

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:05 A.M. on March 11, 2008 in Room 313-S of the Capitol.

All members were present except:
Benjamin Hodge- absent

Committee staff present:
Theresa Kiernan, Office of Revisor of Statutes
Dianne Rosell, Office of Revisor of Statutes
Dale Dennis, Kansas State Department of Education
Sharon Wenger, Kansas Legislative Research Department
Janet Henning, Committee Assistant

Conferees appearing before the committee:
Senator John Vratil
Senator Vicki Schmidt
Mark Tallman, Kansas Association of School Boards

SB 420: School districts; notice of non-renewal or termination of teachers' contracts

Senator Vratil spoke to Committee members in support of **SB 420**. Senator Vratil advised there are currently two statutes dealing with teacher continuing contract law. The statutes are inconsistent and in conflict with each other. (Attachment 1)

Chairman Aurand then closed the hearing on **SB 420**.

SB 470: School safety violations

Senator Schmidt addressed Committee members in support of **SB 470**. Senator Schmidt advised this bill changed the notification requirements regarding students expelled or suspended from school for committing a school safety violation. **SB 470** would correct the language. (Attachment 2)

Mark Tallman, Assistant Executive Director/Advocacy, Kansas Association of School Boards, spoke to Committee members in support of **SB 470**. The proposed amendment solves the problem by allowing reporting of observed misconduct to law enforcement. (Attachment 3)

A question and answer session followed the presentations.

Chairman Aurand then closed the hearing on **SB 470**.

HB 2870: School districts; authorizing pay differential for certain teachers

Mark Desetti, Kansas National Education Association, distributed a letter from Blake West, KNEA President with an explanation of their opposition to **HB 2870**. (Attachment 4)

Mr. Desetti also distributed to Committee members, a publication "*Great Teachers for 21st Century Schools: A realistic plan to address the recruitment and retention of teachers*" (publication on file - Kansas National Education Association)

HB 2714: Interstate compact on educational opportunity for military children.

Representative Loganbill moved to pass out HB 2714 favorably with no amendments. The motion was seconded by Representative Craft. The motion carried.

SB 437: ROTC service scholarships; community colleges

Written testimony was received from Diane Lindeman, Director, Student financial Assistance, Kansas Board of Regents, regarding the ROTC scholarship program. (Attachment 5)

Sharon Wenger, Research Analyst, Kansas Legislative Research Department, distributed a memorandum to Committee members regarding the funding for the National Guard Educational Assistance Program. (Attachment 6)

Representative Otto moved to pass out SB 437 favorably for passage. The motion was seconded by Representative Palmer. The motion carried.

SB 507: METS education innovation council; members; duties.

Theresa Kiernan told Committee members there would be technical "clean-up" amendments to include with this bill.

Representative Horst moved to pass out SB 507, favorably with technical amendments, for passage. Representative Spalding seconded the motion.

After an extended discussion among Committee members, Chairman Aurand suspended discussion of the bill.

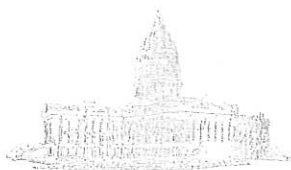
SB 420: School districts; notice of non-renewal or termination of teachers' contracts

Representative Crow moved to pass out SB 420 favorably for passage. Representative Wolf seconded the motion. The motion carried.

The meeting was adjourned at 10:10 A.M. The next meeting is scheduled for March 12, 2008.

State of Kansas

JOHN VRATIL
SENATOR, ELEVENTH DISTRICT
JOHNSON COUNTY
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COMMITTEE ASSIGNMENTS
CHAIR: JUDICIARY
VICE CHAIR: EDUCATION
MEMBER: FEDERAL AND STATE AFFAIRS
ORGANIZATION, CALENDAR
AND RULES
SENTENCING COMMISSION
INTERSTATE COOPERATION

Vice President Kansas Senate

Testimony Presented to
The House Education Committee
By Senator John Vratil
March 11, 2008
Concerning Senate Bill 420

