

Approved: 2/15/94
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on February 14, 1994 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
LaVonne Mumert, Committee Secretary

Conferees appearing before the committee:
Representative Barbara Allen
Representative Robin Jennison

Others attending: See attached list

Bill requests were considered by the Committee. Chairman Kerr explained that a bill was being requested which would change the limits on inservice teacher training. Senator Langworthy made a motion to introduce such a bill. Senator Emert seconded the motion, and the motion carried.

A second bill request would provide for the establishment of charter schools. Senator Frahm made a motion to introduce such a bill. Senator Emert seconded the motion, and the motion carried.

Chairman Kerr announced that the Committee would be reviewing and giving consideration to two bills and a resolution which were heard in the Committee during the 1993 session.

HB 2188 - Establishing the KanLearn program of incentives for school attendance for certain recipients of aid to families with dependent children

Staff explained that the bill would establish the program, to be administered by SRS, as a pilot project in three KanWork counties for individuals who are 13-19 years of age and are: recipients of cash assistance, parents themselves or residing with their parents or legal guardian, not exempted from the compulsory attendance law, not the parent of a child 90 days old or less and not a high school graduate or GED recipient. Staff noted that SRS estimates the total cost of the program to be \$485,000, of which \$210,000 would be state general fund monies; but the Division of Budget estimates the total cost to be \$814,000, of which \$338,000 would be state general fund monies. (Note: The hearing on this bill was held March 17, 1993.)

Representative Barbara Allen presented a proposed amendment to the bill (Attachment No. 1) and explained the amendment (Attachment No. 2). She said that the amendment is based on an Ohio program which includes both incentives and penalties. Representative Allen said that SRS would be responsible for determining academic and attendance standards and the amounts of the incentive payments and sanctions and would also conduct an independent evaluation of the program. She pointed out the success of the Ohio program in keeping students in school and influencing dropouts to return to school (see Attachment No. 2). Representative Allen said that the cost of child care for the program accounts for the differing amounts in cost estimates.

SB 301 - Professional negotiation between boards of education and professional employees, amendment of agreements authorized

Staff explained that the bill would allow for changes in duly ratified negotiated agreements between local boards of education and professional employees subject to approval of a local board of education and the governing body of an exclusive representative organization. (Note: The hearing on this bill was held

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on February 14, 1994.

February 25, 1993.)

The Committee received testimony in support of the bill from Robin Clements, Wichita Public Schools (Attachment No. 3) and from Greg Jones, Wichita Federation of Teachers (Attachment No. 4). During discussion on the bill, a question was raised whether the Wichita Public Schools and the Wichita Federation of Teachers could make such a provision a part of their negotiated agreement rather than seeking legislation to allow for this type of change. Robin Clements provided an Attorney General's opinion which states that such a clause would be void and unenforceable (Attachment No. 5).

Senator Emert made a motion that SB 301 be recommended favorably for passage. Senator Frahm seconded the motion. Senator Oleen requested that a vote be delayed until there is time for review of the Attorney General's opinion and to contact some teachers who have had exceptions made to their own contracts. Chairman Kerr advised that the motion would be held in place and brought back up for action at the earliest opportunity.

HCR 5016 - Constitutional amendment, state board of education

Representative Robin Jennison presented testimony in support of the resolution which removes the self-executing powers of the State Board of Education (Attachment No. 6). He talked about the state funding of education, and he suggested that the resolution be amended to provide for a Department of Education to be defined by statute (Attachment No. 7). Representative Jennison said that the resolution would provide for greater flexibility and accountability in the governance of K-12 education and would elevate the importance of education. (Note: The hearing on this resolution was held March 18, 1993.)

The Committee returned to consideration of bill requests.

Senator Emert made a motion to introduce a bill to raise the base state aid per pupil to \$3,800. Senator Walker seconded the motion, and the motion carried.

Senator Oleen made a motion to introduce a bill to provide for the reimbursement for actual costs incurred for the operation of education programs in alternative schools and juvenile detention facilities. Senator Emert seconded the motion, and the motion carried.

The Committee was provided with a letter in support of the Parents as Teachers program from the Wichita Public Schools (Attachment No. 8).

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for February 15, 1994.

SENATE EDUCATION COMMITTEE

TIME: 1:30 PLACE: 123-S DATE: 2/14/94

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Deane Apt	Topeka	USA
Cindy Jankin	Gov. office	
Jeff Brownell	Sen. Harr. office	
Thelma Hinte Dodson	Topeka	SRS
Janet Schalanosky	Topeka	SRS
Libby Qvaid		AP
Alvin ZAREK	Topeka	KWIC
Oran Burnett	Topeka	USD 501#
Harold Pitts	Topeka	AAKP-CERT
TED D. AYRES	TOPEKA	REGENTS STAFF
Merle Hise	"	KACC
Jim Yonally	Overland Park	USD #512
Gena McFarland	Overland Park	O.P. Chamber of Commerce
Scott Hattrop	Lawrence KS	House Intern
Jacquie Dakes	Topeka	SQE
Pat Kensi	Colby	
Donald L. William	Rolla	USD #517
Reed L. William	Rolla	USD #217
Joe Barber	Wg	WFT
ALAN COBB	TOPEKA	KAAVTS
Chuck Knapp	Topeka	Rep. Tennison
Rozanne Clements	Wichita	Wichita Public Schools
Sharon Springfield	Topeka	CWA

SENATE EDUCATION COMMITTEE

TIME: _____ PLACE: _____ DATE: _____

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Marsha Stralson

Salatha

CA of Ks.

Robert Elliott

Wichita

Wichita Fed of Teachers

HOUSE BILL No. 2188

By Representatives Allen, Goossen, Helgerson and Wagnon

2-2

9 AN ACT establishing the KanLearn program; providing for admin-
10 istration thereof by the secretary of social and rehabilitation serv-
11 ices; establishing eligibility standards for participation in such
12 program and providing for certain payments and assistance there-
13 under; authorizing the adoption of rules and regulations relating
14 thereto.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. (a) ~~This act shall be known and may be cited as the~~
18 KanLearn act.

