

MINUTES OF THE HOUSE K-12 EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on March 6, 2001 in Room 313-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research
Avis Swartzman, Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Dale Dennis, Kansas State Department of Education
Craig Grant, Kansas National Education Association
Mark Tallman, Kansas Association of School Boards

Minutes for the committee meetings of February 12, 13, 14, 15, 16, 19 and 20 were handed out for approval. The Chairman asked that the Committee take time to examine them and a vote on their approval would be held at the meeting of March 7.

SB 24 - State schools for blind and deaf; teacher due process requirements.

Dale Dennis spoke to the Committee in explanation of **SB 24**. (Attachment 1).

Craig Grant appeared as a proponent of **SB 24**. (Attachment 2).

Mark Tallman spoke to the Committee in support of **SB 24**. (Attachment 3).

The hearing on **SB 24** was closed.

It was moved by Representative Loganbill and seconded by Representative Phelps that **SB 24** be passed favorably out of Committee. The motion carried on a voice vote.

SB 25 - School districts, non-renewal or termination of employment contracts.

Dale Dennis explained **SB 25** to the Committee. (Attachment 4).

Craig Grant spoke to the Committee in support of **SB 25**. (Attachment 5).

Mark Tallman appeared as a proponent of **SB 25**. (Attachment 3 - part 2).

The hearing on **SB 25** was closed.

Representative Loganbill introduced, as a point of privilege, Principal Carla Smith of Cloud Elementary School in Wichita.

The meeting was adjourned at 10:15 a.m. The next meeting is scheduled for Wednesday, March 7, 2001.



Kansas State Department of Education

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

March 6, 2001

TO: House Education Committee
FROM: State Board of Education
SUBJECT: Senate Bill 24

Senate Bill 24 is a bill requested by the State Board of Education. The purpose of this bill is to make the laws governing teacher due process at the State School for the Deaf and the State School for the Blind the same as the laws that apply to school districts. The State Board believes it is appropriate that certified teachers at the two state schools be treated the same as certified teachers in school districts.

On behalf of the State Board, I would request favorable action on this bill.

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House Education Committee

Date: 3/6/01

Attachment # 1



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

Craig Grant Testimony
House Education Committee
March 6, 2001

Thank you Mr. Chairman. I am Craig Grant and I represent the Kansas NEA. I appreciate this opportunity to visit with the House Education Committee about Senate Bill 24.

Kansas NEA supports SB 24 as it will provide equal treatment to teachers in the School for the Blind and School for the Deaf with other teachers in our state. As we have made changes in the due process law from time to time, we have usually passed a separate bill to provide the teachers at the schools for the deaf and blind the same provisions. Sometimes it has taken a couple of years before we remember to change that portion of the law affecting these professionals. This time it has taken us eight years to remember to make that change.

The need to make this further change came to mind when we needed to use the process in one of the schools last summer. We found that the law was as it had been written for other teachers before the 1991 and 1992 changes. This really is an oversight that we believe should be remedied.

Kansas NEA supports SB 24 and would ask the House Education Committee to report it favorably. Thank you for consideration of this matter.



TO: House Committee on Education
FROM: Mark Tallman, Assistant Executive Director for Advocacy
DATE: March 6, 2001

RE: **Testimony on S.B. 24 – State schools for blind and deaf, teacher due process**
Testimony on S.B. 25 – Teacher due process hearings

Mr. Chairman, Members of the Committee:

KASB appears as proponents of both of these measures. I have combined my testimony on these bills into a single statement. Both concern the due process procedures that are provided to tenured public school teachers when the employing school board wishes to nonrenew or terminate their contract.

SB 24 – Teacher Due Process at the State Special Schools

SB 24 would provide the same due process procedure for teachers at the state schools for the blind and deaf as is applied for teachers in unified school districts. Although KASB believes there are serious problems in the current due process law for school districts, we do not believe there is any public policy reason for keeping teachers in the special schools under a different system. Our endorsement of this bill, which simply puts the special schools under the same system as school districts, should in no way be viewed as support of that system, as noted in comments on the following bill.

SB 25 – Teacher Due Process Hearings

SB 25 reduces the number of hearing officers on the list proposed to the teacher and the school board and removes the specified dollar amount paid to hearing officers. The reason for this bill is the shortage of qualified hearing officers. KASB agrees that these steps are appropriate if we retain the current system. However, we believe that the most significant problem in the area of teacher due process is the hearing officer process itself. It is a system that unnecessarily prolongs the process of removing tenured teachers, increases the cost and provides no standard for cause in removing teachers. We believe a better system would be to allow the local school board to conduct the hearing and allow the teacher to appeal the board's decision directly to district court. Such a change would remove the need for this bill. However, until we reach that point, we can support this change to at least make the current system for workable.

Thank you for your consideration.

House Education Committee

Date: 3/6/01

Attachment # 3



Kansas State Department of Education

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

March 6, 2001

TO: House Education Committee
FROM: State Board of Education
SUBJECT: Senate Bill 25

Senate Bill 25 is a bill requested by the State Board of Education due to difficulties in administering current law. Specifically, this law requires that all hearing officers for teacher due process hearings be attorneys. It also provides that the State Board is to send a list of nine potential hearing officers whenever the need for a hearing arises. Also, a second list of nine officers can be requested and must be sent.

In addition, current law limits the amount a hearing officer can be paid to \$240 per day. Because of this limit, we have had very few attorneys choose to be on our list of potential hearing officers. In fact, we now have only 17 attorneys on the list.

Therefore, in order to encourage more attorneys to serve as hearing officers, the State Board recommends that the law be amended to remove the payment limitation. Also, we ask that each list of potential hearing officers contain five names, rather than nine since there are only 17 people on our list.



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

Craig Grant Testimony
House Education Committee
March 6, 2001

Thank you, Mr. Chairman. I am Craig Grant and I represent the Kansas NEA. I appreciate this opportunity to visit with the House Education Committee in support of Senate Bill 25.

Just as we have visited about the teacher shortage because of lack of adequate pay, we are finding that our list of hearing officers is dwindling because of inadequate compensation. Attorneys who serve as hearing officers are forced to take a "cut in pay" to serve as hearing officers instead of working at their regular practice.

Kansas NEA believes SB 25 is a solution to this problem. Just as arbitrators set their own daily fee, we believe attorneys will be able to set a reasonable fee for being a hearing officer. Since there are so few hearings per year (our general counsel indicated about 2-3 per year), we believe this will not pose a hardship on the district. What it will accomplish will be to give us a longer list of competent hearing officers from which to choose.

Kansas NEA supports SB 25 and hopes that the House Education Committee will report it favorably. Thank you for listening to the concerns of our members.

House Education Committee

Date: 3/6/01

Attachment # 5