

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 1, 2010, in Room 152-S of the Capitol.

All members were present except:

Senator Chris Steineger- excused

Committee staff present:

Theresa Kiernan, 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:

April Holman, Director of Economic Policy, Kansas Action for Children

Senator John Vratil

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

Bob Vancrum, Government Affairs Specialist, Blue Valley USD #229

David Schauner, KNEA

Cheryl L. Semmel, Executive Director, United School Administrators of Kansas

Mike Mathes, Supt., Seaman USD #345

Diane Gjerstad, Wichita USD #259

Dale Dennis, Deputy Commissioner, Kansas State Department of Education

Others attending:

See attached list.

### Approval of Minutes

Senator Ruth Teichman moved to approve the minutes of January 26 and January 27, 2010 as written. The motion was seconded by Senator Abrams. Motion carried on a voice vote.

### Kansas Action for Children

April Holman, Director of Economic Policy, Kansas Action for Children, (Attachment 1), appeared before the committee requesting introduction of a bill which would provide funding for teachers for professional development in the area of personal financial literacy. This would be paid for through a \$1 surcharge on each car title and payday loan made in Kansas. Estimates from the Kansas Bank Commissioner's office reported such a charge would generate approximately \$1.2 million.

Senator Vratil moved to introduce legislation placing a \$1 surcharge on each car title and payday loan made in Kansas. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

### Hearing on SB 355 - Teachers; contracts; notice of non-renewal, retirants from school employment

Theresa Kiernan, Office of the Revisor of Statutes, appeared before the committee and provided a brief explanation of SB 355. She stated this bill is basically in the nature of a 'clean-up' bill in that it removes retired teachers from the definition of "teacher" in K.S.A. 72-5437 and thus provides consistency in the definition with K.S.A. 72-5436.

Senator John Vratil, (Attachment 2), testified in support of the bill. He stated it is intended to clear up the inconsistency in the definition of a "teacher" between two different statutes. In K.S.A. 72-5436, a teacher is defined to exclude retired teachers who have resigned and then gone back to teach in a school district. This bill would exclude retired teachers from the Continuing Contract law.

Mark Tallman, Assistant Executive Director/Advocacy, Kansas Association of School Boards, (Attachment 3), also testified as a proponent on SB 355 on behalf of the Kansas Association of School Boards. He reiterated that it would remove retired professional employees (teachers and administrators who have retired

## CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 1, 2010, in Room 152-S of the Capitol.

under KPERS but returned to work in either the same district or a different district) from the provisions of the continuing contract law. Bob Vancrum, Government Affairs Specialist, Blue Valley USD #229 (Attachment 4), also testified in support of **SB 355**.

David Schauner, KNEA, (Attachment 5), testified in opposition to **SB 355**. He stated the bill proposes two changes. First, a teacher would not be authorized to resign following the completion of negotiations until after the issuance of a unilateral contract by the Board of Education. Secondly, the bill removes retirants from the coverage and protection of the Continuing Contract law. This change would remove the last trace of protection from these teachers. They currently have no due process protection, no membership in the bargaining unit and now perhaps no right to know whether or not they will be returning to teach in the district the following school year.

There were no other conferees to appear before the committee.

The hearing on **SB 355** was closed.

### **Hearing on SB 362 - Teachers and administrators, contracts; notice of non-renewal**

Theresa Kiernan, Office of the Revisor of Statutes, appeared before the committee and provided an explanation of the proposed legislation. This bill would amend the continuing teacher contract law. It would require a teacher to give notice to the board of education that the teacher does not want to continue the contract before May 15, or not later than 15 days after the issuance of a unilateral contract, whichever is the later date. Current law does not reference unilateral contracts. The bill also states that provisions of **SB 362** would apply only in years when a bill appropriating money for General State Aid, or lapsing an appropriation for General State Aid, for the ensuing school year is approved by the Governor on or after April 16.

Senator John Vratil, (Attachment 6), testified in support of the bill. He stated the bill was a housekeeping measure and the only real change in the bill was in Section (c) which states the provisions would apply only when a budget was signed by the governor after April 16.

Cheryl L. Semmel, Executive Director, United School Administrators of Kansas, (Attachment 7), testified in support of the legislation also but asked for certain changes to include a five-year sunset on the bill and that it more clearly define the trigger; i.e., have it read "omnibus bill" rather than just "budget bill".

Mark Tallman, Assistant Executive Director/Advocacy, Kansas Association of School Boards, (Attachment 8), also testified as a proponent on **SB 362** on behalf of the Kansas Association of School Boards. Mike Mathes, Supt., Seaman USD #345, (Attachment 9), Diane Gjerstad, Wichita USD #259 (Attachment 10), and Bob Vancrum, Government Affairs Specialist, Blue Valley USD #229 provided testimony in support of the legislation.

David Brax, Superintendent, Buhler USD #313, (Attachment 11), John Morton, Superintendent, Newton USD #373, (Attachment 12), Beth Reust, Superintendent, Plainville USD #270, (Attachment 13), Glen Suppes, Superintendent, Smoky Valley USD #400, (Attachment 14), and Robert Loftin, President, Schools for Quality Education/Board member, Weskan USD #242, (Attachment 15), provided written testimony in support of **SB 362**.

David Schauner, KNEA, (Attachment 16), testified in opposition to **SB 362**.

There were no other conferees to appear before the committee.

The hearing on **SB 362** was closed.

The next meeting is scheduled for February 2, 2010.

The meeting was adjourned at 02:30 p.m.

