

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Representative Kenny Wilk at 8:30 a.m. on April 4, 2002, in Room 514-S of the Capitol.

All members were present except: Representative Bethell, Excused
Representative Klein, Excused

Committee staff present: Amy Kramer, Legislative Research
Alan Conroy, Legislative Research
Julian Efird, Legislative Research
Deb Hollon, Legislative Research
Becky Krahl, Legislative Research
Audrey Nogle, Legislative Research
Robert Waller, Legislative Research
Theresa Kiernan, Revisor of Statutes
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Committee Secretary

Conferees appearing before the committee: Diane Gjerstad, Wichita Public Schools
Glenn Deck, Kansas Public Employees Retirement System
Brilla Scott, United School Administrators of Kansas
Mark Tallman, Kansas Association of School Boards
Craig Grant, Kansas National Education Association
Sheila Frahm, Kansas Association of Community Colleges
Major General Greg Gardner

Hearing on SB 638—Employment after retirement for certain school retirants

Dr. Julian Efird, Legislative Research Department, reviewed the bill which would be a partial, temporary solution to teacher shortages in certain teaching fields. Retirement rates would be affected as districts would not be paying in retirement for retirants who are teaching in the area rather than employing new hires. At this time, retired teachers are not allowed to return to teaching in the district from which they retired, however, they can teach in an adjoining district on a one-year contract.

Diane Gjerstadt, Wichita Public Schools, presented testimony in support of the bill but opposed the Senate amendment altering the continuing contract date: changing the date of notice to teachers from May 1 to May 15 and the response date from May 15 to May 30 (Attachment 1). She explained that the Wichita school district is currently short 40 special education teachers and it would be helpful to be able to offer one-year contracts to district retirants. She said the district expects there to be a very limited application should this bill pass.

Glenn Deck, Executive Director of the Kansas Public Employees Retirement System (KPERS), said that currently teachers may retire upon attaining 85 points. They must be retired for thirty days before returning to the classroom.

Brilla Scott, Executive Director of the United School Administrators of Kansas, testified in support of the bill with the recommendation that the term “teacher” be changed to “educator” as there is expected to be a definite shortage of school administrators in the next few years (Attachment 2).

The Committee discussed the option of broadening the requirements for school administrators to allow administrators and leaders graduating from such institutions as the Leavenworth Command College to fill school administration positions. There was reluctance by Committee members to expand the proposed retirant re-hiring to include the term “educator” as this could become a curriculum issue. The State Board of Education would be responsible for the determination of what areas were to be considered as “hard to fill positions.”

Mark Tallman, Kansas Association of School Boards, said they were opposed to the portion of the bill which

would change the notification dates from May 1 to May 15 as it would increase problems in the hiring of the best applicants (Attachment 3).

Craig Grant, Kansas National Education Association, explained that they supported the concept of allowing teachers to return to teach in their original school, but they did not support **SB 638** as it does not allow for continuing contracts or due process if they remain in their original district (Attachment 4).

Sheila Frahm, Kansas Association of Community Colleges, asked that it be defined whether the community colleges were to be considered part of this bill. If so, they did object to the changing of the dates for contract renewal or non-renewal from May 1 to May 15 and for responses from May 15 to May 30.

Written testimony was received from Dr. Gary Norris, Superintendent of the Salina Public Schools (Attachment 5).

Chairman Wilk closed the hearing on **SB 638**.

Hearing, Discussion and Action on SB 627–Kansas national guard; reimbursement for costs of health insurance

Major General Greg Gardner, Adjutant General, explained that currently Kansas Guard men and women on state active duty for over 30 days are vulnerable to losing medical coverage for themselves and their families if such insurance is purchased through their civilian employment (Attachment 6). This bill would address that issue by reimbursing the soldier or airman on state active duty in excess of 30 days for their civilian medical coverage at the rate of approximately \$26 per day. If such Guards persons are on federal duty, the federal government makes such payments.

Chairman Wilk closed the hearing on **SB 627**.

Representative Shriver moved to report the bill favorably for passage. Motion was seconded by Representative Campbell. Motion carried.

