

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 11, 2009, in Room 446-N of the Capitol.

All members were present except:

Senator Anthony Hensley- absent

Committee staff present:

Theresa Kiernan, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the committee:

Theresa Kiernan, Office of the Revisor of Statutes
Senator Tim Owens,
Diane Gjerstad, Wichita Public Schools
Mark Tallman, Kansas Association of School Boards
Val Defever, Schools for Quality Education
Mark Desetti, Kansas National Education Association
Diane Lindeman, Director of Student Financial Assistance, Kansas Board of Regents
Casandra L. Lee

Others attending:

See attached list.

Hearing on **SB 130 - Schools; school terms, holidays and in-service training**

Chairperson Schodorf announced that, per the request of Senator Owens, a formal hearing on **SB 130** would not be held at this time but that an informal discussion regarding the concept would be held.

Theresa Kiernan, Office of the Revisor of Statutes, presented a brief summary of the legislation. The bill would amend a provision in current law that sets by statute the minimum length of the school term. The bill would say the state board of education would adopt regulation that would set the term. It could commence so sooner than the day after Labor Day and could end no later than the day before Memorial Day. The bill would prohibit having in-service or staff development during regularly scheduled school hours, but they could have those in-service or staff development days before Labor Day or after Memorial Day.

Senator Tim Owens (Attachment 1) began the discussion stating he had received a variety of comments from a variety of persons regarding their concerns that school districts tend to schedule without concern for things like the business community, parents' schedules, and teacher in-service days interfering with school days. He has also heard concern from teachers that in-service and staff development days are a waste of their time and they spend much of that time grading papers or accomplishing other tasks they might not get to in the classroom. It is his opinion that if the provisions of **SB 130** were implemented, the concerns of parents, teachers, business owners and students would be addressed. He feels it would be far more accommodating to every community if there was consistency across the state on attendance dates, in-service policies, and vacation dates.

Senator Vratil commented he felt attention should be given to the possibility of year-round school which would give students the maximum time in the classroom for learning as well as making maximum use of the investment in property. Senator Steineger stated he agreed with both senators from Johnson County and felt we had a huge capital investment, both physical and intellectual, tied up in a system that only functions 40 hours a week, 9 months a year. He felt the whole school calendar should be looked at in an effort to get away from the notion of the school calendar being based on the old agrarian summer where all the kids had to take the summer off to work on the farm.

Senator Abrams stated he felt this should be left to local communities and cited Dexter going to four days a

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 11, 2009, in Room 446-N of the Capitol.

week. Senator Teichman stated school districts are individual and need flexibility in scheduling to meet the needs of the community. She also stated schools in her district are used almost every day year round and are the center of activity in the community, not just the 40 hours a week, 9 months a year.

Diane Gjerstad, Wichita Public Schools, ([Attachment 2](#)) Mark Tallman, Kansas Association of School Boards, ([Attachment 3](#)) Val Defever, Schools for Quality Education, ([Attachment 4](#)) and Mark Desetti, Kansas National Education Association, ([Attachment 5](#)) all spoke in opposition to the bill. They each felt local schools needed to maintain control over the calendar as well as scheduling of in-service and staff development time. It is their opinion that staff development must be done in increments throughout the school year to be most effective and not either before or after the school year.

Barbara Bunting, Newton, KASB, and Pam Robertson, KASB, each spoke in opposition to the proposed legislation. They feel it is a local control issue and also feel staff development must be done throughout the school year.

The hearing on **SB 130** was closed.

Hearing on **SB 150 - Postsecondary education; KPERS eligible educational program act**

Theresa Kiernan, Office of the Revisor of Statutes, presented a brief summary of the legislation. The bill would establish an educational program for qualified students. A qualifier would be identified as an employee who has been a member of KPERS for at least 10 consecutive years and who has not received an unsatisfactory performance evaluation, a retirant vested in KPERS without an unsatisfactory performance evaluation, or a spouse, child, grandchild, or stepchild who has academically qualified. The maximum amount of the scholarship would be \$2,500 each semester for four years, unless a program required five years for completion.

Senator Abrams, sponsor of the legislation, stated he understood this legislation was going nowhere but wanted to start the discussion. He feels such legislation would encourage longevity in employment for parents and also would provide something for the children.

Diane Lindeman, Director of Student Financial Assistance, Kansas Board of Regents, ([Attachment 6](#)) provided testimony on the proposed legislation. Her testimony included information on the estimated costs involved in implementing the program. Casandra L. Lee ([Attachment 7](#)), a parent, provided testimony from a parental, as well as a KPERS employee, viewpoint in support of the legislation.

The hearing on **SB 150** was closed.

The next meeting is scheduled for February 12, 2009.

The meeting was adjourned at 2:30 p.m.