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: February 1, 2010

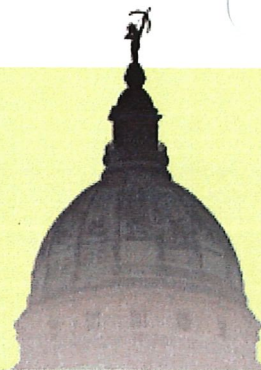
NAME	REPRESENTING
Bob Vancrum	USD 229
Cheryl Semmel	USA/Kansas
Mark Tallman	KASB
Dodie Wellhear	USA/Kansas
Mike Mather	USD 345 Seaman
Kristin	USD 347 Kinsley
Krysten Brake	USD 347 Kinsley
Phillip Werth	USD # 347 Kinsley
Austin Tiemann	USD # 347 Kinsley
Diane Howard	USD 259
Shannon Bell	LGR
Kristen Grimm	Sen. Derek Schmidt
Scott Frank	Leg Post Audit
COLLE MEYER	Kansas Reporter
Cassie Sparks	Intern Sen. Brownlee
Daniel Duncan	USA/Kansas
Justin Beam	KS.
Hyle Edelman	Intern.
Mark Desett	KNFA
Bill Brady	SFFF

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: \_\_\_\_\_

NAME	REPRESENTING
David Schauer	KNETA
Jennifer Crow	Rep 501

# STABILIZING *the* FINANCIAL HEALTH OF KANSAS



## 2003 Legislation

In 2003, Kansas lawmakers enacted legislation to enhance financial education coursework offered in public schools. SB 74 required the Kansas Department of Education to develop a curriculum, materials and guidelines that could be used by local school districts for instruction on personal financial literacy. Under the law, the State Board of Education is required to develop standards and objectives for personal financial literacy for all grade levels within the curriculum for math or another appropriate subject area. The Board is also required to encourage school districts to select textbooks with substantive provisions on personal finance for math, economics or similar courses.

## 2009 Legislation

In an effort to strengthen the requirements for teaching personal financial literacy in Kansas schools, additional legislation was adopted in 2009. This legislation requires that financial literacy questions be included in state assessments as a way to measure comprehension of personal finance issues. However, this legislation is hampered by the fact that many Kansas teachers lack access to the professional development opportunities they need to adequately teach personal financial literacy in our classrooms.



**KANSAS ACTION FOR CHILDREN**

720 SW Jackson, Suite 201  
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The financial health of our state relies not only the ability of policymakers to effectively manage the state's budget, but also on the ability of Kansans to effectively manage their personal finances.

Many young adults struggle in their first attempts to manage personal finances. But, as our world becomes more financially complex and consumers decipher a growing number of credit and lending options, learning by trial-and-error can set our next generation up for a lifetime of financial challenges. We can ensure that more Kansans are equipped with the skills they need to make wise financial decisions by providing Kansas teachers with the training and resources they need to educate school-age children on consumer finance issues.

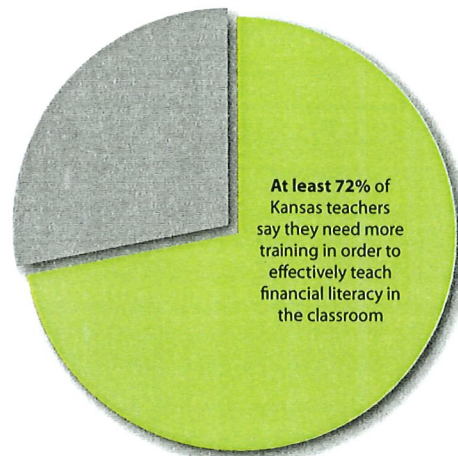
### **Kansas teachers lack training on financial literacy**

Kansas law encourages school districts to include personal financial literacy in the curriculum for students of all ages. However, a survey conducted by the Kansas Department of Education shows that more than 72 percent of Kansas teachers feel that more training is needed to effectively teach personal financial literacy.

### **A surcharge would provide funding for financial literacy training**

Funding for professional development opportunities in personal financial literacy can be accessed by establishing a surcharge on payday and car title loans. These short-term, high-cost loans often contribute to the financial problems experienced by young

### **TEACHING FINANCIAL LITERACY** *Professional development opportunities for teachers*



adults. By placing a modest \$1 surcharge on each car title and payday loan made in Kansas, about \$1.2 million dollars would be generated for professional development.

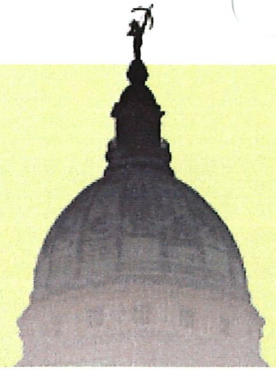
### **Improving financial literacy will improve financial outlook for Kansas**

Research indicates that increased knowledge and understanding of personal finance issues results in improved financial behaviors. While personal financial literacy is taught at varying levels in Kansas schools, there is still a demonstrated lack of professional development for teachers in this area. Implementing a surcharge on payday and car title loans will generate funding for school districts to offer professional development opportunities to their teachers related to this increasingly critical subject matter. Improving financial literacy among our future generations will result in a stronger financial outlook for our state.

Senate Education

2-1-10  
Attachment 1

# STABILIZING *the* FINANCIAL HEALTH OF KANSAS



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The financial health of our state relies not only the ability of policymakers to effectively manage the state's budget, but also on the ability of Kansans to effectively manage their personal finances.