Chairman Wilk announced the recess of the meeting at 9:27 am. The meeting was reconvened at 12:50 p.m. on Thursday, April 4, 2002.

Hearing, Discussion and Action on HB 3034–Legislative study committees restricted during 2002 interim, repealing legislative compensation commission

Alan Conroy, Legislative Research Department, explained that this bill reflects the recommendations in the Budget Bill in the deletion of \$200,000 from the Legislative Budget. It would prohibit special or interim committees but would allow Joint Committees to meet. The recommendations also abolish the Legislative Compensation Commission. These recommendations were not in the Senate budget bill.

Chairman Wilk closed the hearing on **HB 3034**.

Representative Neufeld moved to amend the bill by adding an amendment on page 1, following line 25 to include language providing the legislative postage allotment be extended until sine die or May 31, whichever is later (Attachment 7). Motion was seconded by Representative Campbell. Motion carried.

Representative Neufeld moved to report the bill favorably as amended. Motion was seconded by Representative Stone. Motion carried.

Action on SB 618–State institutions building fund, revenue bond debt service for capital improvements of the department of social and rehabilitative services

The revenue bond service is limited to the construction of the Larned State Hospital.

Representative Minor moved to report the bill favorably for passage. The motion was seconded by Representative Feuerborn. Motion carried.

Action on SB 364–Fees for certificates of title

The bill would extend the \$1 proposed increased fee for certificates for title for two additional years in order to support the purchase of VIPS-CAMA equipment.

Representative Peterson moved to amend the bill to authorize any technical amendments deemed necessary by the Revisors. Motion was seconded by Representative Hermes. Motion carried.

Representative Nichols moved to amend the bill by retaining the sunset provision and raise the proposed \$1 fee to \$2 with it flowing directly into the state general fund with payment then going to the Kansas Highway Patrol out of the state general fund. Motion was seconded by Representative Minor. Motion carried.

Representative Peterson moved to report the bill favorably as amended. Motion was seconded by Representative Hermes. Motion carried.

Action on SB 513—After death of recipients of medicaid requiring certain moneys to be recouped and repaid to secretary of social and rehabilitative services

Representative Neufeld moved to amend the bill by striking the language on page 1, line 17 which reads “a medicaid recipient, or any other” and inserting the word “any.” Motion was seconded by Representative Ballard. Motion carried.

Representative Landwehr moved to report the bill favorably as amended. Motion seconded by Representative Ballard. Motion carried.

Representative Shultz distributed copies of a letter from Jennie Chinn, Interim Executive Director of the Kansas State Historical Society, dated April 3, 2002, indicating their willingness to revoke the December 2001 re-enactment policy and expressed their commitment to working with the public and the Kansas Legislature (Attachment 8).

Representative Shultz reported that the Education Budget Committee had heard testimony from the Parents as Teachers conferees and the Committee would be submitting a report soon.

Representative Neufeld moved to adopt the minutes of January 23, January 24, February 18, February 20, February 25, March 7, March 8, March 11, March 12, March 14, and March 15 as presented. Motion was seconded by Representative Stone. Motion carried.

Chairman Wilk announced the referral of **SB 603** and **SB 422** to the Social Services Budget Committee.

Chairman Wilk asked that the budget committees review their reports for additional budgetary cuts and bring their recommendations back to the Committee on Thursday, April 11, 2002.

The meeting was adjourned at 2:00 p.m. The next meeting is scheduled for Thursday, April 11, 2002.



House Appropriations Committee Representative Wilk, chair

April 4, 2002

Presented by: Diane Gjerstad

Mr. Chairman, members of the committee:

Wichita Public Schools rise in support of S.B. 638, a bill giving school districts an additional management tool to hire teachers in areas of critical shortage.

Currently a teacher can retire from district "A" and be hired by district "B". This teacher would be rightly eligible for KPERS benefits and would receive pay from district "B". However, district "A" can only use the veteran teacher as a substitute, not a full time employee.

