Approved:	3/23/11	
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MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on March 07, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Kiegerl - excused Representative Fund – excused Representative Peterson - excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes Doug Taylor, Office of the Revisor of Statutes Julian Efird, Kansas Legislative Research Department Dennis Hodgins, Kansas Legislative Research Department Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Garry Sigle, Kansas Association of American Educators Mark Desetti, Kansas National Educational Association Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts

Others attending:

See attached list.

The Chairman called for bill introductions. Representative Kinzer introduced a resolution concerning a casino contract and a bill about abortion funding. They were received without objection.

The Chairman opened the hearing on HB 2229 Schools; equal access by employee associations and organizations.

Mike Heim passed out a copy of the statutes which make reference to the Professional Negotiations Act which he said he would run through quickly. This is what the current law provides in terms of schools and professional organizations. (Attachment 1). Representative Gregory asked if the unit was one elementary school in a district or a district? Mike said it was typically all the teachers in a district. Representative O'Hara asked about severability. Mike said it was a technical thing where you think something might be unconstitutional, and the court is able to uphold everything except what they find unconstitutional. Representative Gregory asked a question about petition. Mike said that there must be 30% interest in the petition before the Secretary would consider it. Representative Rubin said he did not see any terminology that gave the exclusive rights to use the mail system. Mike said the language was in the last three lines in sub (B) on page 2 that says that any of the privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization.

Garry Sigle, Kansas Association of American Educators, gave testimony as a proponent of HB 2229 (Attachment 2). KANAAE offers liability insurance at a cost of only \$15 per month, a fraction of the cost of KNEA. HB 2229 solves the problem of superintendents and administrators playing awkward roles as middlemen between teachers and employee associations. HB 2229 allows for reasonable access to the teachers in the district. Representative Brunk asked what was involved with employment rights coverage? Garry said that if a teacher were involved in a legal matter they would have legal counsel as a member of our organization. Representative Goico asked why insurance costs vary from school system to school system. Garry said that KNEA offers blanket coverage. It is not specific to any one teacher. We offer specific coverage to the teacher. Representative Boman asked what liability insurance covered. Garry said it protected the teacher in an instance when he was being sued by a parent. Representative O'Hara wanted to know when and why KANAAE was organized. Gary said it was about 15 years ago because the organizations existing then were drifting away from the things they believed in. Representative Loganbill asked how do you break down your dues and how many members do you have? Gary said a portion of the dues goes for liability coverage and the balance stays at the state level for administration, etc. Gary said they have just under 1000 members. Representative Gregory asked how

CONTINUATION SHEET

The minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 07, 2011, in Room 346-S of the Capitol.

this legislation would affect his membership drive? Garry said that it would give the teachers an option that many are not aware that they have.

Mark Desetti, KNEA stood to answer question. Representative Grosserode asked him to break down the dues structure. He said that the largest amount goes to the state, the second largest amount goes to the national affiliate and a small amount stays at the local affiliate

The Chairman said he would leave the hearing open for a later date.

The Chairman opened the hearing on HB 2178 Granting professional licenses to nonresident individuals.

The Chairman asked Kathleen Selzler Lippert, Kansas Board of Healing Arts to answer some questions on HB 2178. She wanted to clarify testimony given earlier. She said they very much value the licensees from other states, but they want to make sure that they do not compromise their profession. Our concern is some of the wording in the bill. In Section 1. (a) it provides that a license shall be issued upon application. That word shall is understood to be mandatory and provides no latitude. Section 1. (b) (2) would allow a person to be out of practice for as much as three years. That would be an unacceptable length of time. Section 1. (b) (3) is a list of three, an exclusive list, not an inclusive list. If it said, "other action taken" it would be an inclusive list. Section 1. (b) (4) does not catch the situation where a licensee surrenders their license to avoid discipline. Representative Goico mentioned that lines 31 to 34 allow them to issue the license on a probationary basis. Doesn't that give you the coverage you need? Representative Wolfe Moore said that Kansas would be the first state to include health care for professionals in a bill such as this. Florida does not include health care in their bill and Colorado only applies to educators. Are you aware of any other states that are considering health care professionals? Kathleen said that she had not done the research into what other states were doing. Representative Knox said that paragraph (b) contains an "if" and then there are six conditions listed. Does that "if" mean that all six of the conditions must be met? Kathleen said that her reading of it would require all six to be met. He further asked if they could now license someone from out of state. Kathleen said they absolutely could.

The House Federal and State Affairs committee staff distributed two handouts before the meeting started. One deals with the Florida statute (<u>Attachment 3</u>) and the other with the Colorado General Assembly (<u>Attachment 4</u>). These two states were mentioned in testimony last week. The Florida statute allows a temporary license for six months without a renewal. Additionally Florida seems to restrict theirs to a list of professions. The Colorado statute is two years old and only applies to educators. Representative Wolfe Moore asked if these two states were "may" and not "shall". Staff said that was true.

The Chairman said that he would keep the hearing open for a later date.

The next meeting is scheduled for March 08, 2011.

The meeting was adjourned at 3:10 p.m.