Many young adults struggle in their first attempts to manage personal finances. But, as our world becomes more financially complex and consumers decipher a growing number of credit and lending options, learning by trial-and-error can set our next generation up for a lifetime of financial challenges. We can ensure that more Kansans are equipped with the skills they need to make wise financial decisions by providing Kansas teachers with the training and resources they need to educate school-age children on consumer finance issues.

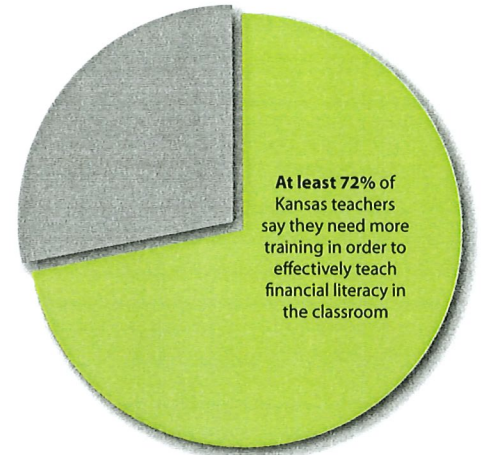
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## TEACHING FINANCIAL LITERACY *Professional development opportunities for teachers*



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# State of Kansas

JOHN VRATIL  
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## Vice President Kansas Senate

COMMITTEE ASSIGNMENTS  
VICE CHAIR: EDUCATION  
WAYS AND MEANS  
MEMBER: JUDICIARY  
ORGANIZATION, CALENDAR  
AND RULES  
INTERSTATE COOPERATION  
KANSAS CRIMINAL  
CODE RECODIFICATION  
COMMISSION

Testimony Presented to  
Senate Committee on Education  
By Senator John Vratil  
February 1, 2010  
Concerning Senate Bill 355

Good afternoon! Thank you for the opportunity to appear before the Senate Committee on Education in support of Senate Bill (SB) 355. Currently, the Continuing Contract law applies to retired teachers in K. S.A. 72-5437, thus creating a conflict between two statutes: K.S.A. 72-5436 and 72-5437. The conflict lies in how the word "teacher" is defined in each of the statutes.

During the 2006 legislative session, the definition of the word "teacher" was amended in K.S.A. 72-5436 to mean "any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any area vocational-technical school or community college." The term "retirant" was specifically excluded from the definition.

During the 2008 legislative session, an amendment was made to K.S.A. 72-5437. That amendment included a definition of the word "teacher" and that definition specifically included retired teachers under the Continuing Contract law thereby creating the conflict referenced previously. Senate Bill 355 seeks to return our current statutes to what the Legislature intended in 2006.

I ask you to support SB 355.

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

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Senate Education  
2-1-10  
Attachment 2  
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KANSAS  
ASSOCIATION



OF  
SCHOOL  
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Testimony before the  
**Senate Education Committee**  
on  
**SB 355**

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

**February 1, 2010**

Madam Chair, Members of the Committee:

Thank you for the opportunity to testify on **SB 355**, which would remove retired professional employees (teachers and administrators who have retired under KPERS but returned to work in either the same district or a different district) from the provisions of the continuing contract law. This law provides that such employees are automatically entitled to continue under contract for the following school year unless the employing school board gives notice by May 1.

KASB has always believed retired employees who have chosen to return to work for a school district should not have the same rights to continuing contracts, due process or collective bargaining as non-retired employees. It is important to remember these employees voluntarily chose to take retirement, and are receiving the full KPERS benefits they have earned. Returning to work in a school district is also their choice.

At a time when KASB is seeking to give school boards additional flexibility in managing their districts as state funding is reduced, this bill would provide more flexibility in staff management. If districts are forced to reduce employees, this bill would make it easier for boards to remove employees who are already drawing substantial retirement benefits, as opposed to employees who rely on their district compensation for their primary income.

It is possible this bill would discourage early retirement and then returning to work in school districts. Given the financial problems facing the KPERS system, there would be some benefit to that development.

Thank you for your consideration.

*Senate Education  
2-1-10  
Attachment 3*



**Testimony to Senate Education Committee  
in support of Senate Bills 362 and 355  
by Bob Vancrum,  
Blue Valley USD 229 Government Affairs Specialist  
February 1, 2010**

KSA 72-5437 provides that boards of education must notify teachers and administrators of their intent to non-renew their contracts by May 1<sup>st</sup>. If notification of non-renewal is not given by that date, such contract is automatically extended for an additional year.

Because of the severe budget shortfall facing the Kansas legislature, all school districts in the state are reducing budgets and many will be cutting staff. In recent years the Kansas legislature has been still working on school finance legislation as of May 1. If a school budget is not passed and signed into law by May 1, many school districts will be forced to non-renew ALL non-tenured teachers.

- Dismissing non-tenured, although highly qualified, teachers simply because schools are still waiting for a finance bill is not good policy and is not good for morale.
- Dismissing non-tenured teachers causes unnecessary concern to many Kansas teachers who are financially the most stressed (Most non-tenured teachers are younger, have young families and are in debt through student loans for college.)
- Kansas is already experiencing a teacher shortage. By arbitrarily non-renewing teachers before May 1 younger but well qualified teachers could leave the profession.

Senate Bill 362 fully addresses all of these problems.

- It allows administrators and boards of education to make employment decisions based upon reality not speculation.
- It provides administrators and boards of education a professional time-structure to make well reasoned staffing decisions.
- It shows that we value our teachers and it allows school administrators and boards of education to make professional decisions.