Good morning. Thank you for the opportunity to appear before the House Education Committee in support of Senate Bill (SB) 420. Currently, we have two statutes dealing with teacher continuing contract law: K.S.A. 72-5411 and K.S.A. 72-5437. The statutes are inconsistent and in conflict with each other. K.S.A. 72-5411 was adopted by the Legislature in 1951. By virtue of the definition of "teachers" (K.S.A. 72-5410), K.S.A. 72-5411 includes teachers, supervisors, principals, superintendents and administrators. K.S.A. 72-5437 was adopted by the Legislature in 1974 and by definition (K.S.A. 72-5436) applies only to teachers as opposed to K.S.A. 72-5452 which applies specifically to administrators. This latter statute requires boards of education to notify administrators by May 1 if administrators' contracts are not to be renewed.

Senate Bill 420 would repeal K.S.A. 72-5411 and retain the more recent K.S.A. 72-5437. The repeal of K.S.A. 72-5411 would make the teacher continuing contract law apply only to teachers. Administrators' contracts would continue to be covered by K.S.A. 72-5452. My motivation for supporting SB 420 is based solely on my goal to eliminate the inconsistency and conflict that exists in current law. It is not intended to change substantive law.

I ask that you support SB 420 in order to remove ambiguity from current law.

A handwritten signature in black ink that reads "John Vratil".

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House Education Committee
Date: 3-11-08
Attachment # 1

VICKI SCHMIDT
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SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIRMAN: JT. COMMITTEE ON ADMINISTRATIVE
RULES AND REGULATIONS
VICE-CHAIR: PUBLIC HEALTH AND WELFARE
MEMBER: CAPITOL AREA PLAZA AUTHORITY
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HEALTH CARE STRATEGIES
JT. COMMITTEE ON INFORMATION
TECHNOLOGY
STATE ADVISORY COUNCIL ON AGING
TRANSPORTATION
WAYS AND MEANS

Testimony Presented to
The House Education Committee
By Senator Vicki Schmidt
March 10, 2008
Concerning Senate Bill 470

Chairperson Aurand, Vice-Chair Horst, Ranking Minority Member Sue Storm and distinguished members of the House Education Committee:

Thank you for allowing me to provide testimony on SB 470. You may recall that last legislative session I appeared before your committee regarding SB 129 (2007). This bill changed the notification requirements regarding students expelled or suspended from school for committing a school safety violation. Both chambers passed the bill and it was signed into law by the Governor. This fall I was contacted by a former police chief about a problem with the reporting from the schools to the *Division of Motor Vehicles*. I was asked to proceed with a request for an opinion from the Attorney General. The opinion is attached to my testimony.

The provisions of SB 129 (2007) are not in compliance with the protections granted to student records by the Federal Student Records Act (FURPA). SB 470 would correct the language to ensure that if a student's driver's license is revoked and if the student requests a hearing within 30 days the hearing is limited to whether or not the law enforcement agency notified the *Division of Motor Vehicles* in the time specified AND there has to be reasonable grounds for determination to believe the student was not engaged in the behavior or action which resulted in the punishment (suspension or expulsion).

I thank you for your consideration and ask that you pass SB 470 out of your committee favorably. I am happy to stand for questions at the appropriate time.

A handwritten signature in black ink, appearing to read 'Vicki', is located in the lower right quadrant of the page.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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Testimony before the
House Committee on Education

on
SB 470

by

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

March 11, 2008

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you on behalf of our membership, to speak in support of **SB 470**.

This bill corrects a problem created last session when amendments were made to the law requiring that students have their driver's license suspended for certain serious violations of the School Safety Act: specifically, bring weapons or drugs to school or actions which threaten others. Because the federal Family Educational Rights and Privacy Act (FERPA) prohibits disclosure of information contained in student records without parental consent, or consent of the student at age 18, reporting a student's suspension or expulsion to DMV under current law requires a school administrator to either obtain consent or violate FERPA.

The proposed amendment solves the problem by allowing reporting of observed misconduct to law enforcement. FERPA does not prohibit disclosure of information obtained through observation. The amendment will allow school officials to comply with both state and federal law. We urge you to recommend **SB 470** favorably for passage.

