

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:35 p.m. on February 12, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Hensley (excused)

Committee staff present: Carolyn Rampey, Legislative Research
Kathie Sparks, Legislative Research
Theresa Kiernan, Revisor of Statutes
Judy Steinlicht, Secretary

Conferees appearing before the committee: Theresa Kiernan, Revisor of Statutes
Mark Tallman, KASB
Winston Brooks, Superintendent, Wichita Schools
Brilla Highfill Scott, USA
Mark Desetti, KNEA

Others attending: See attached list

SB 57—School district, powers of local control

Theresa Kiernan, Revisor of Statutes explained amendments to **SB57** adding language to clarify the intent of the bill as shown in the attachment. (Attachment 1) These changes were worked out by KNEA, KASB and members of the Committee.

Senator Schodorf made a motion to amend **SB57** with the language proposed by staff. Seconded by Senator Lee. Motion carried.

Senator Schodorf made a motion to recommend **SB57** as amended favorable for passage. Seconded by Senator Downey. Motion carried.

Continued hearing on SB 82—School districts; repeal of obsolete statutes

Mark Tallman, KASB, explained an amendment striking obsolete language as shown on the attachment. (Attachment 2)

Senator Vratil made a motion to amend **SB82** as recommended by KASB. Seconded by Senator Teichman. Motion carried. One no vote by Senator Bunten.

Senator Teichman made a motion to recommend **SB82** as amended favorable for passage. Seconded by Senator Schodorf. Motion carried. One no vote by Senator Bunten.

SB60—Employment of certain teachers following retirement

Winston Brooks, Superintendent, Wichita Schools provided testimony in favor of **SB60**. Mr. Brook's district believes this bill will entice a very small number of teachers and they would appreciate more legislation to attract and retain teachers. **SB60** will give schools a little more flexibility to meet the mandated requirements of NCLB; cope with the lack of graduating teacher candidates in math and science; and an aging workforce. If they can keep a few more great teachers in the classroom a few more years, the winners are the kids. (Attachment 3)

Brilla Highfill Scott, Executive Director, United School Administrators of Kansas, spoke as a proponent of **SB60**. This bill would enable a teacher to return to work and retain retirement benefits. The shortage of qualified teachers is a reality in Kansas and we need to encourage professionals to remain in the field. USA believes an amendment should be considered, changing the term "teacher" to "educator".

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:35 p.m. on February 12, 2003 in Room 123-S of the Capitol.

(Attachment 4)

Mark Desetti, KNEA believes it is a good idea to allow retirees to return to teaching in the school districts from which they retired, but they have some concerns. The bill limits teachers by designation of their area as a shortage area while there is no limit under the current system for those willing to change districts. These teachers would be exempted from both the continuing contract law and the due process law. **SB60** creates a two-tiered teacher system, one tier with rights, another without rights. KNEA would recommend that the Committee reconsider some of the provisions of the bill to make it a good idea for all teachers.

(Attachment 5)

Brad Stauffer, USD 501 Topeka, provided written testimony in favor of **SB60**. (Attachment 6)

Several amendments were discussed to provide the desired language for **SB60**. Several motions were made on the amendments discussed. Each motion was withdrawn to allow staff time to work on the language so that the bill will have the intended results.

Senator Vratil made a motion to amend **SB60** as drafted by staff to delete the floating continuing contract date as it pertains to teachers. Seconded by Senator Teichman. Motion carried. (Attachment 7)

SB89--Teachers and school administrators, employment contracts; notice requirements

Mark Desetti, KNEA is opposed to **SB89** because of the floating date. KNEA believes it will cause difficulties for both school districts and teachers wondering when the appropriations might be made. They believe it would be too difficult for the school boards, teachers and administration to work with. (Attachment 8)

Mark Tallman, KASB also opposed **SB89** and concurred with the comments made by KNEA.

Senator Vratil made a motion to table **SB89** and take no further action. Second by Senator Emler. Motion carried.

An announcement was made that LEPC will have a report from Task Force on School District Budgeting on Monday, February 17, at 12:00 in the Old Supreme Court Chambers. All members of the Committee are encouraged to attend.