Therefore, we encourage you to favorably report Senate Bill 362.

SB 355 is different. It would conform continuing contract law for retirants under KPERS who choose to return to teaching to recently passed changes in KPERS. We ask for your support of it as well.

*Senate Education  
2-1-10  
Attachment 4*



Making public schools great for every child

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David Schauner, Testimony  
Senate Education Committee  
February 1, 2010  
**Senate Bill 355**

Madam Chairman and members of the Committee:

The changes proposed in **Senate Bill 355** are two in number:

First: The teacher would not be authorized to resign (following the completion of negotiations) until after the issuance of a unilateral contract by the Board of Education. There is nothing in the statute that requires a Board of Education to issue a unilateral contract after the exhaustion of the negotiation process. The Board of Education is simply required to take the action that is in the best interest of the community and the teacher (K.S.A 72-5428. Perhaps it is not the intent of the bill's author to remove the teacher's right to resign from an onerous situation but that appears to be a logical outcome of the bill's changes.

If K.S.A. 72-5428 required the Board of Education to issue a unilateral contract after the unsuccessful completion of the bargaining process then my concern would be alleviated.

Second: The bill removes retirants (teachers who have retired under KPERS but have returned to teaching) from the coverage and protection of the Continuing Contract law. Essentially this change would remove the last vestige of protection from these teachers. They currently have no due process protection, no membership in the bargaining unit and now perhaps no right to know whether or not they will be returning to teach in the district the following school year.

In many cases these teachers work in hard to fill positions. Adopting these changes provides them with even less incentive to return to the classroom. They will be without any of the protections that their colleagues share even though they perform the same work and are teaching the same students. It is difficult to imagine how this change can be in the best interest of the students and the rest of the public interest that the teachers serve.

Sound public policy dictates against both of the changes proposed in **Senate Bill 355**.



# State of Kansas



## Vice President Kansas Senate

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Testimony Presented to  
Senate Committee on Education  
By Senator John Vratil  
February 1, 2010  
Concerning Senate Bill 362

Good afternoon! Thank you for the opportunity to appear before the Senate Committee on Education in support of Senate Bill (SB) 362. The bill seeks to amend the Continuing Contract Law concerning teacher contracts. If a teacher does not want to continue the teacher's contract between the teacher and a school district, SB 362 would require the teacher to give notice to the district's board of education prior to May 15, or not later than 15 days after the issuance of a unilateral contract, whichever is the later date. Current law does not reference unilateral contracts. Additionally, the provisions of SB 362 would apply only in years when a bill appropriating money for General State Aid, or lapsing an appropriation for General State Aid, for the ensuing school year is approved by the Governor on or after April 16.

Under SB 362, a local board of education may serve written notice of contract non-renewal on any teacher prior to the time a contract is completed. The bill would require such notice of intent to not renew a contract to be served on a teacher no later than 15 days after the date on which the bill appropriating or lapsing money for General State Aid is approved by the Governor. If the teacher does not desire to continue the contract, the teacher would be required to give written notice to a board of education: (1) no later than 30 days after the date of the bill appropriating or lapsing money for General State Aid for the ensuing school year is approved by the Governor; or (2) no later than 15 days after final action is taken by the board upon the termination of professional contract negotiations, whichever is later.

I request your support for SB 362.

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Senate Education  
2-1-10  
Attachment 6  
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**Testimony on  
SB 362  
Senate Education Committee**

Presented by: Cheryl L. Semmel, Executive Director

February 1, 2010

The mission of United School Administrators of Kansas (USA|Kansas\*), through collaboration of member associations, is to serve, support, and develop educational leaders and to establish USA|Kansas as a significant force to improve education.

Education administrators remain committed to ensuring that each and every child in Kansas receives a quality education that will help them reach their potential and become successful, productive adults. There are 465,000 students in our public schools that we strive to impact positively every single day. As you know, Kansas students are making unprecedented academic achievement and we are on a path of continuous improvement.

The 2010 Legislative Session promises to be one of the most challenging in the history of our state, as we face an economic downturn of global proportions. As one of those charged with leading our state through the budget and revenue crisis we are currently facing, I know you will be called on to make some of the most weighty decisions of your legislative service.

I am here today in support of SB 362. In a time of growing uncertainty over matters such as budget shortfalls, teacher shortages and time constraints, we appreciate your efforts to provide some flexibility during these extraordinary times. SB 362 honors local control and would provide the flexibility necessary for administrators and boards to make critical personnel decisions.

Administrators do not make decisions about reductions in workforce lightly and are committed to addressing workforce issues responsibly. Beyond the most immediate impact in the classroom, workforce reduction in K-12 education would result in increased unemployment in many of our communities across Kansas. K-12 education is a major workforce in Kansas – both directly and indirectly. From the district and building level personnel to contracted vendors, these individuals support local economies in many ways, whether it be supporting local retail or contributing to the tax base. In some of our small communities, with limited employment options, these individuals and families will relocate entirely – having a devastating, long-term impact on local communities.

Kansas statute 72-5437 established May 1 as the deadline by which local boards of education must notify teachers of their intent to non-renew a teacher's contract. If the local board does not notify a teacher of its intent to non-renew that teacher's contract by May 1, the teacher is then covered by continuing contract and automatically rehired for the next year.

Senate Education  
2-1-10  
Attachment 7

Recent history demonstrates that the state budget has often not been determined until after May 1. As a result, school districts have had to make employment decisions (by May 1) before budgets are set.