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

3.7.11

ROOM 346-S

ROOM	1 340-5
NAME	REPRESENTING
Johnwthan Reeves	Rep. Davis
GARRY SIGLE	KANAAE
Tim Sigh	
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Samuel Almap	KIMS-Tuter
Kathleen A Alex Rysport	ICSBHA
Martin Hawar	Hanvers Capital Report
Whitner Damon	KS Ban ASon.
TEN HENRY	13.
MARK DESETTI	KNEA
RJIIISON	KOSE
Jose Mosimann	ANCA . FKS
Beard Koops	Hein Law Firm
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- **72-5413. Definitions.** As used in this act and in acts amendatory thereof or supplemental thereto:
- (a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.
- (b) "Board of education" means the state board of education pursuant to its authority under K.S.A. 76-1001a and 76-1101a, and amendments thereto, the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.
- (c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retirant from school employment of the Kansas public employees retirement system, regardless of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.
- (d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto; and, in the case of an area vocational-technical school or community college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- (e) "Professional employees' organizations" means any one or more organizations, agencies, committees, councils or groups of any kind in which professional employees participate, and which exist for the purpose, in whole or part, of engaging in professional negotiation with boards of education with respect to the terms and conditions of professional service.
- (f) "Representative" means any professional employees' organization or any person it authorizes or designates to act in its behalf or any person a board of education authorizes or designates to act in its behalf.
- (g) "Professional negotiation" means meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.
- (h) "Mediation" means the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation between a board of education or its representatives and representatives of the recognized professional employees' organization.
- (i) "Fact-finding" means the investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a determination of the issues involved, findings of fact regarding such issues, and the recommendation of the fact-finding individual or board for resolution of the dispute.

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- (j) "Strike" means an action taken for the purpose of coercing a change in the terms and conditions of professional service or the rights, privileges or obligations thereof, through any failure by concerted action with others to report for duty including, but not limited to, any work stoppage, slowdown, or refusal to work.
- (k) "Lockout" means action taken by a board of education to provoke interruptions of or prevent the continuity of work normally and usually performed by the professional employees for the purpose of coercing professional employees into relinquishing rights guaranteed by this act and the act of which this section is amendatory.
- (1) (1) "Terms and conditions of professional service" means (A) salaries and wages, including pay for duties under supplemental contracts; hours and amounts of work; vacation allowance, holiday, sick, extended, sabbatical, and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts; reemployment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures; each of the foregoing being a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; (B) matters which relate to privileges to be granted the recognized professional employees' organization including, but not limited to, voluntary payroll deductions; use of school or college facilities for meetings; dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit, the use of bulletin boards on or about the facility, and the use of the school or college mail system to the extent permitted by law; reasonable leaves of absence for members of the bargaining unit for organizational purposes such as engaging in professional negotiation and partaking of instructional programs properly related to the representation of the bargaining unit; any of the foregoing privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization; and (C) such other matters as the parties mutually agree upon as properly related to professional service including, but not limited to, employment incentive or retention bonuses authorized under K.S.A. 72-8246 and amendments thereto.
- (2) Nothing in this act, and amendments thereto, shall authorize the diminution of any right, duty or obligation of either the professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection (l), the fact that any matter may be the subject of a statute or the constitution of this state does not preclude negotiation thereon so long as the negotiation proposal would not prevent the fulfillment of the statutory or constitutional objective.
- (3) Matters which relate to the duration of the school term, and specifically to consideration and determination by a board of education of the question of the development and adoption of a policy to provide for a school term consisting of school hours, are not included within the meaning of terms and conditions of professional service and are not subject to professional negotiation.
 - (m) "Secretary" means the secretary of labor or a designee thereof.
 - (n) "Statutory declaration of impasse date" means June 1 in the current school year.
- (o) "Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional employee and shall include, but not be limited to, such services as coaching, supervising, directing and

assisting extracurricular activities, chaperoning, ticket-taking, lunchroom supervision, and other similar and related activities.

History: L. 1970, ch. 284, § 1; L. 1976, ch. 314, § 1; L. 1977, ch. 248, § 1; L. 1979, ch. 226, § 1; L. 1980, ch. 220, § 1; L. 1989, ch. 216, § 1; L. 1990, ch. 255, § 1; L. 2002, ch. 167, § 4; L. 2004, ch. 179, § 94; L. 2006, ch. 143, § 4; L. 2009, ch. 72, § 1; July 1.

72-5414. Professional employees' rights; representation of employees and school boards; negotiations. Professional employees shall have the right to form, join or assist professional employees' organizations, to participate in professional negotiation with boards of education through representatives of their own choosing for the purpose of establishing, maintaining, protecting or improving terms and conditions of professional service. Professional employees shall also have the right to refrain from any or all of the foregoing activities. In professional negotiations under this act the board of education may be represented by an agent or committee designated by it.

History: L. 1970, ch. 284, § 2; July 1.

- 72-5415. Exclusive representation of negotiating units; any employee or group may present its position or proposal. (a) When a representative is designated or selected for the purposes of professional negotiation by the majority of the professional employees in an appropriate negotiating unit, such representative shall be the exclusive representative of all the professional employees in the unit for such purpose.
- (b) Nothing in this act or in acts amendatory thereof or supplemental thereto shall be construed to prevent professional employees, individually or collectively, from presenting or making known their positions or proposals or both to a board of education, a superintendent of schools or other chief executive officer employed by a board of education.

History: L. 1970, ch. 284, § 3; L. 1977, ch. 248, § 2; L. 1980, ch. 220, § 2; July 1.

72-5416. Recognition of employees' organization as representative; exceptions to required recognition. (a) If professional employees of a board of education are not represented by a professional employees' organization for the purpose of professional negotiation, any professional employees' organization may file a request with the board of education alleging that a majority of the professional employees in an appropriate negotiating unit wish to be represented for such purpose by such organization and asking the board of education to recognize it as the exclusive representative under K.S.A. 72-5415. Such request shall describe the grouping of jobs or positions which constitute the unit claimed to be appropriate and shall include a demonstration of majority support through verified membership lists. Notice of such request shall immediately be posted by the board of education on a bulletin board at each school or other facility in which members of the unit claimed to be appropriate are employed.