19 (b) An individual who is a recipient of cash assistance ~~known as~~
20 ~~aid to dependent children~~ under subsection (b) of K.S.A. 39-709
21 and amendments thereto may participate in the KanLearn program
22 under this act if all of the following apply:

23 (1) The individual ~~is 13 to 19 years of age;~~

24 (2) the individual has not graduated from a high school or ob-
25 tained a declaration of equivalency of high school graduation;

26 (3) the individual is not exempted from attending school under
27 state law;

28 (4) the individual is a ~~parent or~~ is residing with such individual's
29 natural or adoptive parent, foster parent or legal guardian;

30 (5) if the individual is the caretaker of a child, the child is at
31 least 90 days old;

32 (6) if child care services are necessary in order for the individual
33 to attend school, licensed or registered child care services under the
34 provisions of article 5 of chapter 65 of the Kansas Statutes Annotated
35 and amendments thereto are available for the child and transportation
36 to and from child care is also available;

37 (7) the individual is not prohibited from attending school while
38 a suspension or an expulsion under K.S.A. 72-8901 *et seq.* and
39 amendments thereto is pending;

40 (8) if the individual was expelled from a school under K.S.A. 72-
41 8901 *et seq.* and amendments thereto, there is another school avail-
42 able which the individual can attend; ~~and~~

43 (9) if the individual is 16 to 19 years of age, the school district

DRAFT OF AMENDMENTS TO HB 2188

For Consideration By Senate Education Committee
(2-14-94)

(1)

(2) The purpose of the KanLearn program shall be to encourage eligible individuals to participate and to complete school and attain a high school diploma or the equivalent of a high school diploma.

has attained age 13 and has not attained age 20

person who is a natural or adoptive parent or is pregnant or is a person who

Sen. Ed.
2/14/94
Attachment 1

1 does not determine that the individual will fail to graduate from
 2 high school before reaching age 20.

3 (c) (1) An individual who fails to meet the requirements under
 4 subsection (b) shall not be eligible to participate in the KanLearn
 5 program established under this act.

6 (2) Within the limits of appropriations therefor and subject to
 7 guidelines established by the secretary of social and rehabilitation
 8 services by rules and regulations: (A) The secretary in cooperation
 9 with the school district may provide mentoring and tutoring services
 10 and transportation to and from school to individuals who are par-
 11 ticipants in the KanLearn program when it is determined that such
 12 services are necessary for the individual to attend high school with
 13 a reasonable expectation of graduation; and (B) the secretary may
 14 provide one or more special financial assistance payments to an
 15 individual who is a participant in the KanLearn program when it is
 16 determined that such payments are necessary to make it possible
 17 for the individual to continue attending school when specific needs
 18 or circumstances of the individual would otherwise cause the indi-
 19 vidual to discontinue attending school on a temporary or permanent
 20 basis.

21 (3) Within the limits of appropriations therefor ~~upon completion~~
 22 ~~of two semesters, or the equivalent, each year of school and en-~~
 23 ~~rollment to attend the ensuing semester of school,~~ an individual who
 24 is a participant in the KanLearn program ~~shall be eligible to receive~~
 25 an incentive payment in an amount fixed by rules and regulations
 26 ~~of not less than \$100; except that an individual shall not be eligible~~
 27 ~~to receive the incentive payment under this subsection (c)(3) if that~~
 28 ~~individual is eligible to receive the additional incentive payment~~
 29 ~~under subsection (c)(4).~~

30 (4) ~~Within the limits of appropriations therefor, upon graduation~~
 31 ~~from high school and receipt of a high school diploma, an individual~~
 32 ~~who is a participant in the KanLearn program shall be eligible to~~
 33 ~~receive an additional incentive payment in an amount fixed by the~~
 34 ~~secretary of social and rehabilitation services by rules and regulations~~
 35 ~~of not less than \$250.~~

36 (5) An individual who is a participant in the KanLearn program
 37 shall be exempt from work projects, community work and training
 38 programs, job requirements under the KanWork program and other
 39 work requirements for eligibility for receipt of public assistance. The
 40 secretary shall provide for periodic monitoring and evaluation of the
 41 progress in school of an individual who is a participant in the
 42 KanLearn program.

43 (d) In accordance with the provisions of this section, the secretary

; and
 agreement.

(10) if the individual enters into a written KanLearn participation

or to attend another educational program associated with the school district
 that is designed to lead to attainment of a high school diploma or the
 equivalent of a high school diploma

and not more often than monthly

and who is attending school in accordance with Kanlearn program requirements
 and is satisfying the academic progress requirements of the KanLearn program,

adopted by the secretary of social and rehabilitation services

If an individual participating in the KanLearn program does not attend school in
 accordance with KanLearn program requirements without good cause or does
 not satisfy the academic progress requirements of the KanLearn program
 without good cause, the individual shall be subject to monetary penalties which
 shall reduce the cash assistance under subsection (b) of K.S.A. 39-709, and
 amendments thereto, and other penalties terminating other special financial
 assistance payments or child care services provided under the KanLearn program
 , except that the monetary penalties shall not exceed the amount of the
 incentive payment. All such penalties shall be defined by and shall be imposed
 in accordance with rules and regulations adopted by the secretary of social and
 rehabilitation services.

and penalty amounts

The rules and regulations shall define "good cause", "school" and "the equivalent of a high school diploma" for the purposes of the KanLearn program and shall specify the provisions of KanLearn participation agreements, which shall include provisions that:

(1) The individual participating in the KanLearn program shall attend school in accordance with KanLearn program requirements and shall satisfy the academic progress requirements of the KanLearn program;

(2) the secretary of social and rehabilitation services shall provide the incentive payment to the individual if the individual attends school in accordance with KanLearn program requirements and satisfies the academic progress requirements of the KanLearn program; and

(3) the secretary may impose a monetary penalty to reduce the cash assistance under subsection (b) of K.S.A. 39-709, and amendments thereto, and other penalties terminating other special financial assistance payments or child care services provided under the KanLearn program, if the individual participating in the KanLearn program does not attend school in accordance with KanLearn program requirements or does not satisfy the academic progress requirements of the KanLearn program

(i)

commencing

Initially

After the fiscal year in which the pilot program commences

(h) The secretary of social and rehabilitation services shall provide for one or more independent evaluations of the KanLearn program, including the pilot program, utilizing control groups. The secretary shall report on such evaluations and the activities under the KanLearn program, including the pilot program, during each regular legislative session to the committee on appropriations of the house of representatives, the committee on ways and means of the senate and to other committees of the legislature upon request of such committees.

