

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on March 5, 2009, in Room 446-N of the Capitol.

All members were present except:

Senator Anthony Hensley- excused

Committee staff present:

Kristen Kellems, Office of the Revisor of Statutes

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:

Blake Flanders, Vice-President for Workforce Development, Kansas Board of Regents

Deanna Lieber, General Counsel, Kansas Department of Education

Mark Desetti, KNEA

Others attending:

See attached list.

Hearing on HB 2003 - Career technical education; funding formula; update in terminology

Kristen Kellems, Office of the Revisor of Statutes, presented a summary of HB 2003. This bill was introduced by the Legislative Educational Planning Committee at the request of the State Board of Regents. The bill implements the recommendations of the Postsecondary Technical Education Authority. HB 2003 amends various statutes relating to technical education with the goal of updating outdated language, repealing irrelevant statutes, and codifying proviso language. The major statutory changes are as follows:

1. Amendments to sections two through seven reflect the name and terminology changes in the Carl D. Perkins Career and Technology Act of 2006 and the state plan.
2. Amendments to sections eight through 12 replace outdated language with currently used terminology. These changes mainly consist of striking “vocational education” and replacing it with “career technical education” or “career and technical education”. Section eight subsection (d) contains one of the House Education Committee amendments which was to strike “vocational” and replace it with “career technical”.
3. Amendments to section 13 pertain to participation in the federal Job Training Partnership Act which has expired. The proposed changes are to update this statute to reflect the current federal law, the Workforce Investment Act, and its public law number.
4. Section 14 contains another House Education Committee amendment which changed “job training partnership” to workforce investment”.
5. Section 24 amends K.S.A. 72-4482, which was enacted in 2007 and delineates the delegated powers and duties of the postsecondary technical education authority (TEA). Such powers include reviewing requests for state funding and making recommendations to the Kansas Board of Regents regarding the amounts and distribution of these funds. The proposed amendment in subsection (11)(A) adds the language from the 2007 appropriations bill proviso directing the TEA to develop and recommend a new funding structure for postsecondary technical education programs.

The bill also repeals several statutes that are outdated or for other reasons no longer needed.

The fiscal note does not indicate whether enactment of the bill would have any fiscal effect.

Blake Flanders, Vice-President for Workforce Development, Kansas Board of Regents, (Attachment 1) spoke

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in support of the passage of **HB 2003**. He stated this legislation is essentially a clean-up of other statutes; many of the changes reflect changes in current terminology; and removes statutes that are no longer needed. He feels it is the first step in the technical clean-up of existing statutes and lays the groundwork for potential new legislation and policy revisions.

The hearing on **HB 2003** was closed.

Hearing on SB 290 - Teachers at the school for the deaf and the school for the blind under the professional negotiation act

Theresa Kiernan, Office of the Revisor of Statutes, presented a summary of the provisions included in **SB 290**. This legislation was introduced by the Committee on Ways and Means in response to an order issued by the Public Employee Relations Board (PERB) in May, 2007. When realigning existing public employee bargaining units, PERB included the unclassified teaching staff at the Kansas State School for the Deaf (KSSD) and the Kansas State School for the Blind (KSSB) into two bargaining units with other public employees (Units 2 and 4). PERB also recognized the Kansas Organization of State Employees (KOSE) as the bargaining unit representative for those two units.

As a result of the order, teachers at KSSD and KSSB will be treated differently than every other teacher in Kansas for the purpose of professional negotiations. The Department of Administration and KOSE entered into a memorandum of understanding which established uniform employment terms and conditions for all employees within Units 2 and 4. In order to comply with the holiday and vacation pay requirements under the agreement, the State Board of Education estimates it spend an additional \$931,000 annually.

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

The bill amends the definition section of the PNA. The amendment would include the State Board of Education within the definition of "board of education" when exercising its authority to control and supervise KSSD and KSSB. A professional employee of a board of education would negotiate under the PNA.

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

Deanna Lieber, General Counsel, Kansas Department of Education, ([Attachment 2](#)) provided testimony in support of **SB 290**. She stated this legislation basically clarifies that teachers at the Kansas State School for the Deaf and the Kansas State School for the Blind are professional employees and allows them to negotiate with teachers under the Professional Negotiations Act. Mark Desetti, KNEA ([Attachment 3](#)) also provided testimony in support of the legislation.

The hearing on **SB 290** was closed.

The next meeting is scheduled for March 9, 2009.

The meeting was adjourned at 2:20 p.m.