

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on March 15, 2011, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Laura Younker, Kansas Legislative Research Department
Jason Long, Office of the Revisor of Statutes
Eunice Peters, Office of the Revisor of Statutes
Dale Dennis, Deputy Commissioner, Kansas Department of Education
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Terry Collins, Dir., Doniphan County Educ. Coop #616
Dr. Randy Watson, Supt., McPherson USD #418
Mark Tallman, KASB
Dr. Brenda Dietrich, Supt., Auburn-Washburn USD #437 (written only)
Mark Desetti, KNEA
Bill Reardon, USD #500
Gary George, USD #233
Trudy Aron, Executive Director, AIA of Kansas
Jennifer Crow, USD #501 (written only)
Tracy Russell, Schools for Quality Education (written only)
Representative Sheryl Spalding
Stuart J. Little, Shawnee Mission School District
Dave Hale, USD #242 (written only)

Others attending:

See attached list.

Hearing on **HB 2191-Concerning school districts; relating to teachers**

Jason Long, Office of the Revisor of Statutes, provided a summary of the provisions of **HB 2191**. This legislation would increase the term of employment threshold requirement needed to attain tenure for teachers for school districts, area vocational-technical schools and community colleges. The bill would increase the amount of time that a teacher must work from three to five consecutive years. In addition, the bill would increase the time for those teachers who have had previous tenure with a school district, area vocational-technical school or community college from two to three consecutive years of employment.

In addition, the bill would require school districts to annually file a report with the State Board of Education, and the House and Senate education committees, with information regarding numbers of teachers offered due process rights. The provisions of the bill related to the additional two years of probationary employment and the reporting requirements would expire on July 1, 2016.

According to the Department of Education, enactment of **HB 2191** would have no fiscal effect.

Terry E. Collins, Director, Doniphan County Education Cooperative #616, appeared before the committee to testify in support of substitute for **HB 2191 (Attachment 1)**. Statements in support included regular education teachers can be placed on a waiver to teach special education for three years maximum. Within those three years they must take select classes to become eligible for a provisional license. They typically have 4 years to complete a provisional program. It may take up to 7 years before a special education license is granted. Amending the continuing contract law, as set forth in **HB 2191**, allows districts to ensure that waived teachers complete the requirements for licensure before completing their probationary period.

Dr. Randy Watson, Superintendent, McPherson USD #418, appeared with testimony in support of **HB 2191 (Attachment 2)**. He stated he viewed this bill as pro-education, pro-teacher and most importantly pro-student. After all of the training and mentoring expenses he stated it does not make economical or

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instructional sense to spend all this time and money, then non-renew the teacher and start over. Over the past five years, McPherson has non-renewed, or had teachers resign in lieu of, 18% of the teachers hired. In many of these cases, they would not have moved to non-renewal if they could have extended the probationary period from three to five years. The standards to teach now are too high, the demands of teaching are many and the current time frame of three years is too short for some teachers to reach the level of competency that are desired to offer full due process rights. **HB 2191** would allow districts the extra time needed to work with that small subset of teachers who have demonstrated great potential but need additional time to demonstrate proficiency and a sustained trend of continuous improvement.

Mark Tallman, Associate Executive Director for Advocacy, Kansas Association of School Boards (KASB), appeared in support of **HB 2191** (Attachment 3). The KASB supports the need for a process that provides protections from arbitrary and capricious dismissal. He stated this legislation is not about keeping bad teachers in place longer but about keeping teachers who are good enough to be given more time, but not good enough to grant the extraordinary job protection found in our current law.

Dr. Brenda S. Dietrich, Superintendent, USD #437, Auburn-Washburn, provided written testimony in support of **HB 2191** (Attachment 4). Her reasons in support of the legislation included her belief that more intentional and targeted support is needed for certified staff who are new to the profession and, by the very nature of their newness, need more time to hone their skills. This bill gives inexperienced staff the precious “gift of time”. **HB 2191** allows administrators the opportunity to strengthen their profession. It provides more time to devote to helping those teachers who are standing on the edge of a cliff after three years in the district who do not quite have the skill base they require in order to continue employment. The cliff is created by the current teacher tenure law or due process rights that are in effect in the state of Kansas. A longer induction phase is needed in order to work with these teachers who just need some more time to meet the standards needed for effective instruction.

Mark Desetti, KNEA, also appeared with testimony relative to **HB 2191** (Attachment 5). Although appearing in opposition originally, he stated the bill had been amended in such a way that KNEA believes it meets a number of their concerns. He did, however, ask the committee to consider the following three amendments:

- To be offered an extension, the teacher would have to have been evaluated in compliance with state law and the district's evaluation system;
- To be offered an extension, the teacher's performance evaluations should support the need for additional time and a plan of assistance should be written to address the findings of those evaluations;
- If this is truly a “mutual agreement” between the teacher and the district, then the teacher should be given the opportunity to review the plan of assistance with a “teaching peer ombudsman” who can assist the teacher in understanding the plan and the supports that will be provided by the administrator.

Following discussion, the hearing on **HB 2191** was closed.

Hearing on HB 2200-Concerning school districts; relating to state aid for capital improvements and capital outlay

Jason Long, Office of the Revisor of Statutes, provided a summary of the provisions of **HB 2200**. **HB 2200**, as amended, would reduce bond and interest state aid from a median of 25.0 percent to 15.0 percent for any bond issue approved after July 1, 2011. The bill also would reduce capital outlay state aid from a median of 25.0 percent to 15.0 percent for new levies adopted after July 1, 2011.