(b) A request for recognition under subsection (a) shall be granted by the board of education unless:

(1) The board of education has a good faith doubt as to the accuracy or validity of the evidence demonstrating majority support; or

(2) another professional employees' organization files with the board of education within ten (10) calendar days after the posting of notice of the original request a competing request alleging majority support and asking the board of education to recognize it as the exclusive representative; or

(3) one or more of the professional employees included in the unit claimed to be appropriate files with the board of education within ten (10) calendar days after the posting of notice of the original request a competing request alleging majority support and asking the board of education to deny the request for recognition; or

(4) the board of education, within the previous twelve (12) months, has lawfully denied or withdrawn the recognition of a professional employees' organization as the exclusive representative of the professional employees included in the unit claimed to be appropriate; or

(5) the secretary, within the previous twelve (12) months, has conducted a secret ballot election under the provisions of this act, or the act of which this section is amendatory, and the election resulted in a majority vote for no representation.

History: L. 1970, ch. 284, § 4; L. 1980, ch. 220, § 3; July 1.

72-5417. Same; determination by secretary of human resources upon petition. (a) A petition may be filed with the secretary, asking the secretary to investigate and decide the question of whether (1) professional employees in an appropriate negotiating unit have designated a professional employees' organization for recognition as an exclusive representative for purposes of K.S.A. 72-5415; (2) a professional employees' organization which is the recognized exclusive representative should be replaced by another professional employees' organization; (3) recognition of a professional employees' organization as the exclusive representative should be withdrawn.

(b) A petition under subsection (a) may be filed by:

(1) A board of education alleging that it has received a request for exclusive recognition from a professional employees' organization and has a good faith doubt as to the accuracy or validity of the claims made in the request; or

(2) a professional employees' organization; or

(3) one or more professional employees seeking withdrawal of recognition of a professional employees' organization as the exclusive representative.

History: L. 1970, ch. 284, § 5; L. 1977, ch. 248, § 3; L. 1980, ch. 220, § 4; July 1.

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- 72-5418. Same; election; summary dismissal of petition, when. (a) Upon receipt of a petition under K.S.A. 72-5417 and except as provided in subsection (b), the secretary or a person or persons designated by the secretary may direct and conduct a secret ballot election in order to decide the questions raised by the petition.
- (b) The secretary shall dismiss, without determining the questions raised therein, any petition filed under K.S.A. 72-5417, if:
- (1) The petition is filed by a professional employees' organization and is not supported by credible evidence that at least thirty percent (30%) of the professional employees in the appropriate unit are members of the professional employees' organization filing the petition; or
- (2) the petition is filed by one or more professional employees, asks the secretary to determine the question of whether recognition of a professional employees' organization should be withdrawn, and is not supported by credible evidence that at least thirty percent (30%) of the professional employees in the appropriate unit support the request; or
- (3) the board of education, within the previous twelve (12) months, has lawfully recognized a professional employees' organization other than the petitioner as the exclusive representative of any professional employees included in the unit described in the petition; or
- (4) the board of education, within the previous twelve (12) months, has lawfully denied or withdrawn the recognition of a professional employees' organization as the exclusive representative of the professional employees included in the unit described in the petition; or
- (5) the secretary, within the previous twelve (12) months, has conducted and certified the result of a secret ballot election under the provisions of this act, or the act of which this section is amendatory.

History: L. 1970, ch. 284, § 6; L. 1977, ch. 248, § 4; L. 1980, ch. 220, § 5; July 1.

72-5419. Same; conduct of election for determination; conditions; run-off election. If the secretary does not dismiss a petition filed under K.S.A. 72-5417 and determines that it is necessary to direct and conduct a secret ballot election in order to resolve the questions raised by the petition, the secretary shall order the election held and shall determine the eligibility of professional employees to vote at the election. The secretary shall base his or her determination of the questions raised by the petition upon the result favored by the majority of the professional employees who vote at the election if at least a majority of the eligible professional employees vote. If less than a majority of the eligible professional employees vote at any election conducted under this section, the status of the professional employees with regard to representation prior to the election is maintained. The name of a professional employees' organization shall not appear on the ballot unless (a) the professional employees' organization has submitted to the secretary satisfactory evidence demonstrating that at least thirty percent (30%) of the professional employees in the appropriate unit are members in good standing of such organization, or (b) the professional employees' organization is the currently recognized exclusive representative. In addition to the name of any professional employees' organization entitled to be contained thereon, the ballot in the election shall contain the choice of "no representation." When an election in which the ballot contains three (3) or more choices results in no choice receiving a majority of the votes cast, the secretary shall conduct a run-off election by secret ballot. The ballot in a run-off election shall only provide for a selection between the two choices receiving the largest and second largest number of votes in the original election. The secretary shall certify the result of the election to the parties involved therein.

History: L. 1970, ch. 284, § 7; L. 1977, ch. 248, § 5; L. 1980, ch. 220, § 6; July 1.

72-5420. Criteria for determining appropriate unit of employees' organization. In each case where the question is in issue, the secretary shall decide, on the basis of the community of interest between and among the professional employees of the board of education, the wishes of the professional employees and/or the established practices among the professional employees including, among other things, the extent to which such professional employees have joined a professional employees' organization, whether the unit appropriate for the purposes of professional negotiation shall consist of all persons employed by the board of education who are engaged in teaching or performing other duties of an educational nature, or some subdivision thereof, except that a unit including classroom teachers shall not be appropriate unless it includes all such teachers employed by the board of education.

History: L. 1970, ch. 284, § 8; L. 1977, ch. 248, § 6; July 1.

72-5421. Agreements; ratification; election; absentee ballots. (a) A board of education and an exclusive representative selected or designated under the provisions of this act, or the act of which this section is amendatory, may enter into an agreement covering terms and conditions of professional service. The agreement becomes binding when ratified by a majority of the members of the board of education and a majority of the professional employees in the applicable negotiating unit who vote on the question of ratification of the agreement at an election conducted by the exclusive representative if at least a majority of the professional employees in the negotiating unit vote. If less than a majority of the professional employees vote on the question of ratification, the election is void.

