

Approved: 3-1-2000
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on February 23, 2000 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research Department
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Mark Tallman, KASB
Brilla Scott, USA
Mark Desetti, KNEA

Others attending: See Attached Sheet

The Chairperson called the meeting to order and stated the agenda for the meeting was:

SB 328 - career teacher salary plans

The Chairperson called on Senator Kerr, who deferred to Mark Tallman, who, as the first conferee, was ready to explain the bill.

Mr. Tallman distributed his testimony (Attachment 1) and stated the bill would allow school districts to establish what is called career teacher salaries. The local board would have to agree to do this; the local teacher would have to agree to participate in such a plan. If the teacher did agree to participate in such a plan, he or she would be eligible for higher degree of compensation in return for higher expectations of performance. Teachers in these plans would not be covered by the due process system that currently applies to regular classroom teachers. If these plans were approved by the Commissioner of Education under criteria set forth in the bill, that district would be eligible for an additional weighting factor to provide additional revenues to compensate teachers in these plans. KASBs long standing policy positions support the idea of professional accountability and additional levels of merit pay compensation for teachers.

Attached to Mr. Tallman's testimony were recommendations from a Kansas level affiliate of the National Commission on Teaching and America's Future (KCTAF). KASB does not agree with all of the recommendations offered by this group, but many of them are consistent with its policy goals. In closing, Mr. Tallman stated the bill does not address all the concerns about issues of teacher tenure and due process, but it is a step forward.

Mr. Tallman replied to a question by stating that a teacher would have to move beyond the probationary stage to be able to participate in a plan. This would be after three years. The district plan would set out the additional things a teacher would have to do to qualify, but the district would only receive funding to help implement this plan. New sec.3, page 2, outlines what the Commissioner of Education would do.

It was clarified by one of the committee that the Commissioner of Education would set the guidelines and criteria and districts can create the plan from the framework they receive from that. He will evaluate what is submitted to make certain it comes within the guidelines.

Brilla Scott, USA appeared next in support of the bill. (Attachment 2) She stated the plan would allow a teacher to choose from either the usual district salary schedule or the enhanced career salary plan. This would make school districts in a better position to compete with business and industry in retaining teachers in such fields as mathematics, science and technology. It also has the potential for encouraging more young adults to enter the field of education. She added that a teacher can choose to remain on the regular salary schedule with a continuing one-year contract or that individual could select the proposed career plan with its enhanced salary and a possible three-year contract.

In closing, Ms. Scott stated that United School Administrators looks favorably on a bill that provides choices for Kansas teachers and local boards of education.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on February 23, 2000.

Ms. Scott responded to a question by stating that it has been her experience that quality teachers are not concerned about the protection piece. They know that the way they perform is going to continue their job and not the security of a negotiated or salary protection.

One of the committee stated she disagreed with this and Ms. Scott responded by stating that there may be isolated cases where someone may be making less than appropriate decisions, but she believes at the local district there are enough levels that there will be a checking system so that will not occur. There is no one individual making a decision; it is being recommended by the principal and the superintendent, in turn, is reviewed by the local board of education.

Another committee member stated he agreed with Ms. Scott's comments and has had teachers tell him they would welcome the opportunity to participate in what the bill outlines.

This led to several further comments on the bill.

Mark Desetti, KNEA, opponent of the bill, submitted his testimony (Attachment 3) Mr. Desetti also submitted a copy of the KNEA publication "Issues" (on file at KNEA). He stated that the fiscal note on the bill is over \$40 million. The bill does not address school districts' basic needs, nor does it address teaching and learning. The bill is fundamentally about conning low paid teachers out of their due process rights and contract protections; it is really about gaining control and institutionalizing the status quo. Any school district or local association can propose such a system and work out the details collaboratively at the bargaining table.