Unfortunately, we are in a period of unprecedented economic uncertainty and budget shortfalls. In the absence of a multi-year school finance plan and with the final legislative appropriations bill not being passed until the end of April or first of May, making appropriate teacher staffing decisions under the current notification deadline has become excruciatingly difficult for school administrators and local boards. The only choice many districts have is to nonrenew all nontenured teachers on May 1, wait for final budget news, and then hope they can re-hire the staff they did not want to release in the first place. **This will have an impact on not only on school programs and operations, but will impact local communities.**

As you consider SB 362, administrators respectfully recommend the following amendments to the bill. First, we propose placing a five-year sunset provision on this legislation. Second, we suggest that the notification timeline be triggered by action on the Omnibus Appropriations Bill, in lieu of “a bill appropriating money.” We believe that both of these provisions reinforce the intent to act reasonably and responsibly during this unprecedented time.

**Administrators remain committed to ensuring a quality education for each child. They are communicating regularly with staff – instructional and noninstructional – as they prepare for anticipated cuts and remain focused on that common goal.**

In closing, on behalf of education administrators, I would like to thank you for your continued support of education and for realizing the importance of investing in education. Preparing our children requires a shared commitment, collaboration, and open dialogue among all stakeholders. Thank you for being partners in education.

\*USA|Kansas represents more than 2,000 individual members and ten member associations:  
Kansas Association of Elementary School Principals  
Kansas Association of Middle School Administrators  
Kansas Association of School Administrators  
Kansas Association of School Business Officials  
Kansas Association of School Personnel Administrators  
Kansas Assoc for Supervision and Curriculum Development  
Kansas Association of Special Education Administrators  
Kansas Association of Secondary School Principals  
Kansas Council of Career and Technical Education Administrators  
Kansas School Public Relations Association

KANSAS  
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Testimony before the  
**Senate Education Committee**

on  
**SB 362**

by

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

**February 1, 2010**

Madam Chair, Members of the Committee:

Thank you for the opportunity to comment on **SB 362**. Last year, when a similar bill was proposed, KASB opposed the measure because of a long-standing policy position adopted by our members advocating that the notice dates for teacher and administrators under the continuing contract law be standardized at May 1 for boards to give notice of non-renewal and May 15 for employers to notify the board if they did not wish to remain under contract with that district. We appear today as proponents of *this* measure because the KASB Delegate Assembly in December 2009 adopted the following resolution:

KASB believes school boards should have more flexibility under the continuing contract law to make local staffing decisions when school funding has not been determined.

While this position calls for increased flexibility in giving notice when school funding issues are not resolved in a timely manner, it does not specify any particular approach to accomplishing this goal. We do have concerns about the specific wording of this bill.

**SB 362** would delay the notice dates in “any year in which a bill appropriating money for general state aid, or rescinding or lapsing an appropriation for general state aid, for the ensuing school year is approved by the Governor on or after April 16.”

Since “a bill” presumably means *any* appropriations bill, the notice date change would be triggered by either the “mega” bill, which usually passed in the regular session and last year was signed before April 16, or the omnibus bill, which usually does not pass until mid-May and may not be signed until late May. (However, this could include any other bill appropriating general

Senate Education  
2-1-10  
Attachment 8

state aid; for example, in a special session.) That means the date for boards to give notice could rather frequently be moved from May 1 to early June, and the date employees have to give notice to boards moved from May 15 to late June.

It also means school districts and employees will never know when the “last” appropriations bill will pass. Suppose, like last year, the mega-bill is signed by April 16. That would presumably mean the notice dates are May 1 and May 15, unless general state aid is changed in the omnibus bill. But school districts won’t know whether the omnibus bill changes general state aid until it passes. Therefore, if boards ignore the May 1 date and wait for the omnibus bill – and the omnibus bill does not change state aid – then they will have missed the notice date, because it will remain May 1.

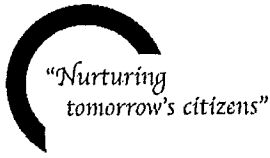
Second, the bill does not specify which bill will control if both the mega-bill and the omnibus bill are signed after April 16, which has historically been the case.

Third, the bill does not address what happens if the Governor vetoes the appropriation, rescission or lapse in state aid. Does that mean the bill does not apply? What if the veto is overridden? These issues may seem like technicalities. But remember, this bill amends a statute dealing with employee rights, an area where technicalities often matter a great deal in court.

Finally, it is important to remember that while most of the focus has been the date for boards to give notice, this policy issue also affects the date when employees must tell boards if they intend to return to the district for the next year. That date is important because it helps districts know which teachers will have to be replaced, and the later the date, the more difficult it may be. It has been noted this bill is “optional” in the sense a school board may chose to give notice on or before May 1 regardless of whether the statewide notice dates are delayed. But it appears this bill would push back the notice date for the district’s employees if there is an appropriations bill signed after April 16, regardless of what the board does (unless there is a different set of dates in the district’s negotiated agreement).

We encourage the committee to clarify these points before advancing the bill, and will work with other interested parties to address the various concerns about this concept if desired.

Thank you for your consideration.



# Seaman Unified School District #345

SEAMAN EDUCATION CENTER

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## Testimony on SB 362 Senate Education Committee

Presented by: Mike Mathes, Superintendent, Seaman USD 345

February 1, 2010

My name is Mike Mathes and I am the superintendent of schools from Seaman USD 345. The Seaman school district is a suburban district located in northern Topeka and Shawnee County. We have 3,730 students enrolled in pre-K through 12th grade. The Seaman public schools have long been a source of pride for our community.

