

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.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: 3/15/11

NAME	REPRESENTING
David Palmer	Kearney & Assoc.
MARK DEBETI	KNEA
Cheryl Semmel	USA
Diane Gjerstad	Wichita Public Schools
Randy Watson	USD 418
Judy Geon	PIA Kansas
Scott Heidner	ACEC of KS
Melissa Ward	Hein law firm
Aue Storm	KS BOE
Bill Brady	CS
Bill Beardon	USD 500 (KCKs)
Jennifer Crow	USD 501
Bob Weeks	None
Tracy Russell	SQE
Judy Geon	PIA Ks
Karen Hoffmeyer	KNEA

Doniphan County Education Cooperative #616

785-982-4204 Terry E. Collins, Director P.O. Box 399 Troy KS 66087

Senate Education Committee

Testimony on Substitute HB 2191

March 15, 2011

Chairman Schodorf and Honorable Senators:

Thank you for this opportunity to speak in favor of Substitute HB 2191 which extends the teacher probationary period from three years to five years by mutual agreement of a teacher and administrator.

- Kansas continues to experience a shortage of teachers, especially special education teachers.
- Special education is federally mandated.
- Regular education teachers can be hired to teach special education on a waiver.
- To require a tenured licensed teacher to obtain a special education license will be legally challenged.
- HB 2191 helps solve a significant problem.

Very few students elect to major in special education and there are certified teachers who are removing special education from their endorsements.

Most of the teachers that I have hired in the last six or seven years have been hired on waivers. Some of them have become excellent special education teachers. Some need lots of professional development. Some do not succeed.

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.

Under current law, a teacher comes off the probationary period when they sign a fourth consecutive contract. I am advised by lawyers including those at KASB, that "progress toward a degree as a condition of employment" could and most likely would be challenged resulting in a lengthy, expensive battle with highly questionable results. KNEA has advised my teachers that there are hundreds of teachers teaching in an area for which they do not have a license. The difference is in funding. Regular education is funded per pupil. Special Education is funded by the number of licensed teachers. It does not seem wise to have tenured teachers who do not have the proper license and risk not being able to collect state aid. Any number of reasons could cause a teacher to drop out or fail to make progress towards licensure. HB 2191 allows us to clear these hurdles and provides assurances that the opportunity is not being abused.

Amending the continuing contract law, as set forth in HB 2191 allows us to ensure that waived teachers complete the requirements for licensure before completing their probationary period.

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Attachment 1



McPherson Unified School District 418

Randy Watson, Ed.D., Superintendent
Chris Ruder, Associate Superintendent

Testimony on HB 2191 – Teacher Tenure

Dr. Randy Watson, Superintendent
USD 418 McPherson

March 15, 2011

Good morning Mr. Chairman and members of the House Education Committee,

Thank you for the opportunity to speak today concerning HB 2191, which would amend due process rights for teachers by extending the parameters by which one can earn tenure. HB 2191, as passed by the House would allow an extension of the probationary period by mutual agreement of the teacher and administrator. The bill also creates a process for evaluating the impact that this flexibility has and establishes a 2016 sunset.

While some in our profession may disagree with me, I view this bill as pro-education, pro-teacher and most importantly pro-student.

The heart of student achievement lies in the quality of the teacher we put with our students. I have instructed our staff that hiring quality teachers and training them is the **most important work that we can do to impact student achievement**. We spend a great deal of time and effort recruiting and securing the most talented teaching staff we can find. The research is crystal clear - an effective teacher is the single most important factor, controlled by schools, in impacting student achievement.

Therefore, our district spends thousands of dollars in the recruitment and training of new staff. Every teacher coming into McPherson is given specific staff development training in brain based strategies, effective instruction and content specific strategies. This training continues for the first three years of employment. For the first three years of employment we provide mentoring and instructional coaching with a veteran, master teacher.

I mention these points to illustrate the commitment we have to see that the teachers we hire are successful in the classroom. It does not make economical or instructional sense to spend all this time and money, then non-renew the teacher and start over.

However, that is what is currently happening. The induction time is too short to effectively evaluate **some** teachers. If one looks back to the 1990s and earlier, it was rare that McPherson non-renewed a teacher. Over the last five years, we have non-renewed (or had teachers resigned in lieu of) 18% of the teachers hired. In many of these cases, we would **not have** moved to non-renewal if we 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 we desire 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.