(b) Every professional employee in the applicable negotiating unit who is to be absent from the place and at the time of the election may vote an absentee ballot on the question of ratification of the agreement. Upon written application by a professional employee for an absentee ballot, the exclusive representative shall transmit to the professional employee, in person or by mail to the address provided by the professional employee in the application, a ballot, an unmarked envelope, a larger envelope containing a space for the professional employee's signature and addressed to the exclusive representative, and instructions to the professional employee for casting the ballot. On receipt of an application under this subsection, the exclusive representative shall prepare and maintain a list of the names of professional employees who have applied for absentee ballots. The returned envelopes shall be checked against the list of names of applicants and the unmarked envelopes containing the ballots shall be extracted. The unmarked ballot envelopes shall be opened and the absentee ballots shall be counted in the same manner as ballots cast at the election

History: L. 1970, ch. 284, § 9; L. 1980, ch. 220, § 7; July 1.

72-5422. Savings clause for existing agreements. Except as otherwise expressly provided herein, this act shall not operate so as to annul, modify or preclude the renewal or continuation of any lawful agreement heretofore entered into between a board of education and a professional employees' organization covering terms and conditions of professional service.

History: L. 1970, ch. 284, § 10; July 1.

- 72-5423. Rights and duties of boards of education reserved; recognition and negotiation required; applicability of open meetings law, exceptions; strikes not authorized; adoption of agreements by reference. (a) Nothing in this act, or the act of which this section is amendatory, shall be construed to change or affect any right or duty conferred or imposed by law upon any board of education, except that boards of education are required to comply with this act, and the act of which this section is amendatory, in recognizing professional employees' organizations, and when such an organization is recognized, the board of education and the professional employees' organization shall enter into professional negotiations on request of either party at any time during the school year prior to issuance or renewal of the annual teachers' contracts. Notices to negotiate on new items or to amend an existing contract must be filed on or before February 1 in any school year by either party, such notices shall be in writing and delivered to the chief administrative officer of the board of education or to the representative of the bargaining unit and shall contain in reasonable and understandable detail the purpose of the new or amended items desired.
- (b) Except as otherwise expressly provided in this subsection, every meeting, conference, consultation and discussion between a professional employees' organization or its representatives and a board of education or its representatives during the course of professional negotiation and every hearing conducted by the secretary under K.S.A. 72-5426, and amendments thereto, for determination of the question of the existence of impasse is subject to the provisions of the Kansas open meetings law, and any amendments or supplements thereto. Meetings, conferences, consultations and discussions held by the secretary under K.S.A. 72-5426, and amendments thereto, for investigation of the question of the existence of impasse, and meetings, conferences, consultations and discussions held during the course of and in connection with, and the meeting required at the conclusion of, impasse resolution proceedings, as provided for in K.S.A. 72-5427 and 72-5428, and amendments to such sections, are specifically made exempt from the provisions of the Kansas open meetings law, and any amendments or supplements thereto.
- (c) Nothing in this act, or the act of which this section is amendatory, shall be construed to authorize a strike by professional employees.
- (d) Any agreement lawfully made under the provisions of this act, or the act of which this section is amendatory, may be adopted by reference and made a part of the employment contract between any professional employee of the applicable negotiating unit and a board of education for a period of not to exceed three years.

History: L. 1970, ch. 284, § 11; L. 1977, ch. 248, § 12; L.1980, ch. 220, § 8; L. 1986, ch. 269, § 1; July 1.

72-5424. Agreements may provide for arbitration of disputes; enforcement of arbitration agreements. (a) A board of education and a professional employees' organization who enter into an agreement covering terms and conditions of professional service may include in such agreement procedures for final and binding arbitration of such disputes as may arise involving the interpretation, application or violation of such agreement.

(b) Where a party to such agreement is aggrieved by the failure, neglect or refusal of the other party to proceed to arbitration in the manner provided for in such agreement, such aggrieved party may file a complaint in court for a summary action without jury seeking an order directing that

the arbitration proceed in the manner provided for in such agreement.

History: L. 1970, ch. 284, § 12; July 1.

72-5425. Severability. If any provision of this act shall be held invalid, other provisions of this act shall not be affected thereby.

History: L. 1970, ch. 284, § 14; July 1.

72-5426. Impasse during negotiation; determination of existence; statutory declaration date, joint notice; negotiation during impasse resolution proceedings. (a) If in the course of professional negotiation either the board of education or the recognized professional employees' organization, or both, believe that an impasse exists therein, either party individually or both parties together may file a petition with the secretary, asking the secretary to investigate and determine the question of whether an impasse exists in professional negotiation and, if a finding that an impasse exists is made, to begin impasse resolution procedures as provided in K.S.A. 72-5427 and 72-5428, and amendments thereto. Within the five days immediately following the date of filing, excluding Saturdays, Sundays and legal holidays, the secretary shall begin investigation of the question raised by the petition and in order to determine the question may meet with the parties or their representatives or both, either jointly or separately, and may hold such conferences, consultations and discussions therewith as the secretary deems necessary. If the secretary decides on the basis of the investigation that a hearing is necessary to determine the question, the secretary shall conduct the hearing immediately in accordance with the provisions of the Kansas administrative procedure act.

- (b) If the secretary finds that no impasse exists in professional negotiation between the parties, the secretary shall order the parties to continue professional negotiation.
- (c) If the secretary finds that an impasse exists in professional negotiation between the parties, the secretary shall begin impasse resolution procedures in accordance with K.S.A. 72-5427 and 72-5428, and amendments thereto.
- (d) Notwithstanding the foregoing provisions of this section, an impasse is deemed to exist if the board of education and the recognized professional employees' organization have not reached agreement with respect to the terms and conditions of professional service by the statutory declaration of impasse date and, on such date, the parties shall jointly file a notice of the existence of impasse with the secretary. Upon receipt of such joint notice, the secretary shall begin impasse resolution procedures in accordance with K.S.A. 72-5427 and 72-5428, and amendments thereto.
- (e) Nothing in this act, or in the act of which this section is amendatory, shall be construed or applied in any manner so as to prevent the parties from voluntarily engaging in professional negotiation during the course, or at the conclusion, of impasse resolution proceedings.

