

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Don Crumbaker at  
Chairperson

3:30 am./p.m. on March 15, 1983 in room 423-S of the Capitol.

All members were present except: Representative Polson and Representative Miller who were excused.

Committee staff present:

Ben Barrett, Legislative Research  
Carolyn Rampey, Legislative Research  
JoAnn Mann, Secretary to the Committee

Conferees appearing before the committee:

John Koepke, Kansas Association of School Boards  
Craig Grant, Kansas-National Education Association  
Jerry Schreiner, United School Administrators  
Onan Burnett, USD 501

SB 79 - Boards of education of unified school districts, disqualification for office.

John Koepke, Kansas Association of School Boards, supported SB 79 and said the decision-making process must be protected at all times from even the appearance of a conflict of interest. A copy of his testimony is attached and made a part of these minutes. (Attachment A)

Craig Grant, Kansas-National Education Association, opposed the legislation. His organization felt the bill takes away citizenship rights from a certain segment of the electorate. A copy of his testimony is attached. (Attachment B)

SB 174 - Time for evaluation of certain school employees.

Dr. Jerry Schreiner supported SB 174. Administrators felt the law should be amended to provide that employees would be evaluated not later than the 60th school day of the semester. They feel the time extension would allow administrators to conduct better evaluations of individual teachers. A copy of his testimony is attached. (Attachment C)

Onan Burnett, USD 501, endorsed the legislation which would insure better evaluations, particularly in the urban areas. He said the evaluation problem is compounded if you have a weak teacher who is hard to assess.

SB 358 - Recreation commissions, tax levies, resolutions authorizing, protest petitions.

John Koepke, KASB, supported the bill which had been requested by his organization. Their concern had arisen in situations where a recreation commission is operated solely by a school district and the school district is not located entirely within the boundaries of a city. In such cases where there is no city clerk, this proposed legislation would allow the district to file with the county clerk to oversee the protest petition and election procedure.

SB 73 - Washburn university, school of applied and continued education.

Representative Fuller moved to pass SB 73 favorably. Representative Laird seconded the motion and the motion carried.

SB 78 - School district finance, miscellaneous revenues, deposit in general fund authorized.

Representative Apt made a motion to report SB 78 favorably and Representative Reinhardt seconded. The motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.



Testimony Before House Education Committee  
March 15, 1983

S.B. 79 Regarding Employees Serving on Local Boards of Education  
by

John W. Koepke, Associate Executive Director  
Kansas Association of School Boards

Mr. Chairman, members of the Committee, on behalf of the Kansas Association of School Boards and its 300 member boards of education, I wish to express my appreciation for the opportunity to address you this afternoon.

The subject of my remarks is Senate Bill 79 which, if enacted, would clearly state that employees of a local school district could not serve on the board of education of the district in which they are employed.

The broad question of the proper relationship between employer and employee is brought into sharp focus when considering whether one can be both a master and a servant. "The essential characteristics of the employer-employee relation is the retention by the employer of the right to direct and control the manner in which the work shall be performed, the right to determine not merely the result but the methods and means by which such result is to be accomplished." 56 C.J.S. § 2.

Elected public officials are continually faced with a wide variety of decisions which affect employment. The decision-making process must be protected at all times from even the appearance of a conflict of interest. Whether to hire, fire, promote, demote or discipline employees are responsibilities that every board of education faces. If these decisions are to be made with educational goals in mind

and not personal interest, then the decision-making process must be protected from the undue influence of those most personally affected. The wide diversity of activities carried on in a school district require a constant balancing of the interests of all employees but most importantly the needs of the children in the school system. A decision-making process is tainted in which the salaries of a particular group of employees are the special interest of one whose salary will be affected.

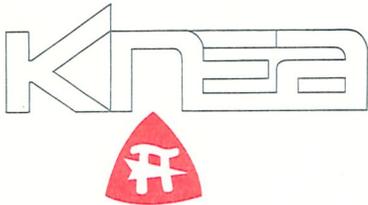
School boards and school board members encourage participation in the decision-making process through the electoral procedures. Employees who seek to draw attention to certain elements in the school system can have influence through the ballot box, both individually and through collective efforts. Further, if an employee seeks to resign and hold the public office of his employer then he can do so but he should not be allowed to also govern the requirements of his employment.

The KASB Research Department is in the process of conducting a survey of our member districts to determine the prevalence of employee filings for positions on boards of education. To date we have received responses from 300 districts reporting a total of 39 employees filing for election. We will be glad to keep you posted as responses are received.

In a time of financial difficulties at all levels of government, it would be natural to see more employees seek to protect their own employment by becoming their own employers. This conflict of interest in the operation of the public schools is not in the best interest of education.

The Kansas Association of School Boards has maintained that present law (K.S.A. 72-8202e) precludes boards of education from paying school board members for any duties performed for the district. We feel that this includes work done as an employee of the district. It is becoming quite clear that this interpretation is challenged by some who plan to seek public office in their local

district. In order to prevent bitter feuds which may result if employees are elected to their local boards, we ask you to clarify the situation by favorably recommending Senate Bill 79.



House Education Committee

Testimony on SB 79

March 15, 1983

Thank you, Mr. Chairman and members of the committee. My name is Craig Grant and I am representing Kansas-National Education Association on Senate Bill 79.

Kansas-NEA opposes SB 79 as we feel that the bill takes away citizenship rights from a certain segment of the electorate. Any time that there is a school board election, local citizens have the opportunity to make decisions as to whom they wish to represent them. SB 79 would restrict the number of qualified people from which they can select.

Very few employees of school districts decide to run for school board positions. When they do run, the local citizens know the qualifications, including the occupation, of the candidates. The voters can and do factor into their decisions the many varied credentials of the candidates. If the people decide to vote for a candidate - no matter what job he or she holds - then the citizens have chosen their school board. If the voters are unsatisfied with the performance of a board member they can remove that person from office.

Kansas-NEA opposes SB 79 as it reduces the available talent for school board positions and restricts the choices of citizens in local communities.

Thank you Mr. Chairman and committee members for listening to teacher concerns.



# UNITED SCHOOL ADMINISTRATORS OF KANSAS

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**JERRY O. SCHREINER**  
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**M.D. "MAC" McKENNEY**  
ASSOCIATE EXECUTIVE DIRECTOR

TO: House Education Committee  
FROM: United School Administrators  
DATE: March 15, 1983  
SUBJECT: SB 174 - Evaluation of Personnel

The United School Administrators supports the amendment to the school personnel evaluation law as proposed in SB 174.

At the present time, the law provides that "each employee in the first two consecutive school years of employment shall be evaluated at least one time per semester not later than the 40th school day of the semester."

School administrators feel that the law should be amended to provide that employees would be evaluated not "later than the 60th school day of the semester." This change would allow beginning teachers more time to adjust to the school system and to make needed improvements. This time extension would also allow school administrators to conduct better evaluations of individual teachers, especially if there are several new teachers to be evaluated.

We respectfully request that you report SB 174 favorably for passage.

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