EDUCATION COMMITTEE GUEST LIST

DATE: February 11, 2009

NAME	REPRESENTING
Diane Gjerstad	USD259
Rob Menly	KENNEDY + Assoc.
Mark Tallman	KFSR
Peggy Wellshear	USA
Val DeFever	SQE
Bill Bras	SFPF
Nancy Hantler	DOT observer
Janelle Marden	observer
Brynn Dymon	Intern - Senator Hensley
Stuart Little	Shawnee Mission #512

State of Kansas

Senate Chamber



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MEMBER: FEDERAL AND STATE AFFAIRS
EDUCATION
CONFIRMATIONS OVERSIGHT
JOINT COMMITTEE ON KANSAS SECURITY
JOINT COMMITTEE ON CORRECTIONS
AND JUVENILE JUSTICE OVERSIGHT

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Testimony in Support of Senate Bill 130 Presented to the Senate Education Committee by Senator Tim Owens

February 11, 2009

Good afternoon Madam Chair and committee. Thank you for the opportunity to address SB 130 which I filed as a committee bill for your consideration. The peanut of the bill addresses uniformity across the state of the school year start and finish dates of the regular school year as well as the use of regular school days for "in-service" teacher training and other non-classroom activities. It also addresses the issue of uniformity of holiday schedules across the state.

I bring this before the committee for consideration after numerous discussions with teachers, parents and business owners who have become increasingly concerned about the amount of time and paperwork entailed in the current process being used in the State of Kansas. Let me address each of these groups and the concerns voiced to me which led me to file this bill:

1. Teachers: With the requirements under "no child left behind" and further augmentation of the need for annual yearly progress (AYP) teachers are more and more being required to do additional paperwork and spend more and more training time outside the classroom to meet what many of them believe to be questionable standards in education. Many teachers have advised me that the "in-service training" is generally a waste of their time and that they spend a lot of the time in the training periods grading papers or accomplishing other tasks that they might not get to in the classroom. But it takes away time from the classroom and the students and causes an undue burden on the teachers with additional reports they have to prepare. I have only heard one teacher espouse the benefits of the in-service training, and she was just coming off of an award from the school district within which she works. The numerous others with whom I have spoken universally agree that the in-service days are a waste of time and interfere with their classroom teaching.

2. Parents: Parents complain about the number of days that the students are out of school and would like to see fewer days off and more consistency in scheduling between school districts. Many parents (particularly single moms) have to take off from their work in order to accommodate in-service days established by the school districts. This sometimes causes them to be docked in their pay or have to use vacation days in order to allow a teacher to go to a training program that (as indicated in paragraph 1 above) is of questionable value or interest to the teacher. Parents of divided families sometimes have different holiday schedules if they live in different school districts, which make it difficult to take vacations with all the children together at the same time. This is not an uncommon phenomenon and therefore is significant enough to raise concern for the disparities.

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Attachment 1

3. Businesses: Many businesses in Kansas must deal with employees who have to take time off to accommodate school in service days in order for parents to be at home with children who have school days off while the teachers are absent from the classroom. Day care is often not available for the children due to many daycare operations having to fill specific slots and then not having any available for school age children on a random basis when school is not in session. In addition to worker absenteeism, it can cause problems in the workplace when the work does not get done or when the employer has to accommodate the parent/employee in conjunction with the school district. Businesses that are most active in the summer times are not in favor of the early start of school in mid-August because it may have the effect of eating into their most productive time of the year. This can also affect municipalities as well. As an example, if a school begins the year too soon, municipal swimming pools have to close early, thereby diminishing the revenue from those operations. The reason for the closures is due to a lack of life guards after school starts and possibly pool managers who might in fact be teachers who go back to the school district as soon as school starts.

If the provisions of SB 130 were implemented, I believe the concerns of Parents, Teachers, Business Owners and yes Students as well, would be addressed. Schools need to understand that they are part of a larger community and that their policies do impact many more aspects of the community than just striving for either year round school or teacher training. I truly believe that the bottom line has to do with funding. For instance, if school districts have to pay teachers additional pay to attend in-service training on weekends or during the summer, that could impact the school budgets. But in-service training is discretionary. Continuing education programs for many other professions are paid for by the professionals themselves. Perhaps a complete evaluation of the in-service/CEU training issues should be studied by the State Board of Education. But in the meantime, it would be far more accommodating to every community if there was consistency across the state on attendance dates, in-service policies, and vacation dates.

Thank you Madam Chair for hearing this bill and for the committee's consideration of a matter that will have far reaching impact on every school district and every community across Kansas. I will be happy to stand for questions.

Senator Tim Owens



Senate Education
Senator Schodorf, chair

S.B. 130 – Uniform school calendar

Presented by: Diane Gjerstad
Wichita Public Schools

February 11, 2009

Madame Chair, members of the Committee:

Senate Bill 130 would give the State Board of Education the authority to set the school calendar for all Kansas school districts. While we can appreciate the issues families face when school calendars are not the same, the authority for developing a calendar to meet the needs of the students correctly resides with the locally elected Board of Education.