As an example, we recently had a young teacher who came to us full of potential, but was very immature. The teacher is a constant learner and has made great strides the last couple of years. However, if a decision had to be made today, I am afraid that the teacher is not up to the caliber that should be given full due process rights. I do believe in a few more years this person **may** be an outstanding teacher.

Non-renewing a teacher is not in anyone's best interest. It does not make sense to the organization in terms of time and money lost and it obviously hurts the teacher who just lost a job. Extending the time frame from three to five years, gives the organization and teachers the precious gift of time. Time for those new teachers who are still not quite ready to be granted full due process to improve, time for administrators, instructional coaches and the teacher to work together to sharpen their skills and to do so in a caring and supportive environment.

I support HB 2191 and believe that it is in the best interest of our profession.

Thank you for your time this morning. I am happy to answer any questions that you may have.

Submitted by: [illegible]
11-30-12
J. Thompson

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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Testimony before the
Senate Committee on Education
on
HB 2191 – Teacher Tenure; Probationary Period

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

March 15, 2011

Madam Chair, Members of the Committee:

Thank you for the opportunity to comment on **HB 2191**. The bill would allow school districts to offer employment contracts to teachers for up to two additional years at the end of the teacher's probationary period, which would extend until the sixth year of employment the ability of the teacher to attain due process rights. Under current law, if a board offers a teacher a fourth contract, the teacher automatically received full due process right, commonly known as "tenure."

KASB supports this bill based on a long-standing position in support of a longer probationary period.

We want to make two things clear at the outset. First, board of education members support Kansas teachers. Our members have voted for local tax increases and supported tax increases to pay for such things as salaries and to avoid teacher layoffs. KASB has consistently supported funding to improve teacher salaries and benefits. Second, we support the need for a process that provides protections from arbitrary and capricious dismissal.

However, the teacher due process system has evolved over time into a system that our members believe makes it difficult, time-consuming and expensive to dismiss a tenured teacher for academic or student performance reasons. As a result, some administrators and school boards are reluctant to award marginally effective new teachers with a contract that in turn makes it very difficult to remove such teachers in the future. We hear from administrators who believe a teacher *might* improve with time, but don't believe they can take the risk the marginal teacher *might not* improve. We hear from administrators about marginal teachers who may mature into effective educators if given more coaching, time and experience.

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Attachment 3

This is not about keeping bad teachers in place longer. It is 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.

This bill requires the agreement of both the teacher and the board to extend the probationary period. If the teacher believes the board is simply stretching out the period before granting tenure, he or she can refuse the extension and require the board to make a decision. 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.

Finally, the provisions of the bill related to the additional two years of probationary employment and the reporting requirements would expire on July 1, 2016, so the Legislature will be able to review the experience and determine whether or not to return to a hard and fast three year limit probationary period.

We want to stress that this issue is only one part of a larger issue. KSDE, USA, KNEA and KASB are working together to improve evaluation systems for all certified school employees. We need to improve teacher evaluation, expedite the removal or improvement of weak teachers, and maintain a fair system of review of employment decisions.

Thank you for your consideration.

Senate Education Committee
HB 2191 School districts; due process

Written Testimony

Dr. Brenda S. Dietrich

Superintendent, USD 437 Auburn-Washburn

Good afternoon,

Please accept this written testimony regarding **HB 2191**, which would amend due process rights for teachers by extending the parameters by which one can earn tenure. HB 2191, as passed by the House would allow an extension of the probationary period by mutual agreement of the teacher and administrator. The bill also creates a process for evaluating the impact that this flexibility has and establishes a 2016 sunset.

My reasons for supporting this bill are really very simple. I believe we need to give more intentional and targeted support for certified staff who are new to our profession and, by the very nature of their newness, need more time to hone their skills. I look at this bill as giving our inexperienced staff the very precious **"gift of time"**. HB 2191 allows us an opportunity we do not currently have **to strengthen our profession**. It provides more time for us to devote to helping those teachers who are standing on the edge of a cliff after 3 years in our district who do not quite have the skill base we require in order to continue in our employ. **The cliff is created by the current teacher tenure law or due process rights that are currently in effect in the state of Kansas.** We need a **longer induction phase** in order to work with these teachers who just need some more time to meet our standards for effective instruction.