History: L. 1977, ch. 248, § 7; L. 1979, ch. 226, § 2; L. 1980, ch. 220, § 9; L. 1988, ch. 356, § 278; July 1, 1989.

- 72-5427. Mediation; request for appointment of fact-finding board; time limitations; memorandum describing issues and final position of parties; confidentiality. (a) Upon finding that an impasse exists in professional negotiation or upon receipt of a joint notice of the existence of impasse filed by the parties under subsection (d) of K.S.A. 72-5426 and amendments thereto, the secretary shall appoint a mediator to assist in resolving the impasse, from a list maintained by the secretary of qualified and impartial individuals who are representative of the public. To the extent practicable, the secretary shall utilize the services of the federal mediation and conciliation service for mediation under this section.
- (b) The mediator shall meet with the parties or their representatives, or both, either jointly or separately, and shall take such other steps as appropriate in order to assist the parties to resolve the impasse and to proceed with professional negotiation.
- (c) If either party determines, after the seven-day period immediately succeeding the appointment of the mediator, that mediation has failed to resolve the impasse, such party may within 10 days after the unsuccessful conclusion of mediation file a written request with the secretary to appoint a fact-finding board to assist in resolving the impasse and the secretary shall immediately notify the other party of the request. Within three days thereafter, each of the parties shall prepare and submit to the secretary a written memorandum containing a description of the issues upon which the impasse exists and shall include therein a specific description of the final position of the party on each issue.
- (d) All verbal or written information transmitted between any party to a dispute and a mediator conducting the proceeding, or the staff of an approved program under K.S.A. 5-501 et seq. and amendments thereto shall be confidential communications. No admission, representation or statement made in the proceeding shall be admissible as evidence or subject to discovery. A mediator shall not be subject to process requiring the disclosure of any matter discussed during the proceedings unless all the parties consent to a waiver. Any party, including the neutral person or staff of an approved program conducting the proceeding, participating in the proceeding has a privilege in any action to refuse to disclose, and to prevent a witness from disclosing, any communication made in the course of the proceeding. The privilege may be claimed by the party or anyone the party authorizes to claim the privilege.
 - (e) The confidentiality and privilege requirements of this section shall not apply to:
- (1) Information that is reasonably necessary to establish a defense for the mediator or staff of an approved program conducting the proceeding in the case of an action against the mediator or staff of an approved program that is filed by a party to the mediation;
- (2) any information that the mediator is required to report under K.S.A. 2010 Supp. 38-2223, and amendments thereto;
- (3) any information that is reasonably necessary to stop the commission of an ongoing crime or fraud or to prevent the commission of a crime or fraud in the future for which there was an expressed intent to commit such crime or fraud; or
- (4) any information that the mediator is required to report or communicate under the specific provisions of any statute or in order to comply with orders of the court. 72-5427.

History: L. 1977, ch. 248, § 8; L. 1979, ch. 226, § 3;L. 1980, ch. 220, § 10;L. 1996, ch. 129, § 5;L. 2006, ch. 200, § 115; Jan. 1, 2007.

- 72-5428. Fact finding; report of findings and recommendations of board; meeting required after report; report to be made public, exceptions; final action by board of education. (a) Upon receipt of a written request filed by either party under K.S.A. 72-5427 and upon notification of the other party of the request, the secretary shall appoint forthwith a fact-finding board of not more than three (3) members and shall notify the parties of the appointment. Members of the fact-finding board shall be appointed from a list maintained by the secretary of qualified and impartial individuals who are representative of the public. The individual who was appointed as the mediator under K.S.A. 72-5427 to assist in resolving the impasse, shall not be appointed to the fact-finding board for such impasse.
- (b) Upon appointment of the fact-finding board and prior to any meeting of the board with the parties, the secretary shall submit the memorandum required to be prepared and submitted by each party under K.S.A. 72-5427 to the other party and to the fact-finding board. The fact-finding board shall meet with the parties or their representatives, or both, either jointly or separately, and may make such inquiries and investigations and hold such hearings on the issues upon which the impasse exists, as the fact-finding board may deem appropriate.
- (c) For the purpose of conducting inquiries, investigations and hearings, the fact-finding board shall have the power to administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence and compel attendance of witnesses and the production of documents by the issuance of subpoenas. In the event of refusal to obey a subpoena on the part of any person or persons, the fact-finding board shall have authority to bring an action to enforce the subpoena in a court of competent jurisdiction.
- (d) On the basis of the inquiries, investigations and hearings, the fact-finding board shall determine the issues upon which the impasse exists, make findings of fact regarding the issues and shall make recommendations for resolution of the impasse. Within ten (10) days after its appointment, the fact-finding board shall submit privately and on the same date to the secretary and to each of the parties, the written report of the fact-finding board containing the findings of fact and the recommendation of the fact-finding board, except that such ten-day period may be extended by agreement of the parties not to exceed a maximum of seven (7) additional days. The recommendation of the fact-finding board shall not be binding on either the board of education or the recognized professional employees' organization.
- (e) Within the ten (10) days immediately after receipt of the report of the fact-finding board, the parties shall meet at least once in an effort to reach agreement for resolution of the impasse. Either the board of education or the professional employees' organization may make public the report of the fact-finding board. The secretary shall make the report public ten (10) days after receipt of the report unless (1) the board of education and the recognized professional employees' organization agree to an extension of the ten-day period and give notice of such agreement to the secretary in which case, subject to provision (2), the report shall be made public by the secretary upon the expiration of such extended period of days, except that such ten-day period shall not be extended by the parties beyond a maximum of seven (7) additional days; or (2) the board of education and the recognized professional employees' organization notify the secretary at any time prior to the expiration of the applicable period of days that agreement for resolution of the impasse has been reached.
- (f) When the report of the fact-finding board is made public, if the board of education and the recognized professional employees' organization do not resolve the impasse and reach an agreement, the board of education shall take such action as it deems in the public interest, including

the interest of the professional employees involved, and shall make such action public. **History:** L. 1977, ch. 248, § 9; L. 1980, ch. 220, § 11; July 1.