Mr. Desetti referred to the publication he had brought with him and stated the entire issue was devoted to alternative pay plans. KNEA has proposed state rewards for teachers who achieve National Board Certification and five of their local associations have successfully negotiated this issue. The Kansas Commission on teaching and America's Future was presented with similar legislation last year and was not interested in pursuing it. The Educational Testing Service and Harvard University looked into the issue of a link between due process rights and student achievement. The answer was "no". The newspaper wrote an editorial which concluded that the elimination of due process rights would be a disaster for schools.

Mr. Desetti ended his testimony by stating the bill is not about anything but getting rid of due process rights. He stood for questions.

One of the committee referred Mr. Desetti to new section 3 of the bill and read the language which states most of the language of the purpose of the bill.

Mr. Desetti responded by stating that there is due process in education for several reasons. Being creative and innovative might mean taking a chance on something that may not be successful. He feels that one is freer to take risks when there is some protection.

One of the committee commented on the latest copy of "Issues" and stated that it was the best issue he had read. He read from an article that quoted Harry McDonald, Blue Valley NEA and stated that he is right on target with his comments.

After further comments, Senator Downey distributed an attachment entitled, "Teacher Support Program" (Attachment 4) and spoke of its merits.

After additional comments, the Chairperson called for action on the bill.

Senator Kerr recommended SB 328 favorably for passage. Senator Bleeker gave a second to the motion. The motion carried.

The meeting was adjourned.



TO: Senate Committee on Education
FROM: Mark Tallman, Assistant Executive Director for Advocacy
DATE: February 22, 2000

RE: Testimony on S.B. 328

Madam Chair, Members of the Committee:

KASB appears today in support of S.B. 328 because we believe it could be one component in addressing a critical need in education: the enhancement of professional standards and accountability.

For the past several years, KASB has had the following Legislative Priority Statement:

Professional Accountability. Certification, evaluation and tenure systems should be strengthened by reforms that reflect actual performance.

State oversight of professional standards and discipline should be strengthened. Local boards should be able to determine evaluation criteria and procedures, and to remove employees for reasons related to the board's obligation to maintain an efficient school system and improve student performance.

We are not alone in seeking changes in this area. In 1996, the National Commission on Teaching and America's Future issued a report entitled "What Matters Most: Teaching for America's Future." This report led to the creation of a Kansas education policy board. Most members of this board are teachers, administrators, and representatives of teacher organizations and teacher training institutions. Although KASB does not agree with all of the recommendations of this group, several of these recommendations are consistent with KASB's policy statement.

Specifically, note NCTAF Recommendation 4 on the second page of the attached document: "Encourage and reward teacher knowledge and skill." The first state recommendation calls for the development of a "career continuum" for teachers and refers to "components that merit additional compensation." S.B. 328 is certainly one way to accomplish this.

The third recommendation says simply "Remove teachers who do not meet standards." We would ask the policy board: what standards? The Kansas teacher due process law does not include any standards for moving tenured teachers. Under that same law, due process hearing officers are not required to following standards developed by local boards. The original NCTAF recommendation was worded even more bluntly: "Remove incompetent teachers." Who could argue with that? Well, even incompetence is not a stated ground for removing tenured teachers in Kansas.

Members of the committee, the teaching profession should be strengthened. This should and will benefit that vast majority of teachers of who are dedicated, competent professionals, and more importantly, it will benefit the students of Kansas. But it will not happen until we address the current compensation system and tenure law, which are determined by the Legislature. KASB has proposed legislation in this area every year since 1993. You have taken no action.

S.B. 328 is another way to begin to address this problem. It is not the entire solution, but it is a start. Nothing is going to happen until the Legislature makes it happen.

Thank you for your consideration.

RECOMMENDATIONS APPROVED BY KCTAF Jan. 20, 1999

NCTAF Recommendation 1:

Get serious about standards for both students and teachers.