S.B. 638 is clearly a compromise. Under this bill the rehired teacher is part of the bargaining unit and will retain their position on the salary schedule. Ideally, the district would prefer to negotiate this item, however this compromise actually treats the rehired teacher – whether rehired by the home district "A" or a neighboring district "B".

Wichita opposes the amendment by the Senate committee altering the continuing contract date. On page 6, lines 12-21 change the dates of notice to teachers from May 1 to May 15. The amendment also adjusts the teacher response date from May 15 to May 30.

While we appreciate the Senate's attempt to "ease the pain" of this difficult session, changing the contract date at this late date will actually cause more difficulties than it solves:

- Delaying the date to May 15 delays the time we can hire new teachers, placing Kansas school districts at a competitive disadvantage with other states.
- A delay in knowing our vacancies will mean the best and brightest college graduates will have been snapped up before we are able to go onto the market.
- At a time of tight budgets, school district human resource personnel need to have more latitude in hiring, not more delays and constrictions.

Again, we understand the Senate is attempting to solve problems, however we believe changing the dates will only serve to place Kansas school districts at a competitive disadvantage in hiring.

The bill further calls for Legislative Educational Planning Committee to review the impact of this bill during the 2005 interim and report to the subsequent legislature.

Mr. Chairman, S.B. 638 makes current law equitable by permitting the retiring teacher to return to the district where they had long time service. We believe few teachers will be enticed to return to the classroom under this bill, but however small the number – it will help.

Thank you, Mr. Chairman, for considering the retire/rehire bill.

HOUSE APPROPRIATIONS

DATE 4/4/02

ATTACHMENT #1

Highfill Scott
Executive Director
bscott@usa-ks.org

M. Katharine Weickert
Director of
Administrator Services
kweickert@usa-ks.org

Don Knowles
Professional Development
Coordinator
knowlesfarms@umacs.net

SB 638: Employment After Retirement

Testimony presented before the House Appropriations Committee

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

April 4, 2002



Mister Chairman and
Members of the House Appropriations Committee:

Kansas Association of
Elementary
School Principals
(KAESP)

Kansas Association of
Middle School
Administrators
(KAMSA)

Kansas Association of
School Administrators
(KASA)

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)

I am Brilla Highfill Scott, Executive Director of United School Administrators of Kansas, and I am here in support of SB 638 which speaks to employment of teachers after retirement. Under this proposal, the Kansas State Board of Education would develop a list of hard-to-fill teaching areas.

SB 638 would remove the \$15,000 income limitation for retired teachers who qualify to teach in hard-to-fill disciplines, allowing them to return to work with their employer who participates in the Kansas Public Employees Retirement System (KPERS). This bill would enable a teacher to return to his/her district and retain retirement benefits.

We agree that contracts for individuals choosing to work after drawing KPERS benefits should not be subject to continuing contract laws or negotiated agreements. Local boards of education should determine salaries and length of contract in these instances.

We would recommend that the term "teacher" be changed to "educator." The state of Kansas also is facing a shortage of qualified administrators and needs to encourage individuals to continue their employment.

Last spring 23 superintendents retired and did not take interim positions. There are 29 first-year superintendents in Kansas districts. As of August 2001 thirty percent of Kansas superintendents had completed two or less years as a district CEO. We need to provide incentives to maintain our experienced administrators.

One of our outstanding Kansas superintendents retired last spring and took a similar position in Nebraska. He told me if it had been possible to remain in his home district and draw KPERS benefits, he would have stayed in Kansas even though his Nebraska salary was considerably more.

HOUSE APPROPRIATIONS

DATE 4/4/02
ATTACHMENT #2

All certified educators should be included in the language of this bill. Administrators have been teachers and are part of the KPERs system. In numerous instances as you examine a teacher's contract plus his/her supplemental contracts, you will find that the Kansas administrator's contract amounts to only slightly more than that of the teacher.

United School Administrators of Kansas asks that you consider the changes suggested and favorably report this bill as an incentive to retain quality educators as presented in SB 638.

