

MINUTES OF THE HOUSE K-12 EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Ralph Tanner at 3:30 p.m. on March 29, 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:

SB 313 - School districts, school days and school hours additional to school days and school hours scheduled for the regular school term.

Representative Mason handed out a proposed amendment to **SB 313**. (Attachment 1).

It was moved by Representative Mason and seconded by Representative Benlon that this amendment be made to **SB 313**. The motion carried on a voice vote.

Representative Lloyd made the motion that was seconded by Representative Reardon to amend **SB 313** by including **HB 2546** into it.

Representative Lloyd suggested the deletion of Section D on page 2 of **HB 2546**, which would do away with the waiver language.

Representative Lloyd restated her motion and Representative Reardon seconded it that this amendment be made to **HB 2546** before incorporating it into **SB 313**. Following a voice vote, division was called for. The motion passed on a show of hands, 12 to 9.

It was moved by Representative Reardon and seconded by Representative Lloyd to recommend **SB 313** favorably, as amended, for passage. Following a voice vote, division was called for. The motion passed on a show of hands, 13 to 7.

Representative Crow wished to be recorded as a nay vote.

SB 191 - School districts, state grants to study teacher compensation plans for development of alternative compensation plans.

Ben Barrett spoke to the Committee in explanation of the supplemental note to **SB 191**.

Written testimony in favor of **SB 191** was distributed to the Committee. (Attachments 2 an 3).

It was moved by Representative Tomlinson and seconded by Representative Williams that **SB 191** be amended by including **HB 2335** into it. The motion to amend carried on a voice vote.

CONTINUATION SHEET

It was moved by Representative Crow and seconded by Representative Flaharty to amend SB 191 by stripping out all of new section 1(a) on page 1 of the original SB 191, line 19 through 43 and on page 2, line 1 through 36. The motion to amend carried on a voice vote.

A motion was made by Representative Tomlinson and seconded by Representative Lloyd to pass SB 191 favorably as amended. The motion carried on a voice vote.

Representative Tomlinson moved for the acceptance of Committee minutes for March 19, 20, 21 and 22. The motion passed on a voice vote.

The meeting was adjourned at 5:40 p.m. The next meeting is scheduled for Thursday, April 5, 2001.

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **SB 313**, as amended by House Committee of the Whole, on page 3, following line 30, by inserting a new section as follows:

"Sec. 2. K.S.A. 2000 Supp. 72-1113 is hereby amended to read as follows: 72-1113. (a) Each board of education shall designate one or more employees who shall report to the secretary of social and rehabilitation services, or a designee thereof, or to the appropriate county or district attorney pursuant to an agreement as provided in this section, all cases of children who are less than 13 years of age, enrolled in a school under the jurisdiction of the board of education, and ~~are~~ not attending school as required by law, and to the appropriate county or district attorney, or a designee thereof, all cases of children who are 13 or more years of age but less than 18 years of age, enrolled in a school under the jurisdiction of the board of education, and ~~are~~ not attending school as required by law. The designation shall be made no later than September 1 of each school year and shall be certified no later than 10 days thereafter by the board of education to the secretary of social and rehabilitation services, or the designee thereof, to the county or district attorney, or the designee thereof, and to the commissioner of education. The commissioner of education shall compile and maintain a list of the designated employees of each board of education. The local area office of the department of social and rehabilitation services may enter into an agreement with the appropriate county or district attorney to provide that the designated employees of such board of education shall make the report as provided in this section for all cases of children who are less than 13 years of

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age and are not attending school as provided by law to the county or district attorney in lieu of the secretary, or the secretary's designee. If such agreement is made, the county or district attorney shall carry out all duties as otherwise provided by this subsection conferred on the secretary or the secretary's designee. A copy of such agreement shall be provided to the director of such area office of the department of social and rehabilitation services and to the school districts affected by the agreement.