1997

of social and rehabilitation services shall adopt rules and regulations which establish KanLearn program requirements ~~as a condition to participation therein~~ and which fix incentive payment amounts for the KanLearn program. ~~The rules and regulations shall specify how the department of social and rehabilitation services determines that a KanLearn participant has attended school for the requisite periods to be eligible for incentive payments.~~

(e) Within the limits of appropriations therefor, if the KanLearn participant demonstrates the need to purchase child care services in order to attend school and these services are available, child care services shall be provided to each such participant in the KanLearn program through reimbursement of private child care providers or through state child care centers. Reimbursement to private child care providers shall not exceed the fee charged to private clients for the same service and may be lower than such fee if the private child care provider agrees to charge a lower fee.

(f) If the secretary of social and rehabilitation services obtains the waivers to federal program requirements under subsection (n), the secretary shall implement the KanLearn program beginning with the ~~fall 1993 school term of the~~ fall school term after such waivers have been obtained.

(g) ~~During the fiscal year ending June 30, 1994,~~ the provisions of this act shall be implemented as a pilot program in three counties or areas of this state which are also counties or areas of this state in which the program established under the KanWork act has been implemented. The secretary of social and rehabilitation services shall designate the counties or areas of this state in which the KanLearn pilot programs will be implemented. ~~After June 30, 1994,~~ the KanLearn program may be implemented in additional counties or areas of this state only upon specific authorization of such expansion by appropriation or other act of the legislature.

(i)

~~(n)~~ The secretary of social and rehabilitation services shall seek waivers from program requirements of the federal government as may be needed to carry out the provisions of the KanLearn act and to maximize federal matching and other funds with respect to the KanLearn program established under such act. The secretary of social and rehabilitation services shall implement the KanLearn program under this act only if such waivers to federal program requirements have been obtained from the federal government.

(j)

~~(i)~~ The provisions of this section shall expire on July 1, ~~1996~~.
Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN: FINANCIAL INSTITUTIONS & INSURANCE
MEMBER: APPROPRIATIONS
RULES & JOURNAL

February 14, 1994

Mr. Chairman, Members of the Committee:

Thanks for the opportunity to appear before you today on **H.B. 2188, a welfare reform measure whose purpose is to encourage teenage welfare recipients to stay in school.** As currently drafted, the bill provides financial and other incentives to KanLearn participants if they stay in school.

After reviewing several studies analyzing the effectiveness of various "Learnfare" programs in other states, I am offering an amendment to you which would amend the program to an **incentive/penalty program**, and which also addresses some of the concerns which this committee raised last year. The amendment does the following:

1. A Kanlearn participant would only be eligible to receive **financial incentives** if the **individual is meeting program attendance and academic requirements**, as determined by the Secretary of SRS through rules and regulations.
2. If a KanLearn participant does **not meet attendance and academic requirements**, the individual will be subject to **monetary penalties which shall reduce benefit payments.**
3. Every KanLearn participant must sign a **KanLearn participation agreement**, which provides the individual **must attend school in accordance with program requirements**, and shall be subject to **financial penalties** if he or she does not meet the attendance and academic requirements of the program.
4. At least one **independent evaluation** of the pilot program must be performed, and the **Legislature must receive an annual report on the evaluation and activities of the program** during each legislative session KanLearn is in place.

Sen. Ed.
2/14/94
Attachment 2

5. Teenagers may be eligible for the Kanlearn program if they are working toward a **high school diploma or a G.E.D. degree.**

PURE PENALTIES DON'T IMPROVE SCHOOL ATTENDANCE --

While it's still too early to have all the answers about Learnfare programs, we know **using punitive measures by themselves, although sometimes politically attractive, are not the answer to keeping kids in school.** Wisconsin's Learnfare plan, which offers no bonuses for good attendance, withheld \$3.4 million in sanctions from welfare families in the first year of the program. However, the program failed to demonstrate improved school attendance among teens subject to Learnfare. In fact, **over one-half of Learnfare students showed poorer attendance, and sanctioned students showed the highest dropout rates, with about one-half dropping out.**

INCENTIVES AND PENALTIES DO IMPROVE SCHOOL

ATTENDANCE -- A Learnfare program which has been able to **document positive results (i.e. improved school attendance and improved graduation rates)** is the Ohio Learning, Earning and Parenting (LEAP) program, which offers a **combination of incentives and penalties to encourage school attendance.**

Two independent audits of LEAP conducted by Manpower Demonstration Research Corporation (MDRC), a widely respected firm in the area of welfare analysis, have yielded studies which **show promising results in increasing high school graduation rates and reducing long-term reliance on welfare.** The program targets teenage mothers on welfare.

Participants in Ohio get a one-time payment of \$62 for enrolling in the program. In addition, they earn an extra \$62 each month they meet minimum attendance requirements. Failure to meet the standard means \$62 is deducted from their monthly AFDC check.

According to an independent audit, LEAP students stay in school longer than those not involved in the program. Of LEAP participants, **61% remained in school, compared with only 51% of a**

control group. In addition, LEAP has persuaded more dropouts to return to the classroom. Among dropouts, **49% of LEAP participants went back to school, while 33% of the control group did so.**

LEAP bonuses and sanctions are supposed to occur three months after the behavior that triggers them (for example, poor attendance in September leads to sanctions in December). Thus, **the program provides teens with several opportunities to respond to notices of impending sanctions before their grants are reduced.** An extra benefit of this lag time is that LEAP has experienced far fewer legal problems than has the Learnfare program in Wisconsin, which includes only sanctions.

If the KanLearn program is implemented in Kansas, the Secretary of SRS would determine the frequency and dollar amount of incentive payments and sanctions for participants. By statute, payments and sanctions could be no more often than monthly. I expect the dollar amount would be equal to the dollar amount we currently pay an AFDC family for each additional child. Funding for KanLearn would be 59% federal and 41% state, assuming necessary federal waivers are obtained.