A motion was made to approve the minutes for February 3, 4 and 5 by Senator Emler. Second by Senator Teichman. Motion carried.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2-12-03

<u>NAME</u>	<u>REPRESENTING</u>
Jim Barrett	Southwest Plains Regional Service Center
Linda Frick	USD 466 Scott Co., Ks.
Steve Taylor	USD 486 Elwood KJ
Van C. Damm	Waly River Center
Jack Hawn	KYERS
Michael S. Stout	USD 441 - Sabetha
Paul A. Davis	USD # 377 - Atchison Co.
Ann McLullough	USD 321 Kaw Valley
MARTY Stessman	USD 321 KAW valley
Curt Brecheisen	USD 321 Kaw Valley
Deanna Scherer	USD 433 Midway-Denton
Kate Schmidt	USD # 337
Jay Turner	USD # 451
Bonda Dawey	USD 372
BEAN PAUL	USD # 336
STEVE TEGRAWE	USD 372
Winston Brooks	USD 259
Diane Gierstad	Wichita State U.
William Hagerman	USD 322
Paul Sherman	Mr. Bob Lyon
Elaine Frisbie	Division of the Budget

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Attachment 1

and authority expressly conferred by law.

(c) The board shall have authority to prescribe courses of study for each year of the school program and ~~provide to adopt~~ rules and regulations for teaching in the school district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and regulations ~~formulated and recommended by~~ of the state board of education.

(d) The board may provide legal counsel at district expense to any members of the board of education, or school district officers or employees who are sued in situations relating to and arising out of the performance of their office or employment. No teacher or other employment contract shall make reference to or incorporate the provisions of this subsection, nor shall the provisions of this subsection be construed as any part of the consideration of employment of any teacher, officer or other employee of the board.

(e) (1) *The board may transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools.*

(2) *The power granted by this subsection shall not be construed to relieve any other unit of government of its duties and responsibilities which are prescribed by law, nor to create any responsibility on the part of a school district to assume the duties or responsibilities which are required of another unit of government.*

(3) *The board shall exercise the ~~powers of local control~~ granted by this subsection by resolution of the board of education.*

Sec. 2. K.S.A. 72-8205 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

The power granted by this subsection shall not be construed to relieve a board from compliance with state law.

power

Session of 2003

SENATE BILL No. 82

By Committee on Education

L-28

9 AN ACT repealing K.S.A. 72-124a, 72-1626, 72-1626a, 72-6734, 72-
10 6735, 72-8110 through 72-8114, 72-8116, 72-8118, 72-8118a, 72-8119
11 through 72-8122, 72-8124, 72-8125, 72-8126, 72-8129 through 72-
12 8136, 72-8137, 72-8138, 72-8139, 72-8141 through 72-8144, 72-8144a,
13 72-8144b, 72-8144c, 72-8146, 72-8150 through 72-8154, 72-8156, 72-
14 8158 through 72-8163, 72-8176 through 72-8183 and 72-9901 through
15 72-9907; relating to school districts.

16
17 Be it enacted by the Legislature of the State of Kansas:
18 ~~Section 1.~~ K.S.A. 72-124a, 72-1626, 72-1626a, 72-6734, 72-6735, 72-
19 8110 through 72-8114, 72-8116, 72-8118, 72-8118a, 72-8119 through 72-
20 8122, 72-8124, 72-8125, 72-8126, 72-8129 through 72-8136, 72-8137, 72-
21 8138, 72-8139, 72-8141 through 72-8144, 72-8144a, 72-8144b, 72-8144c,
22 72-8146, 72-8150 through 72-8154, 72-8156, 72-8158 through 72-8163,
23 72-8176 through 72-8183 and 72-9901 through 72-9907 are hereby
24 repealed.
25 ~~Sec. 2.~~ This act shall take effect and be in force from and after its
26 publication in the statute book.