(b) Whenever a child is required by law to attend school, and the board of education of the school district in which the child resides has knowledge that the child is not enrolled in a public or nonpublic school, the child shall be considered to be not attending school as required by law and a report thereof shall be made in accordance with the provisions of subsection (a) by a designated employee of the board of education of the school district in which the child resides. The provisions of this subsection are subject to the provisions of subsection (d).

(c) (1) Whenever a child is required by law to attend school and is enrolled in school, and the child is inexcusably absent therefrom on either three consecutive school days or five school days in any semester or seven school days in any school year, whichever of the foregoing occurs first, the child shall be considered to be not attending school as required by law. A child is inexcusably absent from school if the child is absent therefrom all or a significant part of a school day without a valid excuse acceptable to the school employee designated by the board of education to have responsibility for the school attendance of such child.

(2) Each board of education shall adopt rules for determination of valid excuse for absence from school and for determination of what shall constitute a "significant part of a school day" for the purpose of this section.

(3) Each board of education shall designate one or more

employees, who shall each be responsible for determining the acceptability and validity of offered excuses for absence from school of specified children, so that a designee is responsible for making such determination for each child enrolled in school.

(4) Whenever a determination is made in accordance with the provisions of this subsection that a child is not attending school as required by law, the designated employee who is responsible for such determination shall make a report thereof in accordance with the provisions of subsection (a).

(5) The provisions of this subsection are subject to the provisions of subsection (d).

(d) (1) Prior to making any report under this section that a child is not attending school as required by law, the designated employee of the board of education shall serve written notice thereof, by personal delivery or by first class mail, upon a parent or person acting as parent of the child. The notice shall inform the parent or person acting as parent that continued failure of the child to attend school without a valid excuse will result in a report being made to the secretary of social and rehabilitation services or to the county or district attorney. Upon failure, on the school day next succeeding personal delivery of the notice or within three school days after the notice was mailed, of attendance at school by the child or of an acceptable response, as determined by the designated employee, to the notice by a parent or person acting as parent of the child, the designated employee shall make a report thereof in accordance with the provisions of subsection (a). The designated employee shall submit with the report a certificate verifying the manner in which notice was provided to the parent or person acting as parent.

(2) Whenever a law enforcement officer assumes temporary custody of a child who is found away from home or school without a valid excuse during the hours school is actually in session, and the law enforcement officer delivers the child to the school

in which the child is enrolled or to a location designated by the school in which the child is enrolled to address truancy issues, the designated employee of the board of education shall serve notice thereof upon a parent or person acting as parent of the child. The notice may be oral or written and shall inform the parent or person acting as parent of the child that the child was absent from school without a valid excuse and was delivered to school by a law enforcement officer.

(e) Whenever the secretary of social and rehabilitation services receives a report required under this section, the secretary shall investigate the matter. If, during the investigation, the secretary determines that the reported child is not attending school as required by law, the secretary shall institute proceedings under the code for care of children. If, during the investigation, the secretary determines that a criminal prosecution should be considered, the secretary shall make a report of the case to the appropriate law enforcement agency.

(f) Whenever a county or district attorney receives a report required under this section, the county or district attorney shall investigate the matter. If, during the investigation, the county or district attorney determines that the reported child is not attending school as required by law, the county or district attorney shall prepare and file a petition alleging that the child is a child in need of care. If, during the investigation, the county or district attorney determines that a criminal prosecution is necessary, the county or district attorney shall commence such action.

(g) As used in this section, "board of education" means the board of education of a school district or the governing authority of a nonpublic school. The provisions of this act shall apply to both public and nonpublic schools.";

By renumbering sections 2 and 3 as sections 3 and 4, respectively;

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Also on page 3, in line 31, by striking "is" and inserting "and K.S.A. 2000 Supp. 72-1113 are";

In the title, in line 12, before "amending", by inserting "affecting the requirement for reporting children who are not attending school as required by law;"; also in line 12, after "and" by inserting "K.S.A. 2000 Supp. 72-1113 and"; also in line 12, by striking "section" and inserting "sections";

_____ District.

**Olathe District School USD 233
Gary George**

**Testimony on Senate Bill 191
March 28, 2001**

Mr. Chairman and members of the committee, thank you for allowing me to appear before you today. We would like to propose that school districts be permitted to contribute to deferred compensation and tax sheltered investment plans on behalf of employees. State staff has advised us that legislation is needed to authorize this concept. This concept has now been included in Senate Bill 191.

