

Marjie Blaufuss, KNEA Staff Attorney testimony
House Standing Committee on Education
February 11, 2013
House Bill 2221

Madam Chair, members of the Committee:

My name is Marjie Blaufuss and I am an attorney with the Kansas National Education Association. Thank you for the opportunity to present this testimony in opposition to **House Bill 2221**. KNEA believes that the requirements set out in **HOUSE BILL 2221** are unnecessary and will create extreme confusion with regard to the rights and duties of the State's school districts and their professional employees' bargaining representatives. **HOUSE BILL 2221** appears to amend the Professional Negotiations Act (PNA), K.S.A. 72-5413 *et seq.* in order to broaden the number of organizations who have access to a school district's facilities and mail. It is our position that amending the PNA is not necessary to accomplish this bill's aim.

Currently, the PNA allows a board of education to negotiate access to a district's facilities, bulletin boards, mailboxes, and email with the professional employees' organization once that organization has been elected the bargaining representative. The definition of a "professional employees' organization" (PEO) in the Professional Negotiations Act (PNA), K.S.A. 72-5413, *et seq.* includes only those organizations "that exist for the purpose, in whole or part, of negotiating working conditions with the board. K.S.A. 72-5413(3).

If the board and the professional employees' bargaining representative do not negotiate the right to facilities and communication systems, then either any PEO can access them or no PEO can access them—depending upon the district's policies. If the board and bargaining representative do negotiate access to facilities, bulletin boards, and mail, then other groups that are organized for the purpose of bargaining are denied access.

HOUSE BILL 2221 attempts to give broader access to school district facilities to more organizations by granting access to all professional employees' organizations (PEO's) and broadening the definition of PEO to include any organization that offers professional development or that sells liability insurance. There are more than two dozen professional employee organizations for teachers, counselors, librarians, nurses, school psychologists, social workers and other school personnel on the Kansas Department of Education website. These organizations provide professional development for their various members whether math, science, English, music, PE, or middle school teachers. Many also provide liability insurance with membership. These organizations already have access to a district's professional employees—depending upon district policies--because they are NOT considered PEO's under the PNA.

Insurance companies are also not currently considered PEO's under the PNA, but they are certainly agencies in which a district's employees can participate and which exist for the purpose of liability protection. Allowing all of the insurance companies access to teachers during orientation—or through email during the school year—would create a problem for school districts.

The PNA provides for equal access for PEO's. Under the PNA, school districts may not give preferential treatment to one professional employees' organization over another. They may not endorse one PEO over another. Schools may not "assist in the formation, existence, or administration of" one professional employees' organization over another." K.S.A. 72-5430(b)(2). To do so would violate the PNA.

Once a PEO is duly elected by the district's professional employees' as its bargaining representative, however, it has certain rights and responsibilities that other PEO's do not. The bargaining representative has a duty to establish, maintain, protect or improve the terms and conditions of professional service. K.S.A. 72-5414. To fulfill its duties, the bargaining representative has the right to negotiate use of facilities for meetings, the mail systems, and bulletin boards for dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit. The PNA provides these privileges, which are granted the recognized bargaining representative through the professional negotiation process, shall not be granted to any other professional employees' organization. K.S.A. 72-5413(l)(1)(B).

Although it may appear a PEO is being given preferential treatment, it is merely exercising the privileges that are accorded to it by law as the duly elected bargaining representative.

Our local affiliates, which have been elected as exclusive bargaining representatives, negotiate use of school mailboxes and email systems, facilities and leave. In response to Section (1)(d), however, there has not been even a day of break built into a district calendar to attend a KNEA convention or meeting for over twenty-five years. Similarly, in Section (1)(c), if reference remains in any negotiated agreement to the KNEA convention, it is an oversight on the part of the local board and bargaining representative.

The bargaining representative is sometimes asked to appear at new teacher orientations by their school districts to welcome their new colleagues. Others are asked appear during new teacher inservices to review the negotiated agreement's provisions and school district policies pertaining to teachers, such as requesting leave and substitutes and other day-to-day procedures.

Many affiliates provide a breakfast, lunch, or after school event during new teacher orientation and try to recruit new members during these events. Because attendance at these functions is voluntary; any other organization is already free hold its own event.

In summary, **HOUSE BILL 2221** overly enlarges those groups that are covered by the definition of "professional employees' organizations" in the PNA. Organizations that provide professional development or liability insurance for teachers are not currently barred by the PNA from use of a school district's facilities, bulletins boards, mailboxes,

or email. Their access to the schools is governed by school board policies. Currently, only groups who seek to bargain are governed by the PNA and these groups are denied access only if the board has allowed the bargaining representative access.

To my knowledge, no district has built a break in its calendar for a KNEA event for over twenty-five years and, if a member of the bargaining representative appears at a beginning of the year convocation or a new teacher orientation, it is not for the purpose of selling memberships.

This bill is not necessary to give access to other professional groups and it will cause district's great confusion that is not presently occurring.