1. Establish an independent professional board (modeled after medicine, law, and other professions) to set standards and to govern the education profession with an authority and conscience not vulnerable to changing political priorities.
2. Require accreditation of teacher education programs in Kansas by the National Council for Accreditation of Teacher Education (NCATE) to ensure consistent quality.
3. Issue initial licenses only to candidates who complete programs in NCATE-accredited institutions.
4. Grant licenses (initial and renewal) based on demonstrated performance against rigorous standards.
5. Accredite preK-12 schools based on continuous improvement of student performance [using...against] rigorous standards.

NCTAF Recommendation 2:

Reinvent teacher preparation and professional development.

1. Align teacher-preparation programs with preK-12 Quality Performance Accreditation standards.
2. For initial licensure, require a graduate-level, year-long internship in a preK-12 school that, in active partnership with an accredited teacher-preparation program, supports the training and development of teacher candidates. Such preK-12 schools are known as Professional Development Schools (PDS).
3. Establish statewide standards for Professional Development Schools.
4. Require induction and mentoring programs for beginning teachers, which provide professional orientation, refine instructional skills, and promote longterm success.
5. Design and implement professional development for teachers using measures of student achievement, accomplished teaching, and preK-12 Quality Performance Accreditation standards.

**NCTAF Recommendation 3:
Overhaul teacher recruitment and put qualified teachers in every classroom.**

1. Analyze teacher supply and demand, recruiting, hiring, and retention in Kansas.
2. Provide incentives for teachers to enter the profession in high-need areas (subject content, diversity, and geographic location).
3. Create and fund a statewide incentive system to allow districts to hire and retain a qualified teacher for every classroom.
4. Raise salaries to levels commensurate with professions requiring similar training.
5. Prohibit districts from assigning teachers to subjects or at levels for which they are not licensed. No waivers.
6. Remove barriers to teacher mobility.

**NCTAF Recommendation 4:
Encourage and reward teacher knowledge and skill.**

1. Develop a career continuum for teachers that rewards advanced subject-knowledge and teaching skills. Identify knowledge-and-skills components that merit additional compensation.
2. Implement peer mentoring, assistance, and review to improve teaching and learning.
3. Remove teachers who do not meet standards.
4. Create incentives that support and encourage teachers to pursue National Board for Professional Teaching Standards (NBPTS) certification and reward those who achieve it. Set a Kansas goal of at least one NBPTS certified teacher in every school.

NCTAF Recommendation 5:

Create schools organized for students and teacher success.

1. Put students first. Require decision making to be based on student achievement.
2. Redesign administrator preparation, professional development programs, and district policies to prepare and retain principals who understand teaching and learning.
3. Restructure the principal's job to focus on teaching and learning.
4. Direct all district and school resources (time, money, people, technology) to improve student success.

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Kansas Association of
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Kansas Association of
School Business
Officials
(KASBO)

Kansas Association for
Supervision and
Curriculum Development
(KASCD)

Kansas Association of
Special Education
Administrators
(KASEA)

Kansas Association of
Secondary School
Principals
(KASSP)

Kansas Council of
Vocational
Administrators
(KCVA)

Kansas School
Public Relations
Association
(KanSPRA)

SB 328: Career Teacher Salary Plans

Testimony presented to the Senate Education Committee

by
Brilla Highfill Scott, Executive Director
United School Administrators of Kansas

February 22, 2000

Madam Chairman and Members of the Committee:

United School Administrators of Kansas is supportive of the Career Teacher Salary Plan which is supplemental to a district's regular salary plan. This voluntary plan would allow a teacher to choose from either the usual district salary schedule or the enhanced career salary plan. A career teacher could qualify for a multi-year contract of up to three years under this new provision.

Our association views this career plan as a way for school districts to exercise local control in rewarding exemplary teachers for the outstanding work they are doing. School districts would be in a better position to compete with business and industry in retaining teachers in such fields as mathematics, science and technology.

With its enhanced compensation, this plan has the potential for encouraging more young adults to enter the field of education.

You will undoubtedly hear from the opposition today that teachers will be selling their rights. It is true that a teacher who participates in this plan will have more limited employment protection procedures in the event a school board decides not to renew the teacher's contract. It is also true that the teacher would be excluded from provisions of the continuing contract negotiation laws.

