.A. 8-256, and amendments thereto, limiting the suspension of a license to one year, shall not apply to suspensions for failure to appear as provided in this subsection (a).

(b) No person shall apply for a replacement or new driver's license prior to the return of such person's original license which has been deposited in lieu of bond under this section. Violation of this subsection (b) is a class C misdemeanor. The division may suspend such person's driver's license for a period of not to exceed one year from the date the division receives notice of the disposition of the person's charge as provided in subsection (a).

(c) (1) In lieu of depositing a valid Kansas driver's license with the stopping police officer as provided in subsection (a), the person stopped may elect to give bond in the amount specified in subsection (d) for the offense for which the person was stopped. When such person does not have a valid Kansas driver's license, such person shall give such bond. Such bond shall be subject to forfeiture if the person stopped does not appear at the court and at the time specified in the written notice provided for in K.S.A. 8-2106, and amendments thereto.

(2) Such bond may be a cash bond, a bank card draft from any valid and unexpired credit card approved by the division of vehicles or superintendent of the Kansas highway patrol or a guaranteed arrest bond certificate issued by either a surety company authorized to transact such business in this state or an automobile club authorized to transact business in this state by the commissioner of insurance. If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such discount shall be charged against the amount designated as the fine for the offense. If such bond is not forfeited, the amount of the bond less the discount rate shall be

reimbursed to the person providing the bond by the use of a bank card draft. Any such guaranteed arrest bond certificate shall be signed by the person to whom it is issued and shall contain a printed statement that such surety company or automobile club guarantees the appearance of such person and will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person not to exceed an amount to be stated on such certificate.

(3) Such cash bond shall be taken in the following manner: The police officer shall furnish the person stopped a stamped envelope addressed to the judge or clerk of the court named in the written notice to appear and the person shall place in such envelope the amount of the bond, and in the presence of the police officer shall deposit the same in the United States mail. After such cash payment, the person stopped need not sign the written notice to appear, but the police officer shall note the amount of the bond mailed on the notice to appear form and shall give a copy of such form to the person. If the person stopped furnishes the police officer with a guaranteed arrest bond certificate or bank card draft, the police officer shall give such person a receipt therefor and shall note the amount of the bond on the notice to appear form and give a copy of such form to the person stopped. Such person need not sign the written notice to appear, and the police officer shall present the notice to appear and the guaranteed arrest bond certificate or bank card draft to the court having jurisdiction of the offense charged as soon as reasonably possible.

(d) The offenses for which appearance bonds may be required as provided in subsection (c) and the amounts thereof shall be as follows:

On and after July 1, 1996:

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Reckless driving.....	\$82
Driving when privilege is canceled, suspended or revoked.....	82
Failure to comply with lawful order of officer.....	57
Registration violation (registered for 12,000 pounds or less).....	52
Registration violation (registered for more than 12,000 pounds).....	92
No driver's license for the class of vehicle operated or violation of restrictions.....	52
Spilling load on highway.....	52
Overload:	
Gross weight of vehicle or combination of vehicles.....	an amount equal to the fine plus docket fee to be imposed if convicted
Gross weight upon any axle or tandem, triple or quad axles.....	an amount equal to the fine



plus docket fee  
to be imposed if convicted

Failure to obtain proper registration, clearance or to have current certification as required by K.S.A. 66-1324, and amendments thereto.....272

Insufficient liability insurance for motor carriers pursuant to K.S.A. 66-1,128 or 66-1314, and amendments thereto.....122

Failure to obtain interstate motor fuel tax authorization pursuant to K.S.A. 79-34,122, and amendments thereto.....122

Improper equipment (glass or fire extinguishers).....52

No authority as private, contract or common carrier.....122

No current driver's daily log.....52

Invalid or no physical examination card.....52

Transporting open container of alcoholic liquor or cereal malt beverage accessible while vehicle in motion.....223

(e) In the event of forfeiture of any bond under this section, ~~\$45~~ \$46 of the amount forfeited shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(f) None of the provisions of this section shall be construed to conflict with the provisions of the nonresident violator compact.

(g) When a person is stopped by a police officer for any traffic infraction and the person is a resident of a state which is not a member of the nonresident violator compact, K.S.A. 8-1219 *et seq.*, and amendments thereto, or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount specified in the uniform fine schedule in subsection (c) of K.S.A. 8-2118, and amendments thereto, plus ~~\$45~~ \$46 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(h) When a person is stopped by a police officer for failure to provide proof of financial security pursuant to K.S.A. 40-3104, and amendments thereto, and the person is a resident of another state or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount of \$54, plus ~~\$45~~ \$46 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

Sec. 9. K.S.A. 20-1a04, 20-367, 60-2001, 61-2501, 61-2704, 28-172a and 8-2107 are hereby repealed.