Insert attached

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Attachment 2

On page 1, following line 17, by inserting:

"Section 1. K.S.A. 72-1623 is hereby amended to read as follows: 72-1623. The board shall establish and maintain a system of free public schools for all children residing in the city school district and may make all necessary rules and regulations for the government and conduct of such schools, consistent with the laws of the state: Provided, The board of a city having a population of more than one hundred twenty thousand (120,000) and not more than two hundred thousand (200,000) of education of U.S.D. No. 500, Kansas City, Kansas, may establish and maintain a public library and branch libraries, expenditures for which shall be paid from the general, building, and retirement funds in like manner to the same manner as school expenditures: Provided further, That if any city is located within the boundaries of a community high school or rural high school district that is maintaining a high school, the board shall not establish or maintain a high school. The board may divide the city school district into subdistricts for purposes of attendance by pupils. The board shall hold the title to, and have the care and keeping of all school buildings and other school properties belonging to the city school district. The board may, in its discretion, open any or all school buildings for community purposes, and may adopt rules and regulations covering such use of school buildings.

School buildings and other school properties not needed by the city school district may be sold by the board, at private or public sale, upon the affirmative recorded vote of at least two thirds of all the members of the board, at a regular meeting. Proceeds from the sale of any such school building or other property shall be placed in the general fund, bond and interest fund or in the building fund of the city school district, as determined by the board of education. Conveyances shall be executed by the president of the board and attested by the clerk.

On or about October 1 of each year, in all cities of the first class, the board shall cause to be published in a newspaper printed and published in the city a statement showing the name, position and salary of the superintendent and department heads of

said-school-system.

Sec. 2. K.S.A. 72-1623a is hereby amended to read as follows: 72-1623a. (a) In order to maintain and support a library authorized by K.S.A. 72-1623, and amendments thereto, the board of education ~~of a city of the first class which has established and is maintaining a public library and branch libraries as provided for in K.S.A. 72-1623, and amendments thereto, or of a unified or city unified school district wherein is included a disorganized district which had established and was maintaining a public library and branch libraries at the time of inclusion in the unified district,~~ may levy annually, not to exceed 2.5 mills on each dollar of the assessed tangible valuation of the property of such district in addition to any levy otherwise authorized or by law provided, and the ad valorem receipts resulting therefrom may be in addition to any budget limitation otherwise provided for. The funds derived from the tax levies imposed under this section shall be used for libraries and library services of the school district and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district.

(b) Whenever the board of education desires to increase the mill levy above 2.5 mills and such board ~~shall determine~~ determines that the current tax levy is insufficient to maintain and support the library, such board may adopt a resolution declaring it necessary to increase such annual levy in an amount which together with the current levy shall not exceed a total of 4 mills. Whenever the board of education desires to increase the mill levy above 4 mills and such board ~~shall determine~~ determines that the current tax levy is insufficient to maintain and support the library, such board may adopt a resolution declaring it necessary to increase such annual levy by an additional amount not to exceed 1/4 mill in any one year up to a total amount which shall not exceed 6 mills in any year. Any such resolution shall

state the total amount of the tax to be levied for library purposes and shall be published once each week for two consecutive weeks in the official city newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by not less than 5% of the qualified electors who voted at the last preceding regular city election, as shown by the poll books, is filed with the county election officer within 60 days following the date of the last publication of the resolution. ~~In-the-event~~ If a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the qualified electors voting at an election called and held thereon. All such elections shall be called and held in the manner prescribed for the calling and holding of elections upon the question of the issuance of bonds under the general bond law.

Sec. 3. K.S.A. 72-9003 is hereby amended to read as follows: 72-9003. Every board shall adopt a written policy of personnel evaluation procedure in accordance with this act ~~and-file-the same-with-the-state-board~~. Every policy so adopted shall:

(a) Be prescribed in writing at the time of original adoption and at all times thereafter when amendments thereto are adopted. ~~The-original-policy-and-all-amendments-thereto-shall-be promptly-filed-with-the-state-board-~~

(b) Include evaluation procedures applicable to all employees.

(c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three years from the date each evaluation is made.

(d) (1) Except as provided herein, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester by not later

than the 60th school day of the semester, ~~except that.~~ Any employee who is not employed for the entire semester shall not be required to be evaluated, ~~and that every employee.~~ During the third and fourth years of employment, every employee shall be evaluated at least one time each school year by not later than February 15, ~~and that.~~ After the fourth year of employment, every employee shall be evaluated at least once in every three years by not later than February 15 of the school year in which the employee is evaluated.

(2) The provisions of this subsection apply to employees of school districts, nonpublic schools and area vocational-technical schools.