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First, thank you for the opportunity to appear before you today. I am here in support of SB 362 and further, the recommended changes proposed by United School Administrators of Kansas (USA|Kansas).

In the Seaman school district, we recognize and value the impact that our quality teachers and administrators have on student learning. It is unfortunate that the economic downturn and subsequent budget cuts have impacted us in such a way that this bill is necessary; however, we find ourselves in uncharted territory as we attempt to address budget shortfalls by maximizing administrative flexibility.

The Seaman school district has done an excellent job managing the district's finances and ensuring that students have access to programs and services they need. Unfortunately, in the absence of a multi-year budget and the uncertainty of our economic circumstances, advanced planning is extraordinarily challenging. The Seaman school district has already eliminated and/or reduced programs and personnel, but we anticipate additional reductions may be necessary.

### ADMINISTRATORS

Mr. Mike Mathes, Ed.S.  
Superintendent

Dr. Robert O. Balsters II, RSBA  
Deputy Superintendent

Dr. Carolyn Orozco  
Assistant Superintendent

Mr. Craig Carter  
Assistant Curriculum & Personnel Director

The flexibility created in SB 362 will provide the Seaman school district with the flexibility necessary to make responsible personnel decisions, should that additional flexibility be needed. As a superintendent and community leader, I can assure you that our district does not make decisions about reductions in

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Senate Education  
2-1-10  
Attachment 9



workforce lightly and that we are committed to addressing workforce issues responsibly. Indeed, it would be my hope that we might never need to utilize the flexibility provided in this bill.

Seaman USD 345 employs 305 teachers with 54 of those being probationary, non-tenured teachers. In addition we employ 309 classified staff. From the district and building level personnel to contracted vendors, these individuals support local economies in many ways, whether it be supporting local retail or contributing to the tax base.

Educating our children and building strong communities requires a shared commitment, collaboration and open dialogue. This is a critical point in the history of Kansas education. The Seaman school district is proud of the unprecedented academic achievement our students have made – not only in our district, but also throughout the state. I can assure you that the Seaman school district and administrators statewide are committed to ensuring that our students continue along this path of increasing academic excellence and that our schools continue to be a source of pride for our community...our state.



## Senate Education Committee

Senator Schodorf, Chair

S. B. ~~364~~ – Continuing Contract Law

362

Submitted by Diane Gjerstad  
Wichita Public Schools

Madame Chair, members of the Committee:

The negotiated contract between Wichita Public Schools and the United Teachers of Wichita includes a 'reduction in force' policy which the District would use if needed. One of the difficulties with prior versions of S.B. 364 in past sessions has been the difficulty of creating notification language which works for 290 plus districts of widely varying size. The provision extending the employee response to 30 days after the budget is signed could lengthen the process well into the summer. Extending the notification process may or may not be the best outcome.

We support this bill but would ask the committee to make the following adjustments:

- a) To allow the Board the **option** to either follow current law (May 1 notification date) or the new provision (15 days after the budget is signed by the Governor). Giving districts the option recognizes districts have differing staffing needs. A district may have hiring or retirement circumstances which make the May 1 date, fixed date, more appropriate for filling vacancies. Current law maintains the May 15<sup>th</sup> response date from employees who are assumed to be returning. The new language creates a much lengthier process of notification to 30 days after the budget is signed. A district made need to have a clear picture of vacancies much sooner. The ability to elect to use the May 1 or new law would allow districts flexibility to manage their unique human resource requirements.
- b) Because of the unknown impact of tying contract notification date to the budget process, we would suggest a sunset in 2012 to allow the legislature the opportunity to evaluate the policy.

Thank you.

Senate Education  
2-1-10  
Attachment 10

**Written Testimony in support of Senate Bill 362**  
**By, Dr. David Brax**  
**Buhler USD 313 Superintendent of Schools**  
**February 1, 2010**

This written testimony is based on a series of conversations with fellow administrators and with the Buhler USD 313 Board of Education. I believe that Senate Bill 362 would positively impact non-tenured teachers throughout the state and would alleviate some arbitrary time constraints on school administrators and boards of education to make staffing decisions.

**“Rethinking teachers’ continuing contract renewal date”**

Kansas statute 72-5437 sets May 1 as the date by which boards of education must notify teachers of their intent to non-renew a teacher’s contract. If notification is not given by that date, a teacher’s contract is automatically extended for an additional year.

Because of the budget shortfall facing the Kansas legislature, all school districts are facing budget reductions. Recent history shows that the Kansas legislature continues to work on school finance legislation beyond May 1. This has been a concern in years past, but with significant budget reductions facing all of the Kansas school districts, the date becomes critical. Because the budget cuts will be significant, if a school budget bill is not passed and signed into law by May 1, many school districts will be forced to non-renew all non-tenured teachers and only hope to hire them back after finance legislation is complete. I have strong reservations about using this procedure. I believe that:

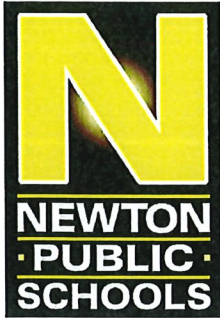
- May 1 is an arbitrary date and teachers’ continuing contracts should not be bound to it.
- Dismissing non-tenured teachers while waiting on a finance bill could be viewed as unprofessional.
- Dismissing non-tenured, although highly qualified, teachers while waiting for a finance bill would be demoralizing.
- Dismissing non-tenured teachers causes unnecessary concern to many Kansas teachers who are financially most vulnerable. (Most non-tenured teachers are younger, have families and are in debt through student loans for college.)
- Kansas is experiencing a teacher shortage. By arbitrarily non-renewing teachers before May 1 several teachers could leave the profession.