(w:legis:sb638hscapptest) bhs 4-3-02

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on
SB 638 (Employment of Retired Teachers)
Before the
House Committee on Appropriations

By

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

April 4, 2002

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to offer comments today on SB 638. We are listed as opponents because of one provision of the bill: the change in notification dates for the continuing contract law from May 1 and May 15 to May 15 and May 30 for the upcoming year. Our Association has not taken a position on the provisions of the bill that deal with rehiring retired teachers.

The KASB delegate assembly has adopted a policy statement that supports standardizing the notification dates for teachers at May 1 and May 15. While we realize that the proponents of changing the dates this year are concerned about the uncertainty of settling school finance this session, we believe that there are problems with this bill that would outweigh the potential benefits for the following reasons:

- Many school districts have already non-renewed teachers or announced their plans based on the current statutory dates. Changing the law now would place these districts at a disadvantage.
- Some districts have a liquidated damages provision in their negotiated agreements. Under these clauses, teachers are liable for payments to the board if they break their contract after the May 15 date. We believe these contracts would prevail even if state law were changed. However, the change would likely create confusion and possible legal challenges.
- There is no guarantee that the Legislature will resolve school finance issues by May 15. Furthermore, there have been years in the past when school funding has not been decided by May 1. We are not aware of any significant problems that have resulted.

Thank you for your consideration. I will be happy to respond to any questions.

HOUSE APPROPRIATIONS

DATE 4/4/02

ATTACHMENT #3



Craig Grant Testimony
House Appropriations Committee
Thursday, April 4, 2002

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to speak to the committee about Senate Bill 638. Although we support the concept of allowing teachers to return to teach in the original school from which he/she retired, we do not support SB 638.

One wonders whom this bill portends to help. If the overall goal is to help the teacher, the bill falls way short. The uncertainty of not knowing year to year whether or not the teacher has a job will only make the policy unattractive. Since the bill does not extend the continuing contract law to these retirants, the board of education could wait until the middle of the summer to notify the person whether he/she will be allowed to teach in that district. In fact, the district could wait until the day before school opens in the fall to inform the teacher. Most teachers would find that unacceptable.

This bill will not assist the boards of education either. Most vacancies in hard-to-fill areas occur in urban areas where we also have our aging population of teachers. Districts will not be able to compete with other districts in surrounding areas to retain retired teachers if there are absolutely no protections provided to those teachers. If the teacher has a choice of staying in the same district with no rights or moving to a different district within the same driving radius with some protections such as the continuing contract law, the teacher will most likely choose the new district. After two years in the new district, the teacher would have due process rights. The teacher is covered immediately by the continuing contract law. There is not an even playing field for districts that want to keep their retirants in the district. The bill creates two classes of retirants – the one who stays in the home district and one who is willing to move districts.

In short, KNEA believes it would be better with no bill – with the status quo – as SB 638 provides no advantages to either Kansas boards of education or to Kansas teachers. We would ask you not to pass the bill. Thank you for listening to our concerns.

Schools For Fair Funding Testimony
SB 638
House Appropriations Committee
 By
Dr. Gary Norris, Superintendent
Salina Public Schools
April 4, 2002
8:30 a.m.

Senate Bill 638 is a good Bill and should help school districts partially deal with the staggering teacher shortage that is looming over our state and nation. It will also help districts deal more fairly with employees by delaying non-renewal notices to May 15th, when districts should know more about the level of funding for next year. We urge you to support this Bill with several slight modifications.

BACKGROUND INFORMATION – Rehiring Retired Teachers

1. Please note the increase in the number of teachers that we have had to hire in Salina the last four years.

Year	New Teachers Hired to Begin the Year	Resignations From Previous Year	Retirees From Previous Year	Retirees Working Outside of District	Retirees Working Part-Time In District
2001-2002	75	42	33	1	8
2000-2001	58	41	17	4	1
1999-2000	58	35	23	2	3
1998-1999	38	20	18	1	2

2. Retirees from other districts currently teaching in U.S.D. #305:

Position	School	Name	Experience
Counselor	Heusner Elementary School	Barbara W.	Entered with 27 years experience

3. We have significant numbers of teachers (40+%) that will be eligible for retirement in the next five years. The teacher shortage, unfortunately, leads us to believe that many classrooms may have to be staffed by teachers without the appropriate qualifications.