72-5428a. Unilateral contracts prohibited prior to completion of negotiation. No board of education, which engages in professional negotiation with representatives of a recognized professional employees' organization, is permitted to issue a unilateral contract until the negotiations process as described in the Kansas professional negotiation law is fully completed.

History: L. 1980, ch. 220, § 15; July 1.

72-5429. Costs for mediation and fact-finding. All of the costs incurred for mediation under K.S.A. 72-5427 and for fact-finding under K.S.A. 72-5428, shall be borne equally by the board of education and the professional employees' organization involved therein. The payment of such costs shall be at such time and in such manner as is determined by the secretary.

History: L. 1977, ch. 248, § 10; July 1.

- 72-5430. Prohibited practices; evidence of bad faith. (a) The commission of any prohibited practice, as defined in this section, among other actions, shall constitute evidence of bad faith in professional negotiation.
- (b) It shall be a prohibited practice for a board of education or its designated representative willfully to:
- (1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414;
- (2) dominate, interfere or assist in the formation, existence, or administration of any professional employees' organization;
- (3) discriminate in regard to hiring or any term or condition of employment to encourage or discourage membership in any professional employees' organization;
- (4) discharge or discriminate against any professional employee because such professional employee has filed any affidavit, petition or complaint or given any information or testimony under this act, or because such professional employee has formed, joined or chosen to be represented by any professional employees' organization;
- (5) refuse to negotiate in good faith with representatives of recognized professional employees' organizations as required in K.S.A. 72-5423 and amendments thereto;
- (6) deny the rights accompanying recognition of a professional employees' organization which are granted in K.S.A. 72-5415;
- (7) refuse to participate in good faith in the mediation as provided in K.S.A. 72-5427 or fact-finding efforts as provided in K.S.A. 72-5428 or arbitration pursuant to an agreement entered into pursuant to K.S.A. 72-5424; or
 - (8) institute or attempt to institute a lockout.
- (c) It shall be a prohibited practice for professional employees or professional employees' organizations or their designated representatives willfully to:
- (1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414;
- (2) interfere with, restrain or coerce a board of education with respect to rights or duties which are reserved thereto under K.S.A. 72-5423 and amendments thereto, or with respect to selecting a representative for the purpose of professional negotiation or the adjustment of grievances;
- (3) refuse to negotiate in good faith with the board of education or its designated representatives as required in K.S.A. 72-5423 and amendments thereto;
- (4) refuse to participate in good faith in the mediation as provided in K.S.A. 72-5427 or fact-finding efforts as provided in K.S.A. 72-5428 or arbitration pursuant to an agreement entered into pursuant to K.S.A. 72-5424; or
- (5) authorize, instigate, aid or engage in a strike or in picketing of any facility under the jurisdiction and control of the board of education.

History: L. 1977, ch. 248, § 11; L. 1980, ch. 220, § 12; July 1.

- 72-5430a. Prohibited practices, determination of existence; procedure; hearing. (a) Any controversy concerning prohibited practices may be submitted to the secretary. Proceedings against the party alleged to have committed a prohibited practice shall be commenced within six months of the date of the alleged practice by service upon it by the secretary of a written notice, together with a copy of the charges. The accused party shall have 20 days within which to serve a written answer to the charges, unless the secretary determines an emergency exists and requires the accused party to serve a written answer to the charges within 24 hours of receipt. Hearings on prohibited practices shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If the board determines an emergency exists, the board shall follow the procedures contained in K.S.A. 77-536 and amendments thereto. A strike or lockout shall be construed to be an emergency.
- (b) The secretary shall either dismiss the complaint or determine that a prohibited practice has been or is being committed, and shall enter a final order granting or denying in whole or in part the relief sought. Any action of the secretary pursuant to this subsection is subject to review and enforcement in accordance with the Kansas judicial review act. Venue of the action for review is the judicial district where the principal offices of the pertinent board of education are located.

The action for review shall be by trial *de novo* with or without a jury in accordance with the provisions of K.S.A. 60-238 and amendments thereto, and the court may, in its discretion, permit any party or the secretary to submit additional evidence on any issue. The action for review shall be heard and determined by the court as expeditiously as possible.

(c) If there is an alleged violation of either subsection (b)(8) or (c)(5) of K.S.A. 72-5430 and amendments thereto, the aggrieved party or the secretary is authorized to seek relief in district court. 72-5430a.

History: L. 1980, ch. 220, § 13;L. 1986, ch. 318, § 130;L. 1988, ch. 356, § 279;L. 2010, ch. 17, § 178; July 1.

72-5431. Savings clause for existing agreements; administrative employees exempted.

(a) Except as otherwise expressly provided in this act, nothing in this act shall operate so as to annul or modify any existing agreement between a board of education and a professional employees' organization under the law in effect on the day immediately preceding the effective date of this act.

(b) From and after the effective date of this act, no administrative employee, as defined in K.S.A. 72-5413, shall be subject to the provisions of this act or the act of which this act is amendatory.

History: L. 1977, ch. 248, § 13; July 1.