It's clear to me that EDUCATION is the key to self-sufficiency! Although many circumstances often combine to force a family into welfare dependency, the underlying cause is most often lack of education. Studies show there is a strong correlation between education and income, and in fact, as one of the attached charts shows, high school graduates in 1990 earned \$4,000 to \$6,000 more annually than those who dropped out.

If we are serious about improving school attendance and graduation rates for teenagers on welfare, **I suggest we implement a welfare reform measure which provides for financial incentives and penalties to encourage school attendance.** This model has proven successful in Ohio, and is a strategy which will help us achieve success in our goal - helping teenage welfare recipients in Kansas stay in school, so they can move off of welfare and into the workforce.

ATTACHMENT I

Learnfare Programs in Other States

Several other states have adopted or proposed Learnfare programs involving both an incentive and a penalty. The following summarizes other state programs. In some cases, these programs are already operating; in other cases, they are current proposals or reflect pending waiver requests:

California	CALLEARN. Teens receive a \$50 grant supplement each month if attending high school or GED, or a \$50 reduction if not attending. Applies to pregnant and parenting teens.
Missouri	People Attaining Self-Sufficiency (PASS). Expands JOBS program to mandate school attendance by AFDC children and teen parents, beginning with 7th grade. Will initially operate in five to seven school districts. No sanctions if student maintains average grades.
Maryland	Primary Prevention Initiative. Families with school-aged children who attend school less than 80 percent of the time without good cause subject to \$25 per month sanction per child.
New York	GradFare. Targets teens aged 16-18 years of age; sanctions nonschool attendance; restores grant if child returns to school; as an incentive to return to school, the lost grant amounts are paid in a lump sum to the household upon graduation.
Ohio	Learning, Earning, and Parenting (LEAP). Teens receive a \$62 grant supplement if attending school; \$61 reduction if not attending school; case management services. Applies to pregnant and parenting teens.
Virginia	Virginia Incentives to Advance Learning (VTAL). Grant initially increased for participating families. Reduced to standard for failure to meet attendance goals. With continued unresponsiveness, the parent is removed from the grant.
Washington	Require parents under age 20 to show progress in completing high school or GED, or grant terminates.
Wisconsin	Learnfare. Thirteen- to 19-year-old target group; sanctions for poor school attendance, including failure to attend after dropping out, failure to verify enrollment, and failure to meet a monthly attendance requirement.

COMPARISON OF AVERAGE WAGES EARNED

MEN

1 - 3 Years of High School

4 Years of High School

1970

WAGES	\$8,514	\$9,567
-------	---------	---------

% OF HIGH SCHOOL GRADUATE	89.0%	--
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1990

\$20,902	\$26,653
----------	----------

% OF HIGH SCHOOL GRADUATE	78.4%	--
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WOMEN

1 - 3 Years of High School

4 Years of High School

1970

WAGES	\$4,655	\$5,580
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% OF HIGH SCHOOL GRADUATE	83.4%	--
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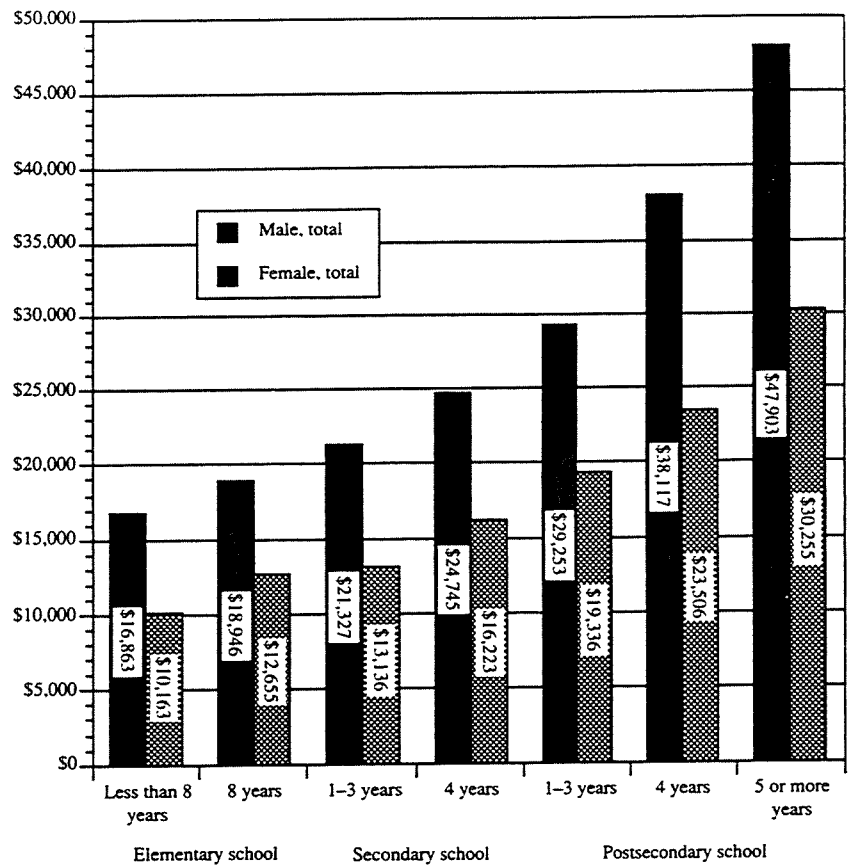
1990

\$14,429	\$18,319
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% OF HIGH SCHOOL GRADUATE	78.7%	--
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FIGURE 4.3

Mean Money Earnings of Year-round Full-time Workers
By Sex and Years of Schooling, 1987



Source: U.S. Bureau of the Census, Current Population Reports, Series P-60, No. 162 (Washington, DC: United States Government Printing Office, 1990).

life expectancy of a white woman in the United States at age 20 was about 64 years. She could expect, on the average, to be widowed at age 52 and to die before her last child left home. In 1980, a white woman who married at 22 could expect to live about 79 years and to stop having children at age 30. Her last child would leave home when she was 48. There was, however, a 47% chance that her first marriage would end in divorce. What this means, of course, is that social and demographic changes have reduced the importance of marriage in the life of most women. The chances are high that the average woman will spend two-thirds of her adult life without children at home and one-half to two-thirds without a husband.¹