(e) (1) Except as provided herein, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester, ~~except that.~~ Any employee who is not employed for the entire semester shall not be required to be evaluated, ~~and that every employee.~~ During the third and fourth years of employment, every employee shall be evaluated at least one time each school year, ~~and that.~~ After the fourth year of employment every employee shall be evaluated at least once in every three years.

(2) The provisions of this subsection apply to full-time employees of community colleges.

Sec. 4. K.S.A. 72-9006 is hereby amended to read as follows: 72-9006. (a) Upon request of any board, the state board shall provide for assistance in the preparation of policies of personnel evaluation or amendments thereto.

~~(b) If, in the case of school districts and nonpublic schools, any board fails to file an adopted policy as provided by this act, or if any such board fails to file any adopted amendment to such policy within a reasonable time after adoption thereof, the state board of education may apply penalties as prescribed by rules and regulations applicable to accreditation of schools.~~

~~(c) If, in the case of community colleges and area~~

~~vocational-technical-schools, any board fails to file an adopted policy as provided by this act, or if any such board fails to file any adopted amendment to such policy within a reasonable time after adoption thereof, the state board of regents may apply penalties as prescribed by rules and regulations applicable to approval of community colleges and area vocational technical schools.~~

Renumber sections;

Title and repealer changes;



Senate Education Committee
S. B. 60
Senator Umbarger, chair

February 12, 2002

Submitted by: Winston Brooks
Wichita Public Schools

Mr. Chairman, and members of the committee:

The Wichita Public Schools rises in support of S.B. 60 permitting districts to rehire teachers who have retired from their home district in hard to fill teaching positions. The bill is narrowly drawn to only apply this provision to areas of critical shortage and the bill further provides for a review by Legislative Educational Planning Committee.

We believe this bill would entice a small number of experienced teachers back into the classroom. The shortage of teachers is well documented. Additional tools from the legislature to attract and retain teachers would be greatly appreciated.

School districts are feeling the crunch on several fronts:

- An aging workforce: about 40% of today's teaching workforce are over 50 years old.
- No Child Left Behind requirements: NCLB requires each classroom in a Title building has a "highly qualified" teacher in each classroom. This provision became effective this school year and will be the requirement for all schools in the 05/06 school year.
- The pipeline is bleak: Math and science are both areas of tremendous shortage. Fine arts is becoming a shortage area. Wichita State University college of education reports for the past six years:
 - 42 candidates graduating in natural and biological sciences since 1997
 - 7 candidates graduating in physical science secondary education since 1997
 - 1 in secondary chemistry since 1997
 - 28 in secondary math since 1997
 - and 95 in art and music secondary education since 1997

Current practice:

A retired teacher drawing KPERS who chooses to continue working has two options:

- go to work in another school district with no earnings limit; or
- continue working within their home district, but there are two tiers under KPERS:
 - a long term substitute subject to the \$15,000 earnings limitation, an amount which has not been increased since 1988, or
 - those who are on "daily call" are not subject to the earnings limitation.

The precedent for S.B. 60 is found in current law that permits retired teachers to return as "daily call" substitutes within their home district not subject to any earning limitation. S.B. 60 would simply broaden this policy to include other retirees in areas of critical shortage.

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The current two-tiered treatment of retirees under KPERS continues to be a problem. Recently in Wichita a special education teacher retired. She had spent her career at Levy Special Education Center, a unique school with 120 of the most medically fragile students in the state. This dedicated teacher wanted to continue as a substitute at Levy where her career and heart lie, but substituting at her base school would subject her to the \$15,000 annual earnings limitation. However if she goes on "daily call" and answers a substitute call each morning she would not be subject to the earnings limitation.

S.B. 60 would permit this long-term teacher to continue working with the severely handicapped children she loves after retirement.

Some may raise the concern there will be a rush of retirees who come back into their home districts. The experience in Wichita would say this is not likely. In 2002, Wichita had about 195 retirees who were actively working within the district. Roughly 70 were clerks, food service workers, and paraeducators working part-time, often to cover the \$430 monthly health insurance premium. This group would not be subject to the provisions of S.B. 60.

Wichita has about 80 teacher retirees who are substituting out of 3200 teachers. Most teachers are ready to retire. Of the 80 who come back the first year after retirement, the number who come back the second year is much less.

