

January 15, 1970

MINUTES

STATE AND LOCAL AFFAIRS COMMITTEE
Room 526 State Capitol Building
All members present except Sen. Ball

Guest:

Dr. Neely, Kansas State Teachers Association
Neal Nichols, Shawnee Mission NEA
James Winn, Kansas State Chamber of Commerce
Joe McFarland, Kansas State Teachers Association
Senator Ed Reilly

Dr. Neely presented the position of the KSTA to the Committee on SB 383, SB 385 and HB 1573. His remarks included the following:

Teachers should not be included in these bills with other public employees, but should be treated separately. He and his association endorse SB 218, which is presently in the Education Committee of the Senate.

Question - Sen. Gaar - Should teachers be allowed to bargain and discuss, with the Board of Education, matters other than salary.

Dr. Neely: Teachers should have the right to participate in any matters that affect the total program of education. The Board, however, should make the final decision. Teachers should not have the right to strike and he would object to compulsory arbitration except as the final step in desolving differences. He would be willing to accept the decision of an outside board only after all avenues of bargaining had been tried, and would accept such a provision in a bill. The involvement of teachers in policy making is long overdue. He sees no conflict in being a "professional" and a negotiator.

Question: Sen Pomeroy - Do you distinguish between classroom teacher and administrative staff?

Dr. Neely: Administration is management, teachers are labor. Any certificated individual should be involved. The Superintendent should not be on one side or the other. The Superintendent should not serve on any negotiations team selected by the Board. Teachers should select their own team of negotiators. Teachers should take their problems first to the Superintendent. If he is unsympathetic, they can go to the Board of Education for formal proceedings.

Except as otherwise noted, the individual remarks recorded herein have not been transcribed verbatim and this record has not been approved by the committee or by the individuals making such remarks.

Question to Neal Nichols -

Sen. Gaar - Should teachers be able to discuss matters other than salaries and, in the event they cannot agree, what happens?

Nichols - Place the problem in the hands of a fact finding committee or require compulsory arbitration. The proposal of NEA provides that a committee be chosen as follows: 1 member from the Association, one member from the Board. These two would choose a third member who would serve as Chairman. If the recommendations of this committee are unacceptable to the complaining parties, the State Commissioner of Education would be requested to select a similar committee and hopefully this committee would bring in a recommendation that would be backed by public opinion.

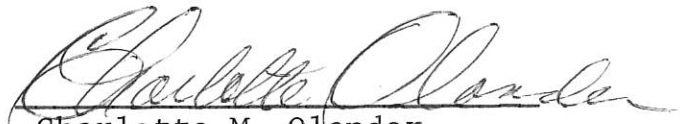
Question: Sen Gaar -Do you agree with Dr. Neely that teachers do not have the right to strike?


Mr. Nichols: As an official, I agree. If teachers are required by law to move into negotiations, I feel they do not need provisions that will allow them to strike.

A copy of the proposal Mr. Nichols used is attached.

Adjournment

Respectfully submitted


Charlotte M. Olander
Recording Secretary


Norman E. Gaar, Chairman

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recorded herein have been discussed in the presence of the
and this record has not been approved by the
committee or by the Board. This includes such remarks.

Breyfogle Building, #206A
7221 West 79th Street
Shawnee Mission, Kansas 66204

Telephone: 649-3175

A PROPOSED PROFESSIONAL NEGOTIATIONS POLICY

I. STATEMENT OF PHILOSOPHY:

We believe that teachers, administrators and school boards have a common goal; namely, that of providing the best possible schooling for the children and youth of the district. We believe that effective communication among teachers, administrators and school boards is essential and that all three groups must seek pathways for cooperative development of recommendations for policies and practices.

II. BASIC PRINCIPLES:

1. The Board and Association recognize their responsibilities toward each other and toward the community for conferring in good faith and seeking agreement on matters of mutual concern. Neither will demean the process, and both recognize that the controlling determinant of policy development and implementation is the quality of the educational program and the welfare of the children.
2. The Board recognizes the responsibilities of the Association for maintaining and improving professional practice as well as for participating in the development of school policy.
3. It is recognized that the professional preparation of teachers qualifies them to make significant contributions to the formulation of recommendations for school policies.
4. Although the legal responsibility for adoption of school policy rests exclusively with the Board, the Board shall make certain when it is considering policy recommendations that the Association has had the opportunity to participate cooperatively in the development of the recommendation. In the event the Board feels the recommendation to be unwise, it will have a conference with representatives selected by the Association before taking action on the recommendation.
5. A cooperatively-developed school board policy handbook is fundamental to good teacher-administrator-board relationships. Written policies shall be reviewed jointly each year and revised as necessary, shall be made available to all school personnel, and shall be used consistently by the Board and Staff.