Thank you for your consideration.

House Education Committee

Date: 3-11-08

Attachment # 3



Making public schools great for every child

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

To: Kansas State Representatives
From: Blake West, KNEA President
Date: March 7, 2008
RE: HB 2870

On February 29, 2008, the House of Representatives defeated HB 2870. KNEA strongly opposed this bill and our members – the teachers who work every day with our children – let their Representatives know how they felt.

I would like to take this opportunity to explain KNEA's rationale for opposition to HB 2870 and then to propose a better approach to addressing the teacher shortage not just in math and science, but in all areas. The teacher shortage may be most urgent today in math, science, and special education, but if the conditions under which we recruit and retain teachers do not change dramatically, we will soon experience a similar shortage on every level, in every subject, in every district.

What was wrong with HB 2870?

HB 2870 proposed giving bonuses to math and science teachers. We felt that this would be a counterproductive approach for a number of reasons.

- First, Kansas has a general teacher shortage, not just a math and science teacher shortage. While the problem has received much greater press in the math and science fields, it is spread over the entire profession. It is not just a "subject specific" problem. It is a geographic problem and it is a district problem.
- Teaching is a collaborative effort. No one teacher is responsible for the success of a student. Instead, teachers view their own efforts as one part of a system. A child can only be successful in science if reading teachers have prepared him/her to comprehend the text. A high school math teacher cannot be considered successful apart from the hard work of a series of elementary teachers who laid a foundation in mathematics for all students. Bonuses such as those in HB 2870 only sow resentment among the other teachers, each of whom bears some responsibility for the success of the students under the care of the bonus recipient. This type of bonus also tends to work against school improvement that grows from team teaching, interdisciplinary work, and collaboration.

"...merit pay plans usually require individual teachers to compete against each other for a limited pool of funds. Such competition among teachers works against the collaborative culture found in most highly successful schools and thus is at odds with strategies to improve school performance."

- The solution proposed in HB 2870 – a 5% bonus for math and science teachers – would not address the problem in recruitment of those teachers. Chairman Aurand asked Legislative Research staff to review the issue of incentive pay. Prior to hearing the bill, staff told the

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Committee that, based on a review of research by several experts in this field, it was determined that incentive pay in education does not work unless the incentives are very large.

- HB 2870 was a deliberate attempt to undermine collective bargaining. As written originally, the bill specifically prohibited the bargaining of bonuses, incentive pay, and alternative pay structures. The bill provided a carrot – the state grant program – for districts that circumvented collective bargaining to provide bonuses for math and science teachers. Again, the research on bonuses done unilaterally by either the local board or the state is clear. They don't work unless your goal is to sow discord among the teaching ranks. As was cited in a recent Education Week story:

"Teacher involvement in developing and implementing these programs is essential. Those districts that choose to go behind closed doors and implement programs found they didn't work very well," Ms. Koppich said, noting the importance of bringing teachers' unions on board while considering such plans.

- The bill was amended to put bonuses on the "permissive" bargaining list but experience shows that school districts rarely bargain those things on the permissive list. It allows the Association to ask to bargain something but the district can simply say no and do whatever it likes. We hold that all wages and benefits should be mandatorily negotiable.
- The bonuses in HB 2870 were merely a reshuffling of existing resources. This means that every dollar put in the pockets of math and science teachers would represent a dollar taken out of the pockets of other teachers. This proposal would have had no impact on the average teacher salary in Kansas. It would simply have shifted money around.

Isn't KNEA opposed to changing salary structures?

Kansas NEA does not oppose differential pay, bonuses, or alternative pay structures. We believe, however, that teachers should be crafting such plans. This is another area where the experts in such policies agree with KNEA. Alan Odden, considered the nation's foremost expert on alternative pay structures, has maintained that any such programs should be crafted with the local teachers association and never imposed upon it.