Neighboring school districts can have widely varying student demographics. A high poverty district such as Wichita has students who need more time in school to achieve the high standards set for all students. In order to effectively teach all students we need to help our teachers gain the latest research based instructional skills. Research clearly shows that staff development must be done in increments and sustained over time. Providing teachers with professional development before the school year and at the end of the year is like asking the basketball coach to only have practice pre and post season. To change instruction we need to have the ability to examine the data and adjust instruction (and professional development) during the school year.

Our ability to adapt to fit the needs of our students and staff requires the local Board to maintain control over time – and the calendar.

Thank you, Madame Chair, for the opportunity to express our views on SB 130.

Senate Education
2-11-09
Attachment 2

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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

Testimony on
SB 130 – School Term

Before the
Senate Committee on Education

By Mark Tallman, Assistant Executive Director/Advocacy

February 11, 2009

Madam Chair, Members of the Committee:

Thank you for the opportunity to comment on **SB 130**. We rise in opposition to this bill for two reasons. First, it conflicts with local control of public schools. Second, it carries a significant risk of harming student achievement.

The Kansas Constitution states that public schools are to be maintained, developed and operated by locally elected boards of education. Certainly the state has the right to set academic standards, provide for accountability and ensure that basic rights are protected. But it is hard to see how the state is in a better position to determine what school calendar works best in each community across Kansas. Many districts have moved to a more coordinated approach to scheduling the school year. If patrons are dissatisfied, this issue can be resolved by the local board. We are having school board elections this spring.

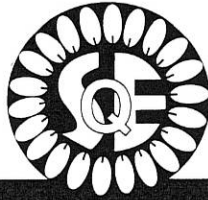
KASB also strongly believes the state should establish clear academic outcomes for school districts, then allow school districts to determine the best way to achieve those outcomes. Regulating the school term deals with inputs, not outcomes.

Many school leaders believe increasing student achievement takes more time, not less. This bill would significantly shorten the school year for many districts – and lengthen the out-of-school period between the end of one year and the beginning of the next, which requires more “re-teaching” of what students lose over the long summer break.

Finally, **SB 130** would limit the ability of districts to schedule staff development programs during the school year. School board members understand such programs can create an inconvenience for parents. But we believe local board members, who live, work, shop and entertain with those same parents, are the right public officials to weight all the issues involved. It is the school board, not the Legislature or even the Kansas State Board of Education, which is ultimately responsible for student achievement in the district.

For these reasons, we urge you to not advance this bill. Thank you for your consideration, and I would be happy to answer any questions.

*Senate Education
2-11-09
Attachment 3*



Schools for Quality Education

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Testimony SB130:school terms, holidays and in-service training
February 11,2009
Val DeFever

Chairman Schodorf and Senate Education Committee Members,

Thank you for letting me speak to you today about SB130. Our schools are presently between a rock and a hard spot. They are expected to make tremendous gains in student acquisition and application of knowledge while they are staring huge funding cuts in the face.

If ever there was a time they needed the flexibility to meet the educational needs of their student it is now. As SB130 restricts student learning to occur between Labor Day and Memorial Day flexibility is limited. It is especially startling since this is a direct departure from efforts in recent years to encourage year round school or extending the school year, as way to compete on the international level. Research has suggested the benefit of extended learning opportunities for at-risk students. So although shortening the school year, as in SB130, may be a reality with less funding, it is not necessarily in the best interest of our students.

SB130 also appears to restrict in-service, curriculum planning and training that would improve instructional techniques. The scheduling of the school year, in-service days, time for educators to work on their school improvement plans and time for collaboration has been a locally negotiated decision in the past. All of these are an important part of school improvement and accreditation. Spacing these in-services throughout the year has help educators to work sequentially through the improvement process, implementing teaching strategies and building on their successes. Often that has meant late take up or early release days on a regular basis at regular intervals. Moving these efforts further outside what is thought of as the education day, could work if it was spread throughout the school year. However it is important to consider that a number of teachers have second jobs and coaching commitments (also supplemental incomes) that could create scheduling problems.

The students of Kansas have consistently demonstrated higher and higher levels of proficiency. Local decision made in regard to the beginning and end of the school year and when to have in-services for teachers has been an important part of that success.

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Attachment 4



Making public schools great for every child

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

Mark Desetti, testimony
Senate Education Committee
February 11, 2009

Senate Bill 130

Madame Chair, members of the committee, thank you for the opportunity to submit this testimony on Senate Bill 130.

We understand the intent behind this bill but we would raise two concerns for your consideration.