Currently, 26% of Olathe School District employees participate in a tax-sheltered plan. We believe the number of participating employees could be much higher if the district were allowed to contribute to these plans. We are asking for legislation that would allow the district to provide a match to employee contributions. In our case, the contribution would be a partial match with a cap on our participation to make it affordable. We see several advantages for the employees and the school district.

- 1. There are tax advantages to the employee.**
- 2. More employees would participate in tax sheltered plans thereby helping employees be more prepared for retirement.**

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3. With the shortage of teachers and administrators, this arrangement would give us another benefit to attract new employees and retain existing staff.

This arrangement is common in the private sector and would allow school districts to be more competitive with the business world. We are seeking authority to move forward in this area. We are asking that you consider this concept and are hopeful that legislation can be enacted that creates this benefit for employees.



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

Gene Neely
House Education Committee
March 28, 2001

Thank you, Mr. Chairman. I am Gene Neely, a high school social studies teacher from Coffeyville who is on leave to serve as President of the Kansas National Education Association. I appreciate the opportunity today to discuss with you the topic of alternative compensation and **Senate Bill 191** in particular.

I was invited last summer to testify before the Governor's school finance task force specifically about this issue. I no doubt surprised some members of the panel by indicating that my organization was supportive of investigating alternatives to the single salary schedule. **SB 191** offers a thoughtful approach to the time and study necessary for considering changes in the compensation system long used by nearly every Kansas school district.

I must add, however, some caveats to this support: 1) we believe that ALL teachers should be paid higher salaries with alternative compensation approaches used to provide additional salary enhancement; 2) our view of alternative compensation is that it does not supplant current salary schedules, but rather combines them with additional dimensions. The use of experience and educational units as factors in determining base salary is appropriate and justifiable; and 3) without the local teachers association participation from the beginning of the planning process and ultimate support of the final product, any alternative system is doomed to fail.

KNEA currently has an Alternative Compensation Committee working on this somewhat sensitive issue. A roster of the committee members is included with this testimony. Since last August, this blue ribbon panel has been studying this very issue. By the end of school, the committee will issue its recommendations to the KNEA Board of Directors and ultimately our members. The committee is looking at various alternatives such as schoolbased rewards and individual based rewards for performance, knowledge, and skill. I believe the work of this group will allow KNEA to provide technical advice and assistance to districts and local associations wishing to take advantage of the opportunities embedded in SB 191.

We may all be walking down a tenuous path with this proposal and we don't have many models to examine. We believe the time has come, however, to loosen the restrictions of our current thinking and current practices to encourage local districts and local associations to explore ways to reward enhanced teacher quality, improved student achievement, and provide recruitment and retention incentives for the best and brightest of us to teach.

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KNEA Alternative Compensation Committee

Dr. Blake West, Chair

**KNEA Secretary-Treasurer
Blue Valley NEA**

Jim Armendariz

NEA Manhattan/Ogden

Terry Boyd, NBCT

President, Great Bend NEA

Tom Brungardt

**Chair, Kansas Professional Standards Board
Junction City Education Association**

Joy Carroll

NEA Kansas City

Melanie DeMoss

Olathe NEA, administrator

Kathi Flexman

**Kansas Teacher of the Year finalist, 1999
Blue Valley NEA**

Alvin Peters, NBCT

North Anderson County Teachers Association

Sue Rippe

**Kansas Teacher of the Year, 2000
United Teachers of Wichita**

Dana Sprinkle

**Kansas Teacher of the Year finalist, 1998
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Frank Strada

Vice President, NEA Shawnee Mission

Kathy Wagoner, NBCT

Hays NEA