

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Vice-Chairperson Deena Horst at 9:00 a.m. on March 19, 2009, in Room 711 of the Docking State Office Building.

All members were present except:

Representative Clay Aurand- excused  
Representative Bob Brookens- excused  
Representative Melvin Neufeld- excused  
Representative Bill Otto- excused  
Representative Charlie Roth- excused  
Representative Valdenia Winn- excused

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Dale Dennis, Kansas State Department of Education  
Janet Henning, Committee Assistant

Conferees appearing before the Committee:

Mark Desetti, Kansas National Education Association

Vice-Chairperson Horst told Committee members for the purpose of chairing the House Education Committee on March 19, 2009, she would appoint Representative Ann Mah as the Chairperson.

**SB 290 - Teachers at the school for the deaf and the school for the blind under the professional negotiation act.**

Acting Chairperson Mah opened the hearing on **SB 290.**

Theresa Kiernan, Senior Assistant Revisor, Office of the Revisor of Statutes, gave an overview of **SB 290** to Committee members. (Attachment 1)

Mark Desetti, Kansas National Education Association, spoke to Committee members as a proponent of **SB 290.** Mr. Desetti told Committee members that in March, 2007, KNEA supported **HB 2422** which was a bill to make teacher salaries at the Kansas School for the Deaf and Kansas School for the Blind competitive. That bill tied their salaries to the Olathe School District. He stated that while **HB 2422** addressed the issue of salary, it failed to give these teachers any control over their own work lives. KNEA supports the passage of **SB 290** as a means for professionalizing the work of teachers at the Schools for the Deaf and Blind and providing parity with their professional colleagues throughout the state. (Attachment 2)

After a brief discussion by Committee members, Acting Chairperson Mah closed the hearing on **SB 290.**

Acting Chairperson Mah asked Committee members for discussion on **SB 290.**

Representative Loganbill moved to pass out SB 290 favorably for passage. The motion was seconded by Representative Horst. The motion carried.

**HCR 5015 - Dyslexia and other reading problems; the state board of education to take certain actions.**

Acting Chairperson Mah asked Committee members for discussion on **HCR 5015.**

Representative Spalding moved to pass out HCR 5015 favorably for passage. The motion was seconded by Representative Crow. The motion carried.

Acting Chairperson Mah told Committee members this would be the last meeting of the House Education Committee for this session and thanked all members and staff for their attendance and support.

The meeting was adjourned at 9:24 a.m. No further meetings are anticipated for the House Education Committee for this session.

MARY ANN TORRENCE, ATTORNEY  
REVISOR OF STATUTES

JAMES A. WILSON III, ATTORNEY  
FIRST ASSISTANT REVISOR

GORDON L. SELF, ATTORNEY  
FIRST ASSISTANT REVISOR



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TO: House Committee on Education

FROM: Theresa Kiernan, Senior Assistant Revisor of Statutes

RE: Senate Bill No. 290

DATE: March 19, 2009

Senate Bill No. 290 was introduced by the Committee on Ways and Means in response to an order issued by the Public Employee Relations Board (PERB) in May of 2007. When realigning existing public employee bargaining units, PERB included the unclassified teaching staff at the Kansas State School for the Deaf (KSSD) and the Kansas State School for the Blind (KSSB) into two bargaining units with other public employees (Units 2 and 4). PERB also recognized the Kansas Organization of State Employees (KOSE) as the bargaining unit representative for those two units. As a result of the order, teachers at KSSD and KSSB will be treated differently than every other teacher in Kansas for the purpose professional negotiations. The Department of Administration and KOSE entered into a memorandum of understanding which established uniform employment terms and conditions for all employees within Units 2 and 4. In order to comply with the holiday and vacation pay requirements under the agreement, the State Board of Education (State Board) estimates it would spend an additional \$931,000 annually.

The State Board has petitioned PERB to remove the teaching staff from the bargaining units. The State Board believes that the teachers are covered under the Professional Negotiations Act (PNA) not the Public Employer-Employee Relations Act which exempts employees subject to the PNA. Rather than risking a negative ruling from PERB, the State Board opted to seek legislation to clarify the statute.

The bill amends the definition section of the PNA. The amendment would include the State Board of Education within the definition of "board of education" when exercising its authority to control and supervise KSSD and KSSB. Professional employees of a board of education would negotiate under the PNA if they chose to do so.

The fiscal note indicates there would be additional expenditures of approximately \$900,000 if the bill is not enacted.



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Mark Desetti, Testimony  
House Education Committee  
March 19, 2009

**Senate Bill 290**

Mister Chairman, members of the committee, thank you for the opportunity to appear before you on **Senate Bill 290**.

Back on March 7, 2007, we supported HB 2422, the bill to make teacher salaries at the Kansas School for the Deaf and Kansas School for the Blind competitive. That bill tied their salaries to the Olathe School District.

At that time, however, we noted that the bill was a "fix that would not be needed if teachers at those institutions were treated the same as their peers throughout Kansas. We believe that the Legislature should put the teachers at the Schools for the Deaf and Blind under the professional negotiations act. By doing so, you would give those teachers a say in their salaries, benefits, and working conditions and empower them to be a part of the solution."

While HB 2422 addressed the issue of salary, it failed to give these teachers any control over their own work lives. The Olathe teachers should not be negotiating for teachers not in their bargaining unit. The teachers at the Schools for the Deaf and Blind should be empowered to negotiate their own salaries.

We support the passage of **SB 290** as a means for professionalizing the work of teachers at the Schools for the Deaf and Blind and providing parity with their professional colleagues throughout the state. Simply put, it is the right thing to do.