No Child Left Behind

The newest federal mandate requires a 'highly qualified' teacher in the classrooms of Title buildings. This requirement will apply to all schools in 05/06. We are deeply concerned about the strain this requirement will place on our schools, especially Title buildings. These buildings are on the frontlines of NCLB. This year Wichita has 10 buildings with over 90% free and reduce lunch eligible students; 9 of those buildings have very large non-English speaking populations. I am extremely proud of the strides we have made to increase student achievement for all student groups. But the path is much more difficult in schools with both poverty and language issues. I am concerned we will have a difficult time keeping "highly qualified" teachers in the buildings with the toughest student achievement hill to climb. Today in Wichita schools we have:

- Provisionally certificated teachers - 77 (21 at Title I Schools)
- Special Education Waiver certificated teachers - 41 (12 at Title I Schools)
- Emergency certificated long-term substitute teachers - 53 (24 at Title I Schools)
- Alternative certificated teachers - 25 (2 at Title I Schools)

Senate Bill 60 would give schools a little more flexibility to meet the mandated requirements of NCLB; cope with the lack of graduating teacher candidates in math and science; and an aging workforce.

But let us not forget the goal – every child deserves a great teacher. If we can keep a few more great teachers in our classrooms a few more years, the winners are the kids. That should be our collective goal. Thank you, Mr. Chairman, for listening to the needs of Kansas' schools. I would encourage the committee's favorable consideration of S.B. 60.

Brilla Highfill Scott
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M. Katharine Weickert
Director of
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Don Knowles
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Coordinator
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SB 60: Employment after Retirement

Testimony presented before the Senate Education Committee

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

February 12, 2003

Mister Chairman and Members of the Committee:

SB 60 would remove the KPERS earning limitations for retired teachers who are qualified to teach in "hard to fill" disciplines and want to go back to work with their current employer. This bill would enable a teacher to return to work and retain his/her retirement benefits.

United School Administrators (USA) of Kansas is testifying today as a proponent of this bill. The shortage of qualified educators is a reality in Kansas, and we need to encourage professionals to remain in the field.

USA agrees 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.

Our association would like the committee to consider the following amendment to the bill:

The term "teacher" should 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 19 superintendents retired and have not taken interim positions. There are 30 first-year superintendents in Kansas districts. As of August 1, 2002 thirty percent of Kansas superintendents have completed three or less years as a district CEO. We need to provide incentives to maintain our experienced administrators.

One of our outstanding Kansas superintendents retired in 2001 and took a similar position in Nebraska. He told me if it had been possible for him to draw his KPERS benefits and remain in his home district, he would have stayed in Kansas even though the Nebraska salary was considerably more.

Another superintendent retired this spring and continues to live in his home community after accepting a combined superintendency in two neighboring districts. His home community unnecessarily lost a great deal of knowledge and expertise.

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

United School Administrators of Kansas appreciates your attention to this matter and asks that you consider the changes suggested.

(w:legis:sb602003testimony) bhs 2-11-03

Senate Education
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Attachment 4



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
Career and Technical
Education Administrators
(KCCTEA)

Kansas School
Public Relations
Association
(KanSPRA)



Mark Desetti, testimony
Senate Education Committee
February 12, 2003
SB 60

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

Mr. Chairman, members of the committee, thank you for the opportunity to appear before you on **Senate Bill 60**.

This bill has been considered before and, while we believe it is a good idea to allow retirees to return to teaching in the school districts from which they retired, we have a few concerns with the bill as written.

Kansas currently allows retirees to teach or serve in an administrative position in a different district. While this is a good deal for those who live in densely populated areas where a district change does not involve a residential change, it burdens those who live in our rural areas where the next district might be many miles away. The current system creates two classes of retirees – those with opportunity and those with limited opportunity.

Senate Bill 60 would provide expanded opportunity for retirees within limits. First they would be limited by the designation of their area as a shortage area. There is no such limitation under the current system for those willing to change districts. Secondly, they are limited in their rights. Under **SB 60** these teachers would be exempted from both the continuing contract law and the due process law. It seems counterintuitive to take teachers in shortage areas and disallow both continuing contract status and due process. In addition, it once again creates a two-tiered teacher system – one tier with rights, another without rights. We believe that the denial of these rights is a mistake and will do more to discourage teachers from taking advantage of this provision than encourage it.