Allan Odden and Carolyn Kelley, in their article Reinventing Teacher Compensation Systems, recognize 10 key process principles important for the successful development, design, and implementation of alternative compensation systems. Say Kelley and Odden:

"Involvement of all key parties and especially those whose compensation is being affected, is the preeminent principle for successfully changing compensation policies. Teacher unions, administrators, school boards and the public all should be centrally involved in the process of development, design and implementation."ⁱⁱ

Business agrees. In their paper on teacher incentive pay, the Business Round Table, states that ***"Successful pay-for-performance proposals ensure that teachers, administrators, elected officials, and union representatives participate in the development of the plan from the very beginning."***ⁱⁱⁱ The Business Roundtable goes on to recommend the following:

"To help ensure buy-in at all levels for a pay-for-performance plan, business leaders should insist that plans are developed in conjunction with, rather than for, teachers. Business leaders should point out that in business, effective compensation plans are developed in partnership with employees."^{iv}

Here in Kansas, the Kansas Association of School Boards and far too many policy makers seem to believe that imposition is better than negotiation.

If we can't impose pay differentials, how can we address the teacher shortage?

The teacher shortage is the result of a number of policies and issues. Salary is one of those issues. When it comes to salary, there are certain facts that the education community agrees upon. You have heard many of these facts from Deputy Commissioner of Education Dale Dennis.

- Kansas beginning teacher salaries are competitive with other states. Beginning teacher salaries rank 6th in the nation. Kansas beginning teacher salaries are not, however, competitive with comparable wages for beginners in other careers.
- Salaries for veteran teachers are not competitive. The average teacher salary in Kansas ranks 37th in the nation. The longer one teaches in Kansas, the less competitive the salary becomes.
- In a new comparable wage study conducted for Education Week, Kansas teachers are shown to earn 86 cents for every dollar earned in comparable jobs in Kansas. These comparable jobs are not physicians and attorneys; they are accountants, clergy, and insurance adjusters. Kansas teachers are 14th from the bottom in comparable wages.
- As a result, college students selecting a major often recognize the long term financial impact on their earnings and their family's well being, opting for other careers. Dedicated and altruistic individuals are highly desirable employees in all fields. As a result, college students who complete teacher training, regardless of content area or grade level, are recruited into other careers that are more lucrative and don't demand the same commitment to extended work hours and to spending out of pocket to buy supplies for classrooms and for students in need.

Other issues also contribute to the teacher shortage. KNEA believes that addressing the teacher shortage cannot be done by handing out band aids. Instead, we must take a comprehensive approach to addressing the problem. Such an approach would include a number of initiatives.

- We must address the pipeline into the profession. The state should endeavor to support middle school and high school future teachers organizations and to maximize funding for teacher scholarship programs at the post-secondary level.
- We must address the support of students in teacher training programs. Exemplary programs in selected urban districts across the country demonstrate that reducing or eliminating tuition while also providing a stipend during a year of extensive field experience can attract far more candidates to the profession than the number of openings AND increase retention to over 90% over five years, (KNEA leadership is currently part of a select national panel studying these programs through the National Council for Accreditation of Teacher Education.) In addition to financial support and stronger field experiences, attention should be given to improved candidate counseling. Our teacher preparation programs should be advising students on job issues. Candidates should have up to date information on what jobs are available and how to move to a program that will meet the needs of the state as well as the needs of the candidate.
- The state should also support grow-your-own programs that take paraprofessionals already in our schools and find creative ways to support their transition to teaching.
- We must address the first years of a teaching career systemically for all new teachers. We know that a large percentage of new teachers leave the profession in the first three to five years of teaching. We also know that comprehensive and intensive induction and mentoring programs make a real difference in the success of new teachers and in the reduction of the attrition rate. Yet, the state does not fully fund the teacher mentoring program.