I believe that Senate Bill 362 fully addresses these problems.

- It allows administrators and boards of education 15 days after a school finance bill is finalized to make employment decisions on financial reality not speculation.
- It allows administrators and boards of education to quickly meet their budget reductions in a planned, systematic way.
- It provides administrators and boards of education a professional time-structure to make staffing decisions.
- It shows that we value our teachers and it allows school administrators and boards of education to make professional decisions.

Therefore, I encourage you to support passage of Senate Bill 362.

*Senate Education*  
*2-1-10*  
*Attachment 11*



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**Testimony on**

**SB 362**

**Senate Education Committee**

Monday, February 1, 2010

Dr. John R. Morton, Superintendent

Dr. Mike Clagg, Assistant Superintendent for Human Services

In a time of growing uncertainty over matters such as budget shortfalls, teacher shortages and time constraints, a rather simple idea could provide some relief for Kansas school districts. While this idea may not be a permanent solution over the long-term, it certainly might provide some short-term relief.

Kansas statute 72-5437 sets the date by which local boards of education must notify teachers of their intent to non-renew a teacher's contract as May 1. If the local board does not notify a teacher of its intent to non-renew that teacher's contract by May 1, the teacher is then covered by continuing contract and automatically rehired for the next year.

Recent history demonstrates that the state budget has often not been determined until after May 1. As a result, school districts have had to make employment decisions (by May 1) before budgets are set (sometimes up to two months later). **The only choice many districts will have this year is to non-renew all non-tenured teachers on May 1, wait for final budget news, then hope they can hire back staff they did not want to release in the first place. Such a procedure creates needless hardships and stress for non-tenured staff. In the Newton district alone, we currently have 80 non-tenured certified staff.**

One possible solution to this dilemma would be to move the date to notify teachers of non-renewal to a reasonable number of days following the adoption of the state budget. This would allow school districts to know their financial ability to retain staff before they have to make employment decisions about them. **Not only could moving the date back forestall unnecessary unemployment of thousands of teachers, it could also make for more responsible financial planning. To us, it appears to be a much more humane way of dealing realistically with any staff reductions which might occur rather than arbitrarily non-renewing all non-tenured staff.**

If adopted, this provision could "sunset" after a short period of time. But given the current financial climate, it may be a suggestion whose time has come.

Senate Education  
2-1-10  
Attachment 12

# Plainville Public Schools

...where students walk through the doors of opportunity every day.

USD 270



**Testimony on  
SB 362  
Senate Education Committee**

Submitted by: Beth Reust, Superintendent, USD 270 Plainville

February 1, 2010

Chairman and Committee members,

Thank you for reviewing my testimony on SB 362. I am the superintendent of a rural school district almost in the center of the state. We have 398 headcount or 368.2 FTE enrolled in our two schools. We employ 29.86 FTE certified teachers. At the grade school we have 2 teachers at grades K, 1, 2, and 4. From 6<sup>th</sup> grade through high school we are departmentalized meaning that our teachers instruct students in specific disciplines like English or math and may be responsible for multiple grade levels of students in their classes each day. In the core subject of Language Arts we have 3.8 teachers for all students grades 6 through 12. We have 2.8 teachers in math, 2 in social studies, and 2 in math.

As of today, we have a budget of \$2,945,610 in general fund. In that fund, 71% goes toward salaries and fringe benefits for all types of staff...certified, classified, administration. Any additional adjustments to our budget must involve reduction in staff. The 29% that we have left pays for utilities, all supplies, textbooks, gasoline for buses and other vehicles, insurance for buildings, library books, Internet access, etc.

These are the statistics. When the issues surrounding the determination of how much money we will have to work with is delayed beyond the May 1 deadline, we have two options. We can choose to not take action on any employment contracts or we can choose to guess. If we choose to not take action, all of the certified contracts automatically are locked in place. The situation becomes extremely challenging to come up with sufficient money to pay the salaries of the classified staff should the budget be reduced. If we choose to guess how much we will have and we guess that the budget will be reduced, we can lay off both certified and classified staff as the case may be. Should we find later that the budget will not be reduced or will (with the grace of the legislature) be raised by \$50.00 per FTE, we may not be able to hire back the teachers that we have released. We will have the added expense of advertising and looking for new staff to

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Senate Education  
2-1-10  
Attachment 13

take the place of those we had. We may even reduce the quality of the education that we offer our students.

Today I am recommending the passage of SB 362 which would grant districts the ability to make rational decisions that are in the best interests of the students. Attaching this to the Omnibus appropriations bill and allowing the bill to sunset after a specific number of years gives us and the legislature the flexibility to evaluate the impact.

Thank you.

**Senate Education Committee**

**Written Testimony in support of Senate Bill 362**

**Respectfully Submitted by Glen J. Suppes**

**Superintendent, Smoky Valley Public Schools**

**February 1, 2010**

Thank you for the opportunity to discuss SB 362 and the recommended changes concerning continuation of contracts for our teachers.

I am Glen Suppes, Superintendent of Schools at Smoky Valley. I am pleased to represent 1,000 students in a district located in central Kansas based in Lindsborg. We serve several rural communities within our 396 square miles, including a K-8 building in Marquette, Kansas. Our district is extremely proud of our Standards of Excellence awards as well as our emphasis on fine arts and outstanding integrated technology programs.