Senate Bill 60 is a good idea in a flawed package. We would urge you to reconsider some of the provisions of this bill and make it a good idea for all. In the days of the No Child Left Behind mandates, we need to do more to encourage fully licensed teachers to stay in our classrooms. This bill falls short of doing that.



February 12, 2003

Testimony on SB 60
To the Senate Education Committee
Hon. Dwayne Umbarger, Chair

Dear Sen. Umbarger and Members of the Committee,

Topeka Public Schools is in support of SB 60. Like many other districts in Kansas, we have found it difficult to find replacement teachers for many teaching positions, but some are particularly hard to fill. The Committee's bill addresses this need by allowing retired teachers to be rehired at their same school district with no limit on their earnings.

Just last year we could have rehired a retiring family and consumer science teacher, but the \$15,000 salary limit prevented us from meeting that need—even on a half-time basis—with a highly qualified teacher.

We support the review of utilization of this policy to evaluate its effectiveness and degree of use. We believe that this legislation will prove to be advantageous for students, schools and teachers, and it will benefit student learning and achievement in Kansas schools.

We also support the Kansas State Board of Education specifying the hard-to-fill teaching disciplines. We fear, however, that the list will continue to grow if school districts are not able to enhance teacher salaries due to lack of state funding.

Thank you for your consideration of SB 60, and we encourage you to pass it favorably.

Sincerely,

A handwritten signature in black ink that reads "Brad Stauffer".

Brad Stauffer, APR
Director of Communications

Senate Education
2-13-03
Attachment 6

Proposed Amendment to SB No. 60

On Page 3, following line 37, by inserting:

Sec. 4. K.S.A. 72-5452 is hereby amended to read as follows:
72-5452. (a) Except as provided by subsections (b) and (c)
written notice of a board's intention to not renew the contract
of employment of an administrator shall be given to the
administrator on or before May 1 of the year in which the term of
the administrator's contract expires. An administrator shall give
written notice to a board on or before May 15 of the
administrator's rejection of renewal of a contract of employment.

(b) Terms of a contract may be changed at any time by mutual
consent of both an administrator and a board.

(c) During school year 2002-2003, written notice to
terminate a contract may be served by a board upon any
administrator prior to the time the contract has been completed,
and written notice of intention to nonrenew a contract shall be
served by a board upon any administrator on or before May 15. An
administrator shall give written notice to a board that the
administrator does not desire continuation of a contract on or
before May 30 or, if applicable, not later than 15 days after
final action is taken by the board upon termination of
professional negotiation absent a binding agreement under article
54 of chapter 72 of Kansas Statutes Annotated, whichever is the
later date.

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Attachment 7



Mark Desetti, testimony
Senate Education Committee
February 12, 2003
Senate Bill 89

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

Mr. Chairman, members of the committee, thank you for the opportunity to appear before you on **Senate Bill 89**.

No school district wants to hand out large numbers of pink slips at the end of April and, to tell the truth, no teacher wants to get one. So while it would seem that the idea in **Senate Bill 89** is a good idea, we don't think it is.

First of all, while I have only been in Kansas for five legislative sessions, I can't recall a time when the appropriations bill was passed and signed by the Governor by April 16. It would seem that this bill would create a constantly floating notice date.

That floating date would put an undue burden on both the school district and the teachers. Under the current system, we all know the dates. The school district must act by May 1 and teachers by May 15. What would be the system for ensuring that the school districts always act by the appropriate date or that the teacher is certain of the date for response.

The spring is when teachers begin looking for employment in other districts. If a teacher wishes to stay in her current district, and the legislature takes an inordinately long time to pass the appropriation, that teacher may have lost numerous employment opportunities by the time the district has to give notice. In that case, the teacher's income for the next year is in jeopardy.

The connection between the notice date and the passage of the appropriation is an unfortunate one. No school district wants to give out those notices and no teacher wants to get one. But the date protects both. The school district sets its budget and plans accordingly and the teacher realizes the severity of any budget difficulties and also plans accordingly. Those who can, choose to wait and see if the appropriation allows them to be brought back. Those who can't afford to wait, move on and look for other employment.