HOUSE APPROPRIATIONS

DATE 4/4/02
 ATTACHMENT #5

4. Positions unable to fill in recent years:

Position	Date of Opening	Steps Took to Insure Curriculum Would Not Be Interrupted
Chemistry/Physics	June	Filled by requiring a move within our district
Band	July	Filled by bringing back a retiree part time and overloading another teacher
Journalism/Yearbook	September	Filled by requiring a move within our district
Counselor	Early Opening - .7 position	Filled within by reducing counselor's sabbatical time to .5 and hiring a retiree .5
High School Math	May	Filled by overloading five other teachers
Spanish	May	Filled by overloading several other teachers

5. Senate Bill 638 will potentially save recruiting, interviewing and hiring costs associated with filling vacancies.
6. Having the ability to keep many of our more senior teachers in place should increase student achievement.
7. Board's of Education need flexibility to decide which teachers, in which areas, would qualify. This provision should not be an automatic "right" for all persons approaching retirement. In the event that it is not good for students, the local BOE must have the authority to make that determination.
8. There is also a shortage of administrators in the state and nation. To begin combating this shortage, Salina, Junction City and Manhattan partnered with Kansas State University in a Professional Administrative Leadership Academy (PALA). After two years of hard work and long hours, we are graduating 22 potential principals this month. Unfortunately, this type of Herculean effort is probably not possible for smaller rural districts in Kansas.

We respectfully ask the committee to change the designation "hard to fill teaching disciplines" to "hard to fill certified positions." We have significant numbers of administrators (70+%) that will be eligible for retirement in the next five years. The administrator shortage, unfortunately, leads us to believe that many schools may have to be staffed by administrators without the levels of experience that a district like Salina has been able to attract in previous years. The effective school research shows that the principal is critical to student achievement.

9. Thank you for this opportunity to meet with you today.

EXTENDING CONTRACT NOTIFICATION DATE

With the uncertainty of state funding, districts will be in the position of non-renewing teachers to meet current notification deadlines before we actually know whether or not positions will have to be cut. By extending the notification deadline to May 15th and the response deadline to May 31st, districts should be in a better position to know what non-renewals are needed. In these uncertain times we want to be fair with our employees and not cause unnecessary distress. With the current deadlines it will be necessary to non-renew employees, only to find that we may be able to rehire them after they have found employment elsewhere.

**Major General Greg Gardner
Adjutant General's Testimony
Senate Bill 627, Pay & Allowances (State Active Duty)
House Appropriations Committee
April 4, 2002**

Mr. Chairman, thank you for the opportunity to testify today in support of Senate Bill 627. This bill amends KSA 48-225, the statute used to call Kansas National Guard personnel to state active duty in times of need in Kansas.

Traditionally, state active duty used in response to natural disasters like blizzards, floods, and tornadoes requires 15 days or less per member. Since 9-11, Kansas Guardsmen have been on continuous duty protecting facilities in the state and at our commercial airports (i.e., October to present). While we might have had to perform these missions in State Active Duty status, we were fortunate both missions are being performed under Title 32 "other duty." This was the first such interpretation of Title 32 by the Department of Defense (DOD) which allowed federal funds to pay for Guardsmen to perform duty (other than for training) in the state under control of the Governor. It is questionable whether DOD will continue this precedent. They have not chosen to do so in follow-on Homeland Security missions (e.g., border patrol). Bottom line, we need to be prepared in Kansas to respond to disaster for more than 30 days if required. Last year the Legislature amended disaster statutes extending the Governor's Disaster Declaration Authority in 30-day increments past the existing 45 day authority for the purpose of responding to a foreign animal disease. Bio-terrorism disasters, like smallpox, might also require state active duty in excess of 30 days.