- We must address continuing professional development. Professional development helps teachers stay “fresh.” It keeps teachers enthusiastic about the job and encourages them to try new approaches. Professional development helps teachers deal with changing student demographics. Further, professional development is at the heart of helping teachers address the increasing demands of 21st century skills and connecting learning to community and career. Yet, like mentoring, the Legislature does not fully fund the professional development formula.
- We must also address the abuse to which teachers are subjected. It is sad that so many policy makers seem to relish the opportunity to blame yet another societal ill on our schools and our teachers. There seems to be nothing wrong with attacking teachers as lazy or uncaring or to imply that they promote pornography in the classroom when it comes time for a floor speech or a committee speech. Is it any wonder that young people, who have grown up with newspaper reports of failing schools and statements like “those who can’t, teach” should want to choose a different career path? It’s time for the state to take a positive attitude toward teachers and teaching. The state needs legislators who will take on those within their own ranks who want to use teachers as society’s whipping boy.

Kansas NEA has addressed these initiatives in detail in our white paper, Great Teachers for 21st Century Schools: a realistic plan to address the recruitment and retention of teachers. I have included a copy of that paper for your information. I encourage you to read it and to consider it in your discussions of how to address the teacher shortage in Kansas for today and for the future.

What should be the lesson of HB 2870?

We sincerely hope that there are some important lessons in this discussion.

First, we want to make it clear that teachers in Kansas are tired of being relegated to the back benches when it comes to creating policy for the profession. Why would anyone think it appropriate that the Kansas Association of School Boards be invited to craft legislation dealing with the teaching profession and the teachers are left out of the room? Our members are not interested in being treated like naughty children being told to eat their spinach because Father says it’s good.

Teachers are not the problem. We are not driving people out of the profession. Instead low salaries, a lack of benefits, a lack of support from school boards and some administrators are driving people out. The Teacher Working Conditions Study conducted in 2006 has plenty of information on what kinds of things would make teachers feel better about teaching. Chief among them is empowerment. Teachers are far too often left completely out of the decision making process at their schools and in their districts. The way in which HB 2870 was written and acted on deliberately left teachers out.

KNEA is more than willing to come to the table. But we will no longer allow teachers to be sidelined and ignored when decisions are made about their wages, their careers, and their profession.

We are ready and willing to work on this issue at any time. You can contact me or either of our lobbyists, Mark Desetti and Terry Forsyth.

ⁱ Kelley, Carolyn and Odden, Allan, Reinventing Teacher Compensation Systems, Consortium for Policy Research in Education, September 1995.

ⁱⁱ Ibid

ⁱⁱⁱ Pay-For-Performance in Education: An Issue Brief for Business Leaders, The Business Roundtable, The National Alliance of Business, p 6.

^{iv} Ibid

Clay Aurand - ROTC Scholarship

From: "Diane Lindeman" <dlindeman@ksbor.org>
To: <aurand@house.state.ks.us>
Date: 3/10/2008 11:29 AM
Subject: ROTC Scholarship

Rep. Aurand -

I hope that this Monday morning finds you well. I wanted to send you a quick note to say that after the hearing on Friday morning re: the ROTC Scholarship changes - SB 437 - (to include the community college students) I spent some time speaking with the National Guard officers. I think that we can make this work - at least for a few years - without an increase in funding. We have SGF allocation, which we haven't used all of for the past few years, plus some carryforward funding that we'll have. I do think that eventually we may need to ask for additional funding, as I am hoping that the program will be a success, but for now I believe we can make this work without more money.

Have a great week. It looks like the weather forecast will be good. We are all ready for that!

Take care,

Diane

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House Education Committee
Date: 3-11-08
Attachment # 5

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March 10, 2008

To: House Education Committee
From: Sharon Wenger, Research Analyst
Re: Funding for the National Guard Educational Assistance Program

At the request of Chairperson Aurand, the following explains the funding for the above-referenced program.

KSA 74-8724 establishes the Veterans Benefit Lottery Game with 50.0 percent of the profits from this instant lottery scratch-off game benefitting Kansas Army and Air National Guard members and their families via the Kansas National Guard Education Assistance Act scholarships.

In 2007, sales from this game amounted to nearly \$3.0 million. After expenses and prize payouts, \$913,138 was transferred from the Lottery Operating Fund to the State Gaming Revenues Fund and then to the State General Fund. Fifty percent of this total went to the scholarships noted above.