These demographic and economic forces have interacted with changing social attitudes to increase the power and independence of women. An important step in achieving this greater independence was for women to gain access to education and then to gain greater political and economic power. This process can be expected to accelerate because women have closed the general education gap and have narrowed the gaps in many more traditional fields. Between 1970 and 1986,

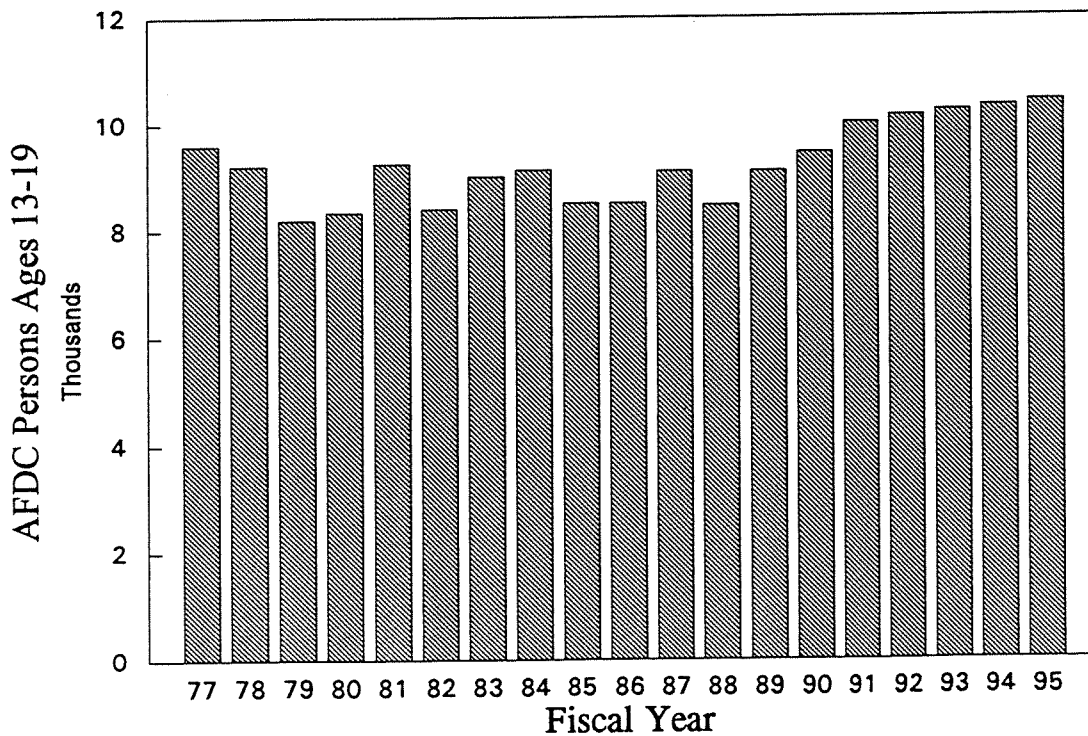
Department of Social and Rehabilitation Services

February 14, 1994

AFDC Persons Ages 13 thru 19

FY	Total AFDC	Children Ages 13-19		
		Children 13-19	as a % of Total	Percent Change
77	73,952	9,595	13.0%	
78	71,007	9,213	13.0%	-4.0%
79	63,123	8,190	13.0%	-11.1%
80	64,273	8,339	13.0%	1.8%
81	71,276	9,248	13.0%	10.9%
82	64,737	8,400	13.0%	-9.2%
83	69,433	9,009	13.0%	7.3%
84	70,896	9,125	12.9%	1.3%
85	66,661	8,511	12.8%	-6.7%
86	67,124	8,501	12.7%	-0.1%
87	72,492	9,106	12.6%	7.1%
88	70,789	8,470	12.0%	-7.0%
89	72,479	9,108	12.6%	7.5%
90	76,880	9,452	12.3%	3.8%
91	78,017	10,015	12.8%	6.0%
92	83,570	10,148	12.1%	1.3%
93	87,500	10,241	11.7%	0.9%
94	90,888	10,322	11.4%	0.8%
95	94,524	10,425	11.0%	1.0%

(1) From Characteristics of AFDC Population-FFY91, DHHS
 (2) Trending based upon known FY91 and FY94 data
 (3) From SRS AGRC SX Report for Dec 93



205
3/31/93

Higher Education, Higher Earnings

A college degree remains the ticket to higher earnings:

EARNINGS

Monthly average, by educational level, spring 1990

No high school diploma	\$492
High school diploma	\$1,077
College, no degree	\$1,280
Bachelor's	\$2,116
Master's	\$2,822
Doctorate	\$3,855
Professional	\$4,961