6. The Superintendent's leadership should result in mutual respect between the Board and the professional staff. To this end, the Superintendent is both the executive officer of the Board, responsible for administering adopted policy, and the primary professional adviser of the Board. He has a responsibility to the professional staff as a member and leader of that staff. The Superintendent has the responsibility in the process of joint study of matters of mutual concern to provide information to teachers and the Board, to help clarify the issues, and to stimulate both groups to put forth their best efforts. The professional recommendations of the Superintendent should be available to both the Board and the Association.
7. All matters which affect the quality of the educational program and conditions of professional service are within the scope of this policy.

III. PROCEDURES FOR COMMUNICATION:

1. The National Education Association of Shawnee Mission, hereinafter referred to as the Association, hereby recognizes the Board of Education of the Shawnee Mission Public Schools, hereinafter referred to as the Board, as the official governing body of Shawnee Mission Unified School District #512, hereinafter referred to as the District, with the exclusive legal authority for the adoption of school policies for governing the schools of the District.

The Board hereby recognizes the Association as the spokesman of all certificated personnel, in all conferences between the Board and representatives of the Association. However, the Association's representation of all certificated personnel in all conferences with the Board shall not be construed as denying the right of any certificated person not a member of the Association, and the right of any citizen of the District to be heard by the Board at any official meeting of the Board on any subject.

2. The Association should have a well informed, responsible membership. It shall insure that the committee which represents it in conferences with the Superintendent and the Board does in fact represent the membership. The Association shall file a copy of its constitution and bylaws with the Board, and keep such constitution and bylaws current.
3. When the Association wishes to confer about a matter or make a proposal to the Board, it shall notify the Superintendent or his representative. The notification shall be in writing and shall contain a general statement outlining the subject to be covered by the proposal. Such notification shall result, at the option of the Association, in either (a) the Association's being placed on the formal agenda of a regular public meeting of the Board or (b) a conference between the Superintendent and representatives

of the Association, either alternative to be completed within a reasonable period of time.¹ The Board of Education may act at the time a proposal is made to it by the Association, or it may refer the proposal to the Superintendent with instructions to confer with representatives of the Association on the subjects included in the proposal. It is expected that most, if not all proposals made directly to the Board by the Association will be referred for conference and that from such conferences will come recommendations for policy action to the Board which are fully supported by the Association and the Superintendent. Where no agreement can be reached between the Association and the Superintendent, the Association shall have the right to confer directly with the Board within a reasonable period of time.¹ In either event, the Board agrees to take final action only in an open public meeting in which representatives of the Association may speak to the subject from the floor if they so desire. The Superintendent or his representative shall give the Association advance notice of any meetings where deliberations or final action are expected on proposals made by the Association.

Requests for conferences may move in the opposite direction. Whenever the Superintendent or the Board desires to discuss a matter of importance with the Association, a request for a conference shall be directed to the office of the Association. Accompanying such a request shall be a written statement setting forth the concern of the Superintendent and/or the Board. Such a request shall result in a conference within a reasonable period of time¹ with a committee representing the Association.

Facts, opinions, viewpoints, proposals and counter-proposals shall be exchanged freely during conferences in a good faith effort to reach a mutual understanding. During conferences between the Superintendent and the Association or between the Board and the Association, either party may utilize the services of consultants and/or spokesmen of its choice.

When the participants reach an understanding, such understanding shall become a recommendation for policy action by the Board. The policy shall not discriminate against any member of the teaching staff regardless of membership or non-membership in the Association.

4. If persistent disagreement between the Association and the Board occurs over any proposal under consideration, steps

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should be taken promptly to protect the interests of the school children and the general public. In order to provide such protection, the Association and the Board hereby agree to submit the matter to a Board of Review if an impasse is reached during conferences on proposals. The School Board will name one adviser, and the Association will name another. A third member, who shall be chairman, shall be named by the first two named members within ten days after the impasse is reached. The Board of Review shall report recommendations for settlement within fifteen days after the chairman is named. The recommendations shall be submitted to both parties and shall be made public.

If a recommendation acceptable to both parties is not made within the specified time, the School Board and the Association agree to request the Commissioner of Education of the State of Kansas to appoint an impartial fact-finding body consisting of two classroom teachers, two school board members, and one Superintendent. He shall also appoint a staff member of the state educational agency to serve as secretary to the fact-finding body. The Association and the School Board shall be free to act separately to define the issues of fact for the attention of the fact-finding body. That body will make a finding of facts within 60 calendar days of its appointment, and will make its recommendations publicly to the School Board, the Superintendent, the Association and the citizens of the district which choose to attend.

The School Board shall take into account the recommendations of the fact-finding body, and the public opinion resulting from these recommendations, but the legal responsibility for making a decision rests exclusively with the School Board.

The traveling and subsistence expenses of the Board of Review and the fact-finding body shall be borne equally by the Association and the District.

Amendments. -- This policy may be amended at any time by mutual consent of the Association and the Board.

Adopted by the Board _____
date

Adopted by the Association _____
date

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