- 72-5432. Secretary of labor; rules and regulations; subpoena power. (a) The secretary of labor may adopt such rules and regulations as are necessary to implement and administer the provisions of K.S.A. 72-5413 through 72-5431, and amendments thereto, which place specific duties and responsibilities upon the secretary.
- (b) Any rules and regulations adopted by the secretary of labor prior to the effective date of this act to implement and administer the provisions of K.S.A. 72-5413 through 72-5431, and amendments thereto, shall remain in full force and effect until amended, modified, suspended, revoked or nullified pursuant to law.
- (c) The secretary of labor has the power to issue subpoenas requiring the attendance of any witnesses and the production of any records, books, papers and documents that the secretary considers necessary to implement and administer the provisions of K.S.A. 72-5413 through 72-5431, and amendments thereto, which place specific duties and responsibilities upon the secretary. In the event of refusal to obey a subpoena on the part of any person or persons, the secretary shall have the authority to bring an action to enforce the subpoena in a court of competent jurisdiction

History: L. 1979, ch. 274, § 1;L. 1986, ch. 270, § 1;L. 2004, ch. 179, § 95; July 1



Garry Sigle Testimony
Kansas Association of American Educators (KANAAE)
House Federal and State Affairs Committee
March 7, 2011
House Bill 2229

Mr. Chairman and members of the Committee, my name is Garry Sigle. I am appearing before you today to testify in support of House Bill 2229 as both a board member of the Kansas Association of American Educators (KANAAE) and as a Kansas teacher and coach for 33 years.

The Kansas Association of American Educators is a non-union teacher organization. It is a professional association that provides benefits and services to educators such as liability insurance and employment rights coverage. I have been a member of KANAAE for 14 years. I was also a member of KNEA for 17 years prior to that, serving as a president, vice president and lead negotiator for the local organization. Having been a member of both organizations, I must stress to you the importance of House Bill 2229 and why it should become law.

I'll give you three practical reasons for our support. First, I am a firm believer that every educator should have liability insurance beyond what is provided through the school district. KNEA and KANAAE are both providers of professional educator liability insurance. Agree or disagree with KNEA, it is a fact that there are many teachers in this state who do not join KNEA because they disagree with their politics and activities and affiliations. Because KANAAE does not have access to teacher events like new teacher orientations or teacher mailboxes, most teachers in the state do not know that they have an alternative organization that can provide them with liability insurance. Member dues for KANAAE are only \$15 per month, which is a fraction the cost of KNEA. House Bill 2229 would level the playing field, giving teachers access to more information so that they can decide for themselves which organization fits their beliefs and their budget.

After all, teachers are college-educated professionals who can be trusted to make their own decisions about which associations they wish to join, and they can only make educated choices when their options are presented to them fairly. HB 2229 empowers individual teachers to make professional decisions about which education employee association best fits their priorities. In my experience, teachers welcome having an option.

House Fed & State Affairs

Date: 3.7. 11

Attachment 2

In my capacity as a board member of KANAAE, I offer to introduce our organization to educators, student teachers, and classified staff. Recently I offered to present the benefits of our student teacher membership, which includes liability insurance for only \$15 per year, to future educators at my alma mater, Fort Hays State University. The university encourages education students to secure liability insurance before commencing student teaching, but to my knowledge, the student teachers only learn about one option for liability insurance. My offer to speak to the student teachers was rejected and for now the student teachers of Fort Hays State University will only be told about one teacher association.

I would offer to the committee to consider an amendment to HB 2229 that would bring state universities under this bill as well. I believe the act should read...(1 AN ACT concerning state universities, school and school districts; related to equal access) and (Sec. 3 [b] "School" refers to a state university, school district or individual school within the district.)

Second, HB 2229 solves the problem of superintendents and other administrators playing awkward roles as middlemen between teachers and employee associations and allows them to focus on more important issues within their districts.

In Riley County, nearly three years ago, my superintendent allowed me to address the teachers of our district concerning their options in the process of a decertification from KNEA. He was then chastised from KNEA that believed they were entitled to exclusive access to teachers. Superintendents should not be kept in this awkward position as middleman, uncertain if they can allow teachers to hear about their options about any topic for fear of a scolding by another education association. HB 2229 frees superintendents to focus on their responsibilities, not be distracted by battles over which association can speak to teachers about membership, professional development programs, and scholarship opportunities.

Finally, as a board member of KANAAE, I can tell you that any organization that insists current law allows for reasonable access has never tried to introduce themselves to a school or school district. It is a cumbersome, unfair process that favors one organization. It is also important to know that similar laws like HB 2229 exist in Florida and Utah where there has been little confusion amongst educators and many educators have exercised their options to join alternative organizations.

As you well know, education is changing and is vastly different from when I entered the profession. It should not be a surprise to this committee that there are new kinds of organizations that seek to serve educators in different ways. I respectfully ask that you support HB 2229 so that teachers have equal access to their professional membership options.

Kansas Association of American Educators

Kansas State Board Member

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2-2

Florida Statutes Annotated

Title XXXII. Regulation of Professions and Occupations (Chapters 454-493)

Chapter 455. Business and Professional Regulation: General Provisions

Effective: July 01, 2010

455.02. Licensure of members of the Armed Forces in good standing and their spouses with administrative boards

- (1) Any member of the **Armed Forces** of the United States now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his or her profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the **Armed Forces** of the United States on active duty and for a period of 6 months after discharge from active duty as a member of the **Armed Forces** of the United States, if he or she is not engaged in his or her **licensed profession** or vocation in the private sector for profit.
- (2) The boards listed in s. 20.165 [Architecture and Interior Design, Auctioneers, Barbers, Building Code Administrators and Inspectors, Construction, Cosmetology, Electrical Contractors, Employee Leasing, Landscape Architecture, Pilots, Engineers, Geologists, Surveyors and Mappers, Real Estate, and Accountancy] shall adopt rules that exempt the spouse of a member of the **Armed Forces** of the United States from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the **Armed Forces**.
- (3)(a) The department may issue a temporary **professional license** to the spouse of an active duty member of the **Armed Forces** of the United States if the spouse applies to the department in the format prescribed by the department. An application must include proof that:
- 1. The applicant is married to a member of the Armed Forces of the United States who is on active duty.
- 2. The applicant holds a valid **license** for the **profession** issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.
- 3. The applicant's spouse is assigned to a duty station in this state and that the applicant is also assigned to a duty station in this state pursuant to the member's official active duty military orders.
- 4. a. A complete set of the applicant's fingerprints is submitted to the Department of Law Enforcement for a statewide criminal history check.
- b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to subsubparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.
- (b) An application must be accompanied by an application fee prescribed by the department that is sufficient to cover the cost of issuance of the temporary license.
- (c) A temporary license expires 6 months after the date of issuance and is not renewable.