DEGREES BEYOND HIGH SCHOOL

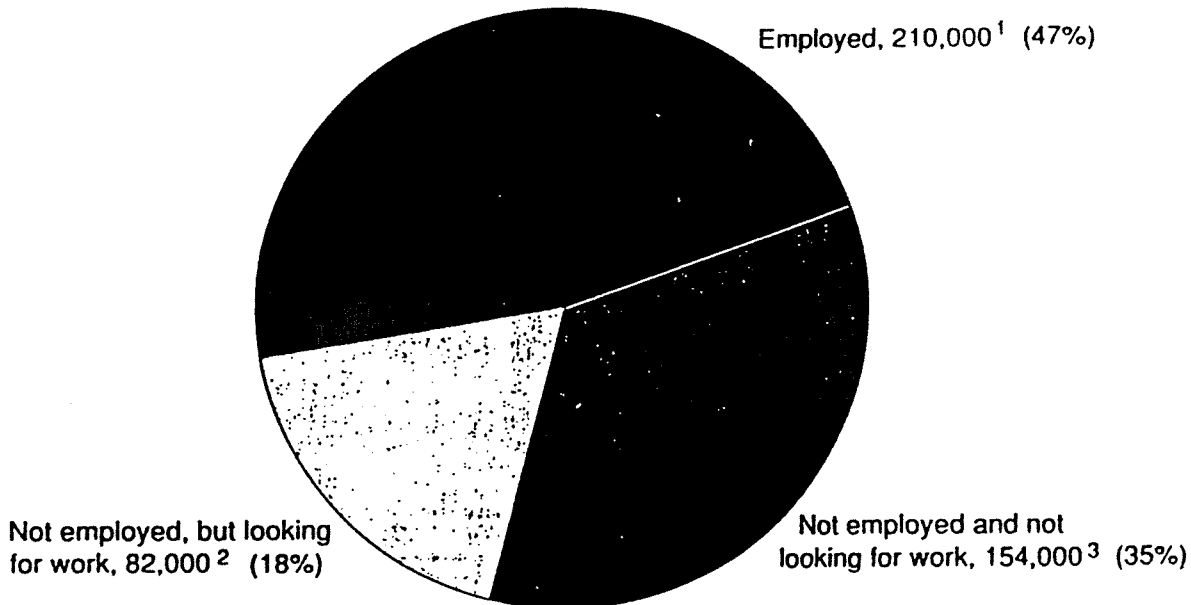
U.S. adults with a degree beyond high school, in percent:

1990	25.2%
1987	23.3%
1984	20.7%

Source: Census Bureau

Indicator **39. Employment of Dropouts**

Employment status of 16- to 24-year-olds who dropped out of school in 1988-89



Total persons who dropped out between October 1988 and October 1989 = 446,000

SOURCE: U.S. Department of Labor, Bureau of Labor Statistics, *Employment of School-Age Youth, Graduates, and Dropouts*, various years; and unpublished tabulations.

The job outlook for high school dropouts is generally dismal. In October of 1989, only about one-half of those who had dropped out in the previous 12 months were employed. Some of those not working were looking for jobs, but many more were neither employed nor looking for work. A much larger proportion of dropouts (35 percent) than noncollege-enrolled high school graduates (15 percent) were not in the labor force (see Indicator 38).



Planning and Communications

**Testimony In Support Of Senate Bill 301:
Authorizing Agreements To Amend Negotiated Contracts Between
Boards Of Education And Their Professional Employees.**

By Robin Clements, Wichita Public Schools

February 14, 1994

Mr. Chairman, Members of The Committee:

Thank you for taking the opportunity to again review Senate Bill 301 which will allow school boards and their professional employees to enter into agreements to amend their negotiated contracts, as part of those contracts.

By way of background, in 1992 the Wichita Federation of Teachers and the Wichita Board of Education sought to include a clause in their agreement which would allow the board and officers of the bargaining unit to amend the agreement during the school year without submitting the question to ratification by the full bargaining unit membership. In April of 1992 the Wichita Board of Education asked Attorney General Robert Stephan, "if a board of education and a bargaining unit desire to amend the agreement covering terms and conditions of professional services during the school year, is it necessary to submit proposed amendment to the members of the bargaining unit for ratification? The Attorney General's office responded that *K.S.A. 72-5421* requires a vote of the membership on any change once the contract is ratified. The statute does not currently extend to the organization the authority to reach amended agreements with a school board on behalf of its members. (*Attorney General Opinion No. 92-105*, July 31, 1992).

While the SB 301 does not require parties to negotiated contracts to amend, the Wichita Board of Education would welcome the opportunity to work with its employees to resolve problems as they may arise. In addition, Senate Bill 301 protects the parties at two levels:

1. when they ratify a contract which includes the amendment provision; and,
2. later when they must agree upon specific amendment changes.

Employees' individual rights are protected when they ratify a contract to authorize a bargaining agent to amend on their behalf.

Agreed upon amendments would allow both parties to jointly seek solutions to emerging dilemmas such as:

-unannounced insurance rate changes for which neither employer nor employee

Sen. Ed.
2/14/94
Attachment 3

SENATE BILL 301
PAGE TWO

contributions may be adequate, and which frequently arise in mid-year of a contract;

-unanticipated changes in the law which may render parts of a contract illegal or impossible. For example, the federal family leave law may change the meaning of current contracts;

-weather conditions which require an agreed upon school calendar adjustment; or,

-emergency or disaster contingencies which require school building closing and work schedule adjustments.

We thank the Committee for introducing legislation which will bring us closer to our employees in joint problem solving.

Wichita Federation of Teachers

Local 725, American Federation of Teachers, AFL-CIO



FACT SHEET IN SUPPORT OF SENATE BILL 301 BY GREG JONES, PRESIDENT WICHITA FEDERATION OF TEACHERS

- The bill does not impose anything on any union or district -- it only provides an option.
- The bill prevents the contract from being an obstacle to reform
- Any school may implement creative ideas. If the ideas violate the contract, the union and district must both agree to waive the provision for that school.
- As it stands now, it would be virtually impossible to get 3,200 teachers to take the time to ratify a change which may only affect 20 teachers at one school.

79-9

HINKLE, EBERHART & ELKOURI

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THOMAS R. POWELL
OF COUNSEL

April 21, 1992

Robert T. Stephan
Attorney General
2nd Floor, Kansas Judicial Center
301 West 10th Street
Topeka, Kansas 66612-1597

Re: Request for Legal Opinion

Dear Attorney General Stephan:

I represent the Wichita School District Unified Board of Education No. 259. In that capacity I have received a request to seek a legal opinion on a certain matter from your office.

K.S.A. 72-5421 provides that "(a) A board of education and an exclusive representative selected or designated under the provisions of this act, or the act of which this section is amendatory, may enter into an agreement covering terms and conditions of professional service. The agreement becomes binding when ratified by a majority of the members of the board of education and a majority of the professional employees in the applicable negotiating unit who vote on the question of ratification of the agreement and an election conducted by the exclusive representative if at least a majority of the professional employees in the negotiating unit vote. If less than a majority of the professional employees vote on the question of ratification, the election is void."

The School District and its Bargaining Unit are contemplating including a clause in this next school year agreement that would provide that during the school year the agreement could be amended by the School Board and by the officers of the Bargaining Unit, i.e., the agreement could be amended during the school year without submitting the question of ratification to the members of the Bargaining Unit.