SENATE EDUCATION
2-23-2000
Attachment 2

In other words, a teacher could choose this career teacher plan which mirrors what employees in the private sector respond to on a daily basis. This is the decision that Kansas administrators consciously make when they decide to leave the title, teacher, and become an administrator or a teacher leader.

When I became an administrator, I retained my constitutional rights to due process, and I entered a professional world where my retention was based on my merits as a leader. The Career Teacher Plan would allow a career teacher the same options.

Again, I would like to emphasize that this is a voluntary plan. A teacher could choose to remain on the standard salary schedule with a one-year continuing contract . . . or select the proposed career plan with its enhanced salary and three-year contract.

United School Administrators looks favorably on a bill that provides choices for the teachers of Kansas and local boards of education.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti Testimony Before
Senate Education Committee
Tuesday, February 22, 2000

Thank you Madame Chair. I am Mark Desetti and I represent Kansas NEA. I appreciate this opportunity to visit with the committee about SB 328.

This year we have heard lots of talk in both the Senate and House Education Committees about money. There was not enough money to fund the \$50 increase in base state aid per pupil, much has been said about the reduction in the special education reimbursement from 85% to 80%, and many school administrators and KASB have been here to share the difficulties they have recruiting teachers with the low salaries they have to offer.

Yet here we are faced with a bill that has a fiscal note of over \$40 million. And this bill does not address meeting school districts' basic needs. It does not address teaching and learning. It does not address student achievement. This bill is fundamentally about conning low paid teachers out of their due process rights and contract protections.

The proponents of this bill would like us to believe that it rewards excellent teachers. Yet the bill says nothing about determining excellence. An excellent teacher, under this bill, is not one who contributes to student learning or to the improvement of school programs. An excellent teacher according to SB 328 is one who is willing to set aside his/her rights.

The proponents of this bill would like us to believe it is about innovation. How can we expect innovation and risk taking if a teacher has no due process rights? If anything these career teachers would be more likely to not be innovative. Risk takers and innovators sometimes fail. If one failed innovation leads to my nonrenewal, should I take a risk? When my only appeal is in a closed meeting without the right to counsel, should I take a risk? SB 328 is not about encouraging creativity. It is really about gaining control and institutionalizing the status quo.

If the issue is creating a compensation system that rewards teachers for exceptional knowledge and skills or school performance, there is nothing in the professional negotiations law

Senate Education
2-23-2000
Attachment 3

that would prevent it. Any school district or local association can propose such a system and work out the details collaboratively at the bargaining table. Some Kansas districts have already begun doing just that and KNEA's latest *ISSUES* publication was devoted to alternative pay plans. In it we discussed the work of Charlotte Danielson and Allen Odden as they examine programs which reward teachers for exceptional knowledge and skills and programs which reward teachers for school-based performance. In addition we feature one of our locals which has bargained a school-based performance reward system. KNEA has also proposed state rewards for teachers who achieve National Board Certification and five of our local associations have successfully negotiated this issue.

We have worked hard with the Kansas Commission on Teaching and America's Future (KCTAF) to move an agenda that will make Kansas public schools the best in the nation. KCTAF was presented with the plan proposed in SB 328 last year and was not interested in pursuing it. A proposal to sell one's rights is not congruent with KCTAF's desire to improve teaching and learning.

A recent editorial in the Atlanta Business Chronicle took issue with those who contend that there is a relationship between due process rights and student achievement. They looked to the Educational Testing Service and Harvard University for the answer. ETS told the Chronicle that there is no research showing a link between due process rights for teachers and student achievement. And when asked if there is a connection, Harvard's Susan Moore Johnson, a researcher who has spent 20 years studying and writing about teacher policies and marketplace issues, said, "The answer is no." The Business Chronicle then concludes that the elimination of due process rights would be a disaster for schools. They contend that if schools cannot now attract enough teachers to fill the classrooms because they cannot compete with private industry, how on earth can we attract top quality people if we offer them low pay, poor benefits, and at-will employment status. It's just bad business.