House Fed & State Affairs Date: 3.07.11

CREDIT(S)

Laws 1943, c. 21885, § 2; Laws 1979, c. 79-36, § 5; Laws 1983, c. 83-329, § 95; Laws 1984, c. 84-15, § 1; Laws 1985, c. 85-81, § 71. Amended by Laws 1993, c. 93-220, § 6, eff. July 1, 1993; Laws 1997, c. 97-103, § 186, eff. July 1, 1997; Laws 2010, c. 2010-106, § 5, eff. July 1, 2010; Laws 2010, c. 2010-182, § 4, eff. July 1, 2010.

West's F. S. A. § 455.02, FL ST § 455.02

Current through Chapter 274 (End) of the 2010 Second Regular Session of the Twenty-First Legislature and Chapter 283 of the 2010 Special 'A' Session of the Twenty-Second Legislature.

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Session Laws of Colorado 2008 Second Regular Session, 66th General Assembly

CHAPTER 41

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 08-1162 [Digest]

BY REPRESENTATIVE(S) Stephens, Gardner B., Kerr J., Looper, McNulty, Sonnenberg, Benefield, Borodkin, Buescher, Casso, Gallegos, Gardner C., Garza-Hicks, Hodge, Labuda, Lambert, Liston, Lundberg, Massey, Merrifield, Mitchell V., Primavera, Rice, Rose, Solano, Stafford, Summers, Todd, Vaad, and Witwer; also SENATOR(S) Bacon, Harvey, Kopp, Renfroe, Boyd, Gibbs, Groff, Isgar, Johnson, Mitchell S., Morse, Romer, Schultheis, Schwartz, Shaffer, Spence, Tapia, Taylor, Tochtrop, Ward, Wiens, Williams, and Windels.

AN ACT

CONCERNING THE CREATION OF A MILITARY SPOUSE INTERIM AUTHORIZATION FOR EMPLOYMENT IN A PUBLIC SCHOOL.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-60.5-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

- **22-60.5-111.** Authorization types applicants' qualifications. (7.5) Military spouse interim authorization. (a) The Department of Education May Issue a military spouse interîm authorization that authorizes a school district to employ a person who:
- (I) Is certified or licensed, or is eligible for certification or licensure, as a teacher, special services provider, principal, or administrator in another state and who has not successfully completed the assessment of professional competencies to obtain an initial license under section 22-60.5-201 (1) (b), 22-60.5-301 (1) (a), or 22-60.5-306 (1) (a) but who meets the other requirements for an initial license specified in said sections; and
- (II) IS A MILITARY SPOUSE.
- (b) Prior to issuing an authorization under this section, the department of education may contract with a qualified third party to work with a military spouse to meet the requirements of section 22-60.5-103 concerning a fingerprint-based criminal history record check.
- (c) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF EACH FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK SUBMITTED PURSUANT TO THIS SECTION TO THE DEPARTMENT OF EDUCATION NO LATER THAN SIXTY DAYS FOLLOWING RECEIPT OF THE REQ

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3.07.11

- (d) A MILITARY SPOUSE INTERIM AUTHORIZATION IS VALID FOR ONE YEAR, AND THE DEPARTMENT OF EDUCATION MAY RENEW THE AUTHORIZATION FOR ONE ADDITIONAL YEAR.
- (e) THE EMPLOYING SCHOOL DISTRICT SHALL INCLUDE THE PERIOD DURING WHICH A PERSON WORKS UNDER A MILITARY SPOUSE INTERIM AUTHORIZATION TOWARD THE THREE FULL YEARS OF CONTINUOUS EMPLOYMENT NECESSARY TO CEASE BEING A PROBATIONARY TEACHER PURSUANT TO SECTION 22-63-103 (7).
- (f) A SCHOOL DISTRICT THAT EMPLOYS A PERSON WHO HOLDS A MILITARY SPOUSE INTERIM AUTHORIZATION MAY PROVIDE AN INDUCTION PROGRAM FOR THE PERSON, AS DESCRIBED IN SECTION 22-60.5-204, 22-60.5-304, OR 22-60.5-309, WHICHEVER IS APPLICABLE. IF THE PERSON SUCCESSFULLY COMPLETES THE INDUCTION PROGRAM WHILE EMPLOYED UNDER THE MILITARY SPOUSE INTERIM AUTHORIZATION, HE OR SHE MAY APPLY THE COMPLETION OF THE INDUCTION PROGRAM TOWARD MEETING THE REQUIREMENTS FOR A PROFESSIONAL EDUCATOR LICENSE.
- (g) THE DEPARTMENT OF EDUCATION SHALL ISSUE A MILITARY SPOUSE INTERIM AUTHORIZATION TO A PERSON WHO MEETS THE CRITERIA OF THIS SUBSECTION (7.5) NO LATER THAN NINETY DAYS AFTER THE RECEIPT OF THE INITIAL APPLICATION.
- (h) FOR THE PURPOSES OF THIS SECTION, "MILITARY SPOUSE" MEANS A SPOUSE OF AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO HAS BEEN TRANSFERRED OR IS SCHEDULED TO BE TRANSFERRED TO COLORADO, IS DOMICILED IN COLORADO, OR HAS MOVED TO COLORADO ON A PERMANENT CHANGE-OF-STATION BASIS.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 19, 2008

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Session Laws of Colorado

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