Sen. Ed.
4/14/94
Attachment 5

HINKLE, EBERHART & ELKOURI

Robert T. Stephan
Attorney General
April 21, 1992

It is clear that no agreement becomes binding on either a Board or a bargaining unit until ratification has taken place. The statutes appear to be silent regarding amendments to an agreement which may occur during the school year.

It is requested that an opinion be provided regarding the following question:

If a board of education and a bargaining unit desire to amend the agreement covering terms and conditions of professional services during the school year, is it necessary to submit the proposed amendment to the members of the bargaining unit or would ratification by the officers of a bargaining unit and by a board suffice in a situation where the agreement between a board and a bargaining unit provides that amendments can be made without ratification by the members of the bargaining unit.

Thank you for your assistance.

Sincerely,

HINKLE, EBERHART & ELKOURI

Thomas R. Powell

Thomas R. Powell

T :hb

cc: Robert D. Wright



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

July 31, 1992

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

ATTORNEY GENERAL OPINION NO. 92- 105

Thomas Powell
Counsel for Unified School
District No. 259
2000 Epic Center
301 North Main Street
Wichita, Kansas 67202-4820

Re: Schools--Teachers' Contracts; Professional
Negotiations--Agreements; Ratification; Election;
Amendment

Synopsis: An attempt by a board of education and a
professional employees' organization to ratify
amendments to the contracts of employment of
professional employees without submitting the
amendments to a vote of the professional employees
pursuant to K.S.A. 72-5421 would conflict with the
purposes of professional negotiation recognized by
the legislature. Any provisions of an agreement
conferring such authority upon a board of education
and a professional employees' organization would be
void and unenforceable. Cited herein: K.S.A.
72-5411, as amended by L. 1992, ch. 20, § 1;
K.S.A. 1991 Supp. 72-5412; 72-5413; K.S.A. 72-5414;
72-5421; K.S.A. 1991 Supp. 72-5423; K.S.A. 72-5424;
72-5437, as amended by L. 1992, ch. 20, § 2.

*

*

*

Dear Mr. Powell:

As attorney for unified school district no. 259, you request
our opinion regarding whether a board of education and a

professional employees' organization may ratify amendments to contracts of employment of professional employees without submitting the amendments to a vote of the professional employees. You also ask whether a clause of a contract of employment permitting a board of education and a professional employees' organization to ratify amendments to the contracts would be enforceable.

A school district is an arm of the state existing only as a creature of the legislature to operate as a political subdivision of the state. NEA-Wichita v. U.S.D. No. 259, 234 Kan. 512, 517 (1983). A school district has only such power and authority as is granted by the legislature and its power to contract, including contracts for employment, is only such as is conferred either expressly or by necessary implication. Id. Provisions of a negotiated agreement which conflict with the purposes of the statutory scheme are void and unenforceable. Ottawa Education Association v. U.S.D. No. 290, 233 Kan. 865, 869 (1983); U.S.D. No. 241 v. Swanson, 11 Kan.App.2d 171, 173 (1986); Miller v. U.S.D. No. 470, 12 Kan.App.2d 368, 372 (1987), aff'd 242 Kan. 817 (1988).

In order to determine whether a provision of an agreement permitting ratification by a board of education and a professional employees' organization of amendments to the contracts of employment of professional employees is enforceable, it is necessary to consider state statutes regarding professional negotiations, located at K.S.A. 72-5413 et seq.

K.S.A. 72-5414 authorizes professional employees "to form, join or assist professional employees' organizations, to participate in professional negotiations with boards of education through representatives of their own choosing for the purpose of establishing, maintaining, protecting or improving terms and conditions of professional service." The professional negotiations are conducted with the goal of "reach[ing] agreement with respect to the terms and conditions of professional service." K.S.A. 1991 Supp. 72-5413(g); see Riley County Education Association v. U.S.D. No. 378, 225 Kan. 385, 390 (1979).

K.S.A. 72-5421 provides in part:

"A board of education and an exclusive representative selected or designated under the provisions of this act . . . may

enter into an agreement covering terms and conditions of professional service. The agreement becomes binding when ratified by a majority of the members of the board of education and a majority of the professional employees in the applicable negotiating unit who vote on the question of ratification of the agreement at an election conducted by the exclusive representative if at least a majority of the professional employees in the negotiating unit vote. If less than a majority of the professional employees vote on the question of ratification the election is void." (Emphasis added.)

K.S.A. 1991 Supp. 72-5423 provides that once the professional employees' organization is recognized, the board of education and the organization are obligated to "enter into professional negotiations on request of either party at any time during the school year prior to issuance or renewal of the annual teachers' contracts. Notices to negotiate on new items or to amend an existing contract must be filed on or before February 1 in any school year by either party. . . ." (Emphasis added.) Any agreement achieved may be adopted by reference and made a part of the employment contracts between the professional employees and the board of education for a period not to exceed three years.

K.S.A. 72-5424 permits a board of education and a professional employees' organization to include in the agreement "procedures for final and binding arbitration of such disputes as may arise involving the interpretation, application or violation of such agreement."

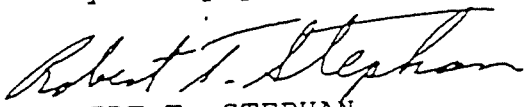
It is clear after review of the above statutes that the legislature intended for professional negotiations to be conducted after the proper notices have been filed prior to February 1 by the board of education and the professional employees' organization. The board and the organization are to negotiate to reach an agreement which will be submitted to the members of the board and the professional employees for approval.

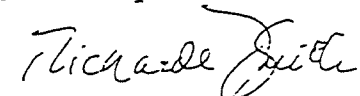
"[A]greement by the negotiating teams is not enough. Board ratification is required on the one hand, which presumably will be recommended in good faith by the

Board's team and considered in good faith by the Board. On the other, ratification is required by a majority of the entire negotiating unit, not just of the negotiating organization. Again, a good faith recommendation of ratification by the organization's negotiating team is to be expected. Only when so ratified does an agreement become binding. National Education Association v. Board of Education, 212 Kan. 741, 749 (1973) (emphasis added).