First, we believe that the school calendar should be a local decision. The process for determining that calendar should be subject to the input of the local community and should be designed to meet the needs of that community and the educational interests of the students. We do believe that neighboring school districts should make every effort to coordinate their calendars so as not to create problems for families who live in one district but might work in another. In addition, local flexibility allows the community to meet some very specific local conditions. For example, communities with higher education institutions might prefer to align their calendars including breaks and holidays with that institution.

Secondly, we are very concerned about the provisions of this bill dealing with professional development. Professional development today is no longer about "talking head" lectures for teachers. There is an expectation that teachers take these learnings back to the classroom for practice and implementation. This is much more effective when professional development is embedded in the work calendar. Teachers can learn new skills, practice them in their classrooms, return for follow-up sessions, and then work toward full implementation of new learning. Holding professional development only in the summer makes this practice impossible.

For these reasons we would ask this committee to reject a state-wide calendar mandate.



KANSAS BOARD OF REGENTS

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February 11, 2009

Senator Jean Schodorf, Chair
Senate Education Committee
Statehouse, Room 241-E
Topeka, KS 66612

Senator Anthony Hensley, Ranking Member
Senate Education Committee
Statehouse, Room 347-N
Topeka, KS 66612

Dear Chairwoman Schodorf and Ranking Member Hensley:

On behalf of the Kansas Board of Regents, I write to you regarding Senate Bill 150, legislation that would establish the KPERS Eligible Education Program Act.

In this legislation, qualified students eligible for the scholarship program would be Kansas residents, who are state employees, retirees or dependents of such, who have been participants in the KPERS system for at least ten consecutive years and have not received an unsatisfactory performance evaluation in those ten years. In addition, individuals must qualify for the award based on scholastic ability. Individuals would be eligible to receive up to \$2,500 per semester for no more than four academic years of undergraduate study, or five years if the student is enrolled in a program that requires a fifth year of study. The scholarship could be prorated if the student is not enrolled on a full-time basis.

Based on information from the most recent KPERS fiscal report, there are over 250,000 employees – active, inactive, and retired – in that system. If, for example, only 0.05% of these employees qualify for the scholarship that would be 1,250 individuals. If only 50%, or 625, of those individuals meet the criteria for the scholarship (i.e. 10-year KPERS requirement with satisfactory evaluation and strong scholastic background), the fiscal impact for the scholarship program could be \$3,125,000 annually. These estimates do not include eligible dependents who might also qualify. It is important to note that funding for this program would be subject to an annual State General Fund appropriation.

The Board of Regents currently administers 17 student financial assistance programs with four staff members. The addition of a new scholarship program would increase the workload of a staff that is currently at full capacity. Therefore, the Board Office would require an additional position to implement this new scholarship program, at an estimated annual cost of \$48,000.

Thank you for the opportunity to comment on Senate Bill 150.

Sincerely,

Diane Lindeman
Director of Student Financial Assistance

Senate Education
2-11-09
Attachment 6

To Whom It May Concern:

Feb 11th, 2009

My name is Casondra Lee; I am a mother of two and the wife of a State Employee. I would love nothing more than to be able to be present today for this hearing, however my oldest son has advanced to our City Spelling Bee and I feel that he needs me here to support him in his own educational endeavors.

I first approached Senator Abrams during his campaign about an idea that I felt would accomplish two things for the State of Kansas. During his employment at Winfield Correctional Facility my husband has seen many co-workers come and go. One of the reasons when asked why someone is leaving state employment is pay level and the fact that as a State Employee we are not able to save for our children's college education. So I started thinking, what is something that the State can offer that could help with this without costing much if any money. What I came up with was an incentive program where if an employee stays KEPERS eligible for five years the state could cover fifty percent of the cost for higher education and if the employee stays KEPERS eligible for ten years or more then the state could cover the full cost for higher education at a state funded educational institution, not to exceed a Bachelors degree for the employees dependant(s). This incentive program would only be attainable providing that their dependent(s) has a minimum grade point average at the completion of High School. This, in my opinion, would help in two ways. First, it would help with employee retention by giving an incentive for the employee to stay with the State of Kansas longer, and with the more lengthy employment comes higher benefits. Secondly, it would allow more of the youth in Kansas to obtain a higher education. The product of this idea comes before you today as Senate Bill 150 submitted by Senator Steve Abrams.

I know that my husband and I are not able to save for our children's college education due to the low wages. He does enjoy his job at Winfield Correctional Facility, however we have even given thought in the past, of him looking for employment elsewhere that could pay more, allowing us to save for their education. I feel that if we, as a State, could offer this incentive to our employees it would be a great benefit not only for the employee but also to the State of Kansas as a whole.

I pray that you would give deep thought and consideration to this bill and pass it as stated to allow the State of Kansas to retain the great employees that we already have and to educate our possible future employees.

Sincerely

Casondra L. Lee
Winfield, KS

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Attachment 7