In addition, the bill would require the local board of education of any school district having less than 200 square miles in area and an enrollment of less than 400, and which is eligible for bond and interest state aid, to advise and consult with the Joint Committee on State Building Construction before authorizing the issuance of bonds for new building construction. The Joint Committee would review the bond issuance at a hearing. The Joint Committee would be required to make a recommendation regarding the bond issue

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and provide that recommendation to the school district and the State Board of Education within 15 days of the hearing. Finally, the bill would require moneys received by a school district from bonds be used for the purposes described in the bond election.

Bill Reardon, Kansas City, KS USD #500 appeared before the committee in opposition to **HB 2200** (Attachment 6). Among arguments presented included that in the recent *Montoy* case, the Kansas Supreme Court referenced this provision of our law as evidence of equity in our formula. He stated that passage of this bill would have an adverse effect on the passage of all new school construction projects except projects in wealthy districts that do not qualify for state assistance. He also stated that creating an environment that reduces Kansas construction jobs is the wrong approach for a state attempting to lift itself and its people out of the worst recession in more than a half century.

Gary George, USD #233, Olathe, also appeared with testimony in opposition to **HB 2200** (Attachment 7). Under this bill, the equalization factor would drop from 25 percent to 10 percent for the median district for future bond elections. The Olathe district is a rapidly growing district and, therefore, this is a critical issue for them. He stated they currently receive 12 percent assistance. With this bill, assistance would probably drop to 2 percent. This reduction would have to be made up by local property taxpayers, thus resulting in a tax increase.

Trudy Aron, Executive Director, AIA Kansas, also appeared in opposition to **HB 2200** (Attachment 8) with the argument that construction projects financed in this manner created much needed design and construction work in the state; therefore, creating economic development needed by their industry and the State.

Mark Tallman, KASB, provided testimony in opposition to **HB 2200** (Attachment 9). He stated KASB strongly believes the funding to provide a quality education for every Kansas child is the responsibility of the state as a whole. Because of the vast disparities in the taxable wealth per student across Kansas districts, state assistance is vital to providing equity in educational quality and opportunity. He also made reference to the *Montoy* case and the statement regarding the apparent equity in the school finance formula. He stated there are only two major sources of capital funding for most districts; those being state aid and local property taxes. Reducing state aid results in higher property taxes in lower-wealth Kansas school districts in order to maintain current levels of expenditures for technology, equipment, repair and remodeling; and to adopt future projects addressing concerns of growth, safety, energy-savings, consolidation and modernization.

Jennifer Crow, USD #501 (written only) (Attachment 10) and Tracy Russell, Schools for Quality Education (written only) (Attachment 11), each provided testimony in opposition to **HB 2200**. Ms. Russell included the argument that the provision requiring a district with 400 or fewer students with 200 or less square miles is disparate treatment of small school districts. She argued that district size does not determine the merit of local bonding initiatives. She also stated this legislation would make it harder to finance projects which may be needed as a result of consolidation and create a barrier to such consolidation. Schools for Quality Education urge rejection of **HB 2200** as they feel it is an erosion of local control and shifts more of the burden to local property taxpayers.

The hearing on **HB 2200** was closed.

Hearing on **HB 2251-Terminating state aid for out-of-state pupils**

Jason Long, Office of the Revisor of Statutes, provided a summary of the provisions of **HB 2251**, as amended, would require that a K-12 student must be a resident of Kansas to be eligible to be counted in a school district's enrollment for state aid calculations. Those not subject to the bill would be students who have a parent or guardian who is an employee of the school district where the student is enrolled, a student who attended a Kansas public school during the 2010-11 school year, or whose parents own real property in Kansas which is contiguous to the student's residence in a bordering state.

The Division of the Budget fiscal note on the original bill indicated that state aid would be reduced, beginning in FY 2013, by \$3.1 million.

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Representative Sheryl Spalding presented testimony in support of **HB 2251** (Attachment 12). She stated that according to the Department of Education there are currently 724 students attending Kansas schools whose residence lies in neighboring states. This means that Kansas taxpayers are giving a free education to 724 students from other states. According to KSDE, no state or parent is currently paying to attend our schools.

Stuart J. Little, Shawnee Mission School District, provided testimony in support of **HB 2251** (Attachment 13) also. He requested the bill be amended to allow out-of-state homeless children to be included in the student count for state funding.

Mark Tallman, KASB, provided testimony in opposition to **HB 2251** (Attachment 14). The position of their membership is as follows:

“KASB believes that the decision to enroll students who are not residents of a school district should be made by the board of education of that district. If non-resident students are enrolled, they should be counted for funding purposes as if they were residents of the district. These provisions should apply to students who are not residents of Kansas.”

Dave Hale, Superintendent, USD #242, Weskan, (Attachment 15) and Tracy Russell, Schools for Quality Education, (Attachment 16) each provided testimony in opposition to **HB 2251**.

Committee discussion included a request for information regarding other state's policy toward Kansas students attending out-of-state schools.

The hearing on **HB 2251** was closed.

The next meeting is scheduled for March 16, 2011.

The meeting was adjourned at 2:30 p.m.