Pursuant to K.S.A. 1991 Supp. 72-5423, this procedure is to be followed in the negotiation of new items or to amend existing contracts. Upon ratification by the members of the board of education and the negotiating unit, the new items or amendments become part of the contracts of employment of professional employees. "All contracts shall be binding on both the teacher and board of education of the school district until the teacher has been legally discharged from such teacher's teaching position or until released by the board of education from such contract." K.S.A. 1991 Supp. 72-5412. While K.S.A. 72-5411, as amended by L. 1992, ch. 20, § 1, and K.S.A. 72-5437, as amended by L. 1992, ch. 20, § 2, provide that "[t]erms of a contract may be changed at any time by mutual consent of both a teacher and the board of education of a school district," no authority to bind professional employees to amendment of their contracts of employment is conferred upon the professional employees' organization. Therefore, an attempt by a board of education and a professional employees' organization to ratify amendments to the contracts of employment of professional employees without submitting the amendments to a vote of the professional employees pursuant to K.S.A. 72-5421 would conflict with the purposes of professional negotiation recognized by the legislature. Any provisions of an agreement conferring such authority upon a board of education and a professional employees' organization would be void and unenforceable.

Very truly yours,


ROBERT T. STEPHAN
Attorney General of Kansas


Richard D. Smith
Assistant Attorney General

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STATE REPRESENTATIVE
117TH DISTRICT
HODGEMAN, LANE, NESS
RUSH AND FINNEY COUNTIES

Assistant Majority Leader

Senate Education Committee
February 14, 1994

Mr. Chairman, members of the Committee:

I appreciate this opportunity to appear regarding HCR 5016. As you know, HCR 5016 passed the House with the support of 103 of our members. 5016 is a step in the right direction, but I think more needs to be done.

The explanatory statement that would accompany 5016 on the ballot is, "A vote for this proposition would favor changing the status of the State Board of Education by allowing its constitutional authority to be prescribed and defined by statute." I think the structure of our Department of Education should also be defined by statute.

More than 60% of our General Fund budget and 45% of our state's total budget goes to education. As the state's largest expenditure, it is important that education policy get the attention it deserves.

My suggestion is that 5016 be amended to provide for a Department of Education. With that change, the Legislature and the Governor would statutorily establish the type of governance appropriate for today's educational needs.

Sen. Ed.
2/14/94
Attachment 6

Many people have suggested that crime is the number one issue of this session and, in fact, with more than 130 bills concerning crime this session, it may be. However, it's important to realize that the crime problem we are witnessing is the symptom, not the disease. Our problems are single parent families and families with both parents working. I'm convinced if we could address these two situations we wouldn't see crime escalating like it is.

We're not going to address these societal problems overnight, and we can't deny the role of our educational system in the lives of our children. The impact of that role cannot be overstated, and we must ensure that the manner in which the educational system responds to our young people's needs is solving problems, rather than creating new ones.

The role of our educational system has never been more important, and it's for that reason the structure of our State Department of Education should be flexible enough to meet the changing needs of those the system serves.

HOUSE CONCURRENT RESOLUTION NO. _____

By

A PROPOSITION to amend the constitution of the state of Kansas by revising article 6 thereof, relating to education.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 6 of the constitution of the state of Kansas is hereby revised to read as follows:

"§ 1. Schools ~~and-----related,~~ educational institutions and related activities. The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.

§ 2. State ~~board~~ department of education and state board of regents. (a) The legislature shall provide for a state ~~board~~ department of education ~~which shall--have~~ and for its general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state ~~board~~ department of education shall perform such other duties as may be provided by law.

Sen. Ed.
2/14/24
Attachment 7

(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or postbaccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

(c) Any municipal university shall be operated, supervised and controlled as provided by law.

§ 3. Members of state-board-of-education-and-state board of regents. ~~(a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.~~

~~(b)~~ The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.

~~(c)~~ Subsequent redistricting shall not disqualify

any member of ~~either~~ such board from service for the remainder of ~~his~~ such member's term. Any member of ~~either~~ such board may be removed from office for cause as may be provided by law.

§ 5. Local public schools. Local public schools under the general supervision of the state ~~board~~ department of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state ~~board~~ department of education, but such agreements shall be subject to limitation, change or termination by the legislature.

§ 6. Finance. (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute law. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.

§ 7. **Savings clause.** (a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, ~~1969~~ 1995.

(b) ~~Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.~~

(c) ~~The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and income, to the support of the public schools supervised by the state board of education.~~

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to require the legislature to provide for a state department of education in place of a state board of education and commissioner of education and to provide by law for the supervision of public schools by such department.

"A vote for this proposition would favor the elimination of the constitutionally mandated state board of education and commissioner of education and would allow the legislature to provide for the supervision of public schools by a state department of education structured in the manner established by law.

"A vote against this proposition would favor

retaining the constitutionally prescribed state board of education and commissioner of education."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 1994 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.



February 4, 1994

Senator Dave Kerr, Chairman
Senate Education Committee
State Capital Building
Topeka, KS 66612

Dear Senator Kerr,

The Parents as Teacher Program is currently in its fourth year of service to families and children in the Wichita Public School district. During 1992-93 an in-depth evaluation of the Wichita PAT program was conducted by Dr. Carol B. Furtwengler, Associate Professor, Department of Educational Administration and Supervision, Wichita State University.

This evaluation reveals that parent participants and various community representatives are genuinely pleased with the program and our services. Additionally, the anecdotal data contained in this evaluation are expressions of need for supporting parents in their role as their child's first and most important teacher.

The Wichita Parents as Teachers Program will serve approximately 500 families this year, a mere 2% of the total number of families in our district. Another 500 families are currently on our waiting list--500 families who desire services, but who, indeed, may not be able to receive home visitations and other parent educator services.

Your support for the continuation and expansion of this program is critical. We hope that the information contained in this evaluation report will serve to validate the success of the Wichita Parents as Teachers Program and to highlight the importance of this program for our families and young children.

Sincerely,

Kathy Caldwell
Director of Early Childhood Education

Linda Saad
P.A.T. Supervisor

Sen. Ed.
2/14/94
Attachment 8