Post 9-11 we discovered a serious gap in our state active duty statute. State active duty tours over 30 days make Kansas Guard men and women vulnerable to losing medical coverage for themselves and their families (purchased through their civilian employment). This places the Kansas Guard members we call to guard our state and communities in a "Catch 22" position. The "catch" is, we ask them to protect us, while placing their families and themselves at risk over the loss of medical coverage or make them unable to secure new civilian medical coverage at the end of the state active duty tour due to a pre-existing condition. (To clarify, the member is covered by the state for sickness or injury received in the line of duty only). Conversely, if a guardsman serves on federal active duty, both the member and their family receive medical coverage, both during and after their tour and medical coverage through their civilian employer is automatically restored. Since 9-11 several states have enacted the legislation we now present for your approval.

Fiscally, the impact of the proposal is approximately \$26 per day per soldier or airman on state active duty in excess of 30 days to reimburse them for their civilian medical coverage. The bill limits reimbursement to the amount paid for group health insurance under the state employees plan. Unfortunately, we have no way of forecasting what the cumulative costs might be. We can say it would take an extremely serious disaster or emergency before we would anticipate expending funds under this provision. The intent of the proposal is to take a proactive approach on behalf of our guardsmen and women to ensure the gap is closed if or when the need arises. It would be irresponsible of me to do anything less for our agency's responsiveness to disaster.

Finally, we recommend a state tax credit for employers for their portion of civilian family health care premiums for guardsmen on state active duty in excess of 30 days. Your approval of the two proposals included in SB 627 will give our guardsmen and women confidence that we stand ready to protect them as we count on them to protect us. Are there any questions?

HOUSE APPROPRIATIONS

DATE 4/4/02
ATTACHMENT 6

PROPOSED AMENDMENT TO HB 3034

On page 1, following line 25, by inserting the following:

“Sec. 2. Subject to the provisions of appropriation acts, each representative shall be provided a postage allotment per calendar year and each senator shall be provided a postage allotment per calendar year in amounts prescribed by the legislative coordinating council, except that, in a calendar year during which a general election is to be held to elect the members of any such legislator’s house of the legislature, no postage allotment shall be used by any such legislator after the 20th day after the day that the regular session of the legislature adjourns sine die or May 31st, whichever is later.”;

And by renumbering sections accordingly

HOUSE APPROPRIATIONS

DATE 4/4/02
ATTACHMENT # 7

KANSAS STATE HISTORICAL SOCIETY

6425 SW Sixth Avenue • Topeka, Kansas 66615-1099 •
785-272-8681 • www.kshs.org

April 3, 2002

Chairman Shultz and Members of the Education Budget Committee:

As you all know Ramon Powers, our previous executive director, retired several weeks ago, and I have been appointed interim director. Our new director will be coming on board in early June.

I want to thank you for the opportunity to appear before you on the issue of the Kansas State Historical Society's reenactment policy. The Historical Society has always supported reenactments and living history programs because we believe they offer the audience a concrete learning experience. I can assure you today that we will continue to support such activities now and in the future.

What appears to have caused concern is that last December our existing policy was amended to include the statement that the agency prohibits "*other acts of violence.*" At this time we are in the process of reevaluating that policy.

As an agency we have always been, and will always be, sensitive to our audiences' concerns. It is our style to sit down with people face to face and find common ground, rather than dictate one particular point of view. To this end we have already held one meeting to begin a dialogue in shaping a new approach to reenactments. This meeting was held last week with members of the Junction City community. It was a positive and productive experience. Our intention is to continue to work with groups in a manner that solicits public opinion and ideas about agency programming.

As a solution to the current issue before us I would like to propose the following. We are willing to immediately revoke the December 2001 reenactment policy. This would allow us to address reenactments exactly as we have done in the past.

In conclusion, I want to assure you that as a state agency we will continue to be responsive to the public and to you. The Historical Society is committed to high quality, historically accurate programs that educate the public on the many aspects of Kansas history.

I would be more than happy to address any questions or concerns you might have.

Respectfully submitted,
Jennie Chinn
Interim Executive Director
Kansas State Historical Society
April 3, 2002