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SENATE CHAMBER

COMMITTEE ASSIGNMENTS

RANKING: MINORITY MEMBER: EDUCATION
MEMBER: AGRICULTURE
WAYS AND MEANS
LEGISLATIVE EDUCATIONAL
PLANNING COMMITTEE
JOINT COMMITTEE ON
CHILDREN'S ISSUES

TEACHER SUPPORT PROGRAM

As we continue to struggle with the issues of teacher quality, the following suggestions outline the kind of program I believe is necessary.

For Novice teachers:

In the first three years of teaching and prior to the granting of due process rights, no teacher would be assigned to teach out of their license level or area of endorsement. It is poor practice to place an inexperienced practitioner in an area for which he/she is not fully prepared.

The support program for these novice teachers would be extensive. It would include:

1. A comprehensive induction program that provides orientation to the school, the school district, and the community as well as a curriculum review,
2. Instructional support from a trained mentor teacher with time built into the work day for the novice and the mentor to observe each other, discuss instructional issues and challenges, and refine the novice teacher's skills,
3. A meaningful evaluation designed to give formative, useful feedback that guides the novice teacher's growth,
4. Wherever possible, the novice teacher support program would work in tandem with a teacher preparation program that supports the school's efforts to guide the novice to success.

SENATE EDUCATION
2-23-2000

Attachment 4

*Senate Education
Attachment 4
2/23/00*

For practicing teachers beginning in the fourth year:

The program for teachers who have successfully completed the first three years of teaching and earned due process rights is one of on-going professional development based on goals designed for continuous improvement.

These teachers work within their building to set goals for school improvement and then design and implement, with the help of the building principal and central office administration, professional development plans to meet the building needs.

Professional development opportunities for these teachers include:

- Curriculum development and refinement
- Development of teaching plans
- Analysis of student assessment results and student work
- Work on the Quality Performance Accreditation program
- Workshops, college classes, and seminars

These practicing teachers work closely with their colleagues and administration to expand their repertoire of teaching techniques in planning, student interaction, meeting individual student needs, and assessing student work.

For career teachers beyond six years:

As teachers continue to improve their skills and expand their influence in school improvement endeavors, new opportunities for growth should open to them.

Skilled teachers should be supported if they chose to participate in the process of National Board Certification (NBC). The process of seeking NBC status is rigorous and develops in teachers new ways of reflecting on their practice and analyzing their own work.

Career teachers can be used to support novice teachers through the peer assistance/mentoring program. Teachers who choose to serve in this capacity would be given additional training in observation techniques and coaching strategies. The expertise of these excellent teachers would then be used to facilitate the growth and success of the next generation.

Those teachers who have developed exceptional skills in specific areas will get the opportunity to support the school and district professional development program as workshop and seminar presenters. Where a strong relationship exists with a local teacher preparation program, these teachers might also serve as adjunct faculty, supporting candidates and student teachers.

For teachers who have achieved due process rights but might be experiencing difficulties:

Sometimes teachers might experience difficulties due to new instructional challenges or challenges in their personal lives. These teachers deserve the opportunity to meet these challenges and make the improvements necessary to return to their previous performance levels.

No career teacher ought to be “thrown away.” For these teachers, there must be a support program consisting of multiple peer assistance opportunities and rigorous evaluation. Principals work with these teachers to write improvement plans with realistic timelines. A specially trained career teacher is assigned to facilitate the improvement of the teacher and assist him/her in making the improvements spelled out in the plan. In conjunction with this peer assistance, the principal makes visits to the teacher’s classroom, documents performance, and gives meaningful feedback to the teacher regarding his/her progress.

At the end of the prescribed timeline, the principal makes a decision to release the teacher from the plan in good standing, extend the timeline on the improvement plan, or institute a non-renewal procedure.