I strongly encourage you to support SB 362. We understand the need to have a system in place that provides contracted certified employees with appropriate notification of the district's intention to non-renew or the desire for continuation of the contract. We place a great deal of value in being able to treat our dedicated employees with professional respect, especially when it deals directly with their individual contracts and their future.

With respect to the most recent serious budgetary issues we all face together, it only makes sense to allow local districts the latitude to make employment decisions reasonably. These staff-reduction decisions should be based upon what we know, after careful considerations of the resources we believe are available for the following school year. By following the current law, we will certainly be forced to non-renew all non-tenured teachers, and possibly some tenured teachers because of a possible reduction in force. With no flexibility of the May 1 deadline, districts must terminate teachers, and then explain that we have no choice but to wait and see what happens in Topeka before committing to continuation of contracts.

These critical personnel decisions should not be taken lightly. They must be made after the legislature has had an opportunity to take action on the Omnibus Appropriations Bill. In communication with several of our neighboring superintendents, I believe there is significant support for your careful consideration of this much-needed change in an effort to treat employees and our community with the respect they deserve. By allowing local flexibility of a notification extension, we'll all be able to make better informed decisions about which teaching professionals will be coming back to work with our children next year. We should not be guessing whether or not they will have a job this fall.

*Senate Education  
2-1-10  
Attachment 14*

Recent history has shown that state budget decisions are often not determined until after the May 1 deadline. Districts are forced to make critical employment decisions prior to setting a budget. The May 1 deadline has served us well in the past, but these are extraordinary times.

Smoky Valley employs 21 non-tenured teachers. We have taken great pride in promoting positive employee moral and demonstrating fairness in our dealings with our people. We wish to continue to be honest and fair in our assessment of the district's future. It is not fair to officially dismiss these 21 staff members by May 1 just because we're not sure of what to expect from the upcoming budget.

Smoky Valley will continuously strive to produce outstanding Kansas citizens and create an educational atmosphere of which the state can be proud. By working together to promote a reasonable employment law for educators, we're showing our support to classroom teachers who work tirelessly every day for our children and community.

Thank you for allowing us the opportunity to be involved in these decisions. We would appreciate your support for SB 362.





# Schools for Quality Education

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## Written Testimony on SB 362

### Senate Education Committee

February 1, 2010

Submitted by: Robert Loftin, President

On behalf of the 120 members of Schools for Quality Education (SQE), I write this **testimony in support of SB 362**. In this unprecedented economic crisis and continued state budget shortfalls, SB 362 would provide much needed flexibility to school boards and administrators in making challenging personnel decisions.

In the absence of dedicated multi-year funding for school districts and with the final appropriations budget bill often not passed in advance of the May 1 deadline required in KSA 72-5437 for teacher contract notification, SQE believes passage of SB 362 will allow school districts to make workforce reduction decisions in as planned and rational manner as possible. In the current budget climate, it simply is not possible to make the most informed workforce/contract decisions by May 1.

Our principal charge, as school leaders, is to make decisions based on the best interests of our students and to provide as much stability to the learning environment as we can. We, therefore, do not take our workforce decisions lightly. We are committed to making personnel contract decisions as timely as possible, while balancing our commitments to students, personnel, and the communities we serve.

We are asking the Legislature to pass this bill, with one recommended change: **tie the notification to the “Omnibus Appropriations Bill,” rather than the more vague language in the bill, which simply references “the bill appropriating money.”**

On behalf of SQE and our member districts, I want to thank you for your consideration of this legislation and for your commitment to a quality education for the students we serve.

Senate Education  
2-1-10  
Attachment 15



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David Schauner, Testimony  
Senate Education Committee  
February 1, 2010  
**Senate Bill 362**

Madam Chairman and members of the Committee

Thank you for the opportunity to speak against **Senate Bill 362**.

The Continuing Contract law and its predecessors have been the law in Kansas in one form or another since 1950. As the Kansas Supreme Court first stated in 1973 " The purpose of the Continuing Contract law is to eliminate uncertainty and possible controversy regarding the future status of a teacher and a school with respect to the teacher's continued employment." The Court reiterated that statement of purpose in the McReynolds case in 2002.

Predictability benefits teachers and schools alike. To be sure firing teaches is not pleasant but creating mass uncertainty in schools is worse.

The changes proposed in **Senate Bill 362** do immeasurable harm to a system that has proved effective for 60 years, in good times and bad.

As schools have started their academic years earlier and earlier in the past 10 years it is increasing important for them and their teachers to know who will be available to teach and who will be offered positions for the next school year. If the school does not know whether the science teacher or math teacher is available until the week before school begins then not only will the school administration suffer but more importantly so will students.

The recent history signing general state aid legislation is a good predictor for the future. That date has varied in the past few years and has been as late as July 25, 2005(following a special session). The earliest in the past 5 years has been April 21, 2008.

The proposed changes also leave the teachers in employment limbo. The date on which the Governor might sign the ill defined bill is not readily known and many if not all teachers are out of school after June 1st making notification of them by the school difficult.

The cumulative effect of these changes is unknowable but to propose changes to a system that has been effective and understood by all parties for decades is unwise at best and at worst damaging to the academic progress of students and the livelihood of teachers.

**Senate Bill 362** attempts to fix a system that is not broken. The bill should not receive favorable consideration by the Committee.