

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 401

As Amended by Senate Committee on
Education

Brief*

SB 401 permits school district boards to pay employment incentives or retention bonuses to teachers. The term "teachers" includes teachers, supervisors, principals, superintendents, and any other professional employees who are required to hold a teacher's or school administrator's certificate in a public school. For purposes of the professional negotiations law, a school district board's action under this bill would be subject to negotiation by mutual agreement of the parties.

Background

SB 401 was recommended by the State Board of Education. The concept contained in the bill is the product of a task force established by the Commissioner of Education. The State Board believes that legislation providing an exception in the Uniform Payment of Claims law (applies to all municipalities) is necessary to ensure that school district boards of education have explicit authority to pay hiring and retention bonuses to school district professional employees. This flexibility is regarded as necessary in order to maintain competitiveness among Kansas school districts and school districts in other states in a tight labor market.

The Kansas Association of School Boards endorsed the bill, indicating that its provisions will assist Kansas schools in recruiting and retaining teachers. The Kansas National Education Association (KNEA) explained that it has no problem with the concept contained in the bill. In fact, KNEA said that this practice has been occurring in

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

Kansas for a number of years and that KNEA has negotiated agreements in place that provide for hiring and retention bonuses. KNEA noted, however, that the professional negotiations law does not apply to superintendents, principals, and paraprofessionals, so legislative authority might be needed to address these employees.

The Senate Education Committee amendment was designed to clarify that bonuses under the bill are not intended to be mandatorily negotiable under the professional negotiations law; but, rather, negotiable if mutually agreed upon by the parties.

The fiscal note states that the State Department of Education would require no additional appropriations under SB 401.