If we had more time to mentor them, **we could provide very focused professional development to close their skill gaps.** We could give them even more support and coaching with exemplary, mentor teachers and provide

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Attachment 4

opportunities for them to learn and observe from the best of the best. I strongly believe these probationary staff members would benefit greatly from the additional supports we could provide, which would save them from going over the edge of that cliff that leads to a non-renewal notice because they just needed a little more time.

In this economic climate, our direction to administrators in USD 437 is that **we cannot afford to take a risk** on our newest staff members if they have not met or exceeded our standards as indicated on the district's appraisal instrument. **Our principals have the responsibility to hire capable teachers and ensure they become and remain effective in the classroom.** However, if there is any doubt that these newer staff members are not highly skilled before they reach tenure and receive due process rights at the end of three short years, then we are faced with a non-renewal simply because **we do not have the luxury of any more time with these teachers.**

There are some probationary staff members that come to us with highly developed instructional skills who have a clear understanding of all of the factors of teacher effectiveness and know how to manage a classroom, understand best practices, and will have an immediate positive impact on improving student achievement. But there are those new to the profession who need much more attention and assistance to be the best teacher they can be; and, like anyone learning a new skill, **they will take longer than others to master that skill.**

I am not in any way opposed to teacher tenure or due process. It serves an important purpose for helping us retain quality staff and for providing job protection afforded other professions. I was a tenured teacher when I was in the classroom and I understand the stability and protection it brings to our certified staff. I love my teachers. They are the reason our students are learning at the highest levels. I want to continue to provide our students in Auburn-Washburn

with the best education possible, but our current law does a disservice to our newest teachers. 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.

Some may argue that we can continue to work with them after they reach tenure. That is true. However, the protection afforded the newly tenured teacher changes the tenor of the conversation dramatically. The desire or willingness on the teacher's part to engage in additional dialog, activities, workshops, observations, and data gathering tasks to hone their skills, many times, is met with resistance and apathy now that they have due process rights. **The window of opportunity to provide the kind of coaching and training we believe he/she still needs under the current statute, has closed.**

Other professions have longer induction periods to ensure that all the supports are in place for a successful career. I would think that we should be able to improve and **strengthen our profession and build tremendous capacity for teacher leadership and student achievement** if we could extend the development and probationary phase. I believe it would also provide the time we would need with our new staff in order to solidify **a shared understanding of what constitutes good teaching and best practices in our classrooms in Kansas.**

I support HB 2191, because **I believe it is in the best interests of our profession and will make a positive impact on teaching and learning for the 475,000 children in our public schools in Kansas.** I hope you will support it, as well.



Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti, Kansas NEA
Senate Education Committee
March 15, 2011
House Bill 2191

Madame Chair, members of the Committee, thank you for the opportunity to testify on House Bill 2191.

I'm sure you find it interesting that I appear as neutral on this bill. As it was proposed in the House, KNEA opposed the bill. But after working with Chairman Aurand and the House Committee, we find the bill amended in a way that we believe meets a number of our concerns.

We believe that the three-year probationary period works well in Kansas. Our interest is in having a qualified, competent, and caring teacher in every classroom. We support the statutes on teacher evaluation and work hard to have a voice in the procedures that are used locally to evaluate teachers.

It is our believe that, if a school administrator follows state law and the district's evaluation system, it is possible to know in three years if a new teacher has what it takes to do well. This is especially true in these days of teacher induction, mentoring, and professional development.

We also understand that on rare occasions, an administrator might believe an individual teacher would benefit from a little more time for growth. Administrators in testimony before the House Education Committee expressed that a longer probationary period was only needed on rare occasions. They asserted that in the vast majority of cases, they knew well before the end of the third year if a new teacher would be successful.

We acknowledged this interest and asked that the bill then be amended to meet our interest in keeping a three-year probationary period and to meet the interest of administrators in providing an opportunity to be used in those rare instances.

Some of our suggestions are included in the version of the bill before you today. We asked that there be reporting on the use of this option. The bill requires districts to report the number of teachers who successfully complete the three-year probationary period, the number who are offered extended probationary time, the number who accept such an offer, and the number of those who successfully complete the extended probationary period. The sunset in the bill gives the legislature the opportunity to review the data and determine if this change has met its intended objective.

As the bill is today, we believe that decisions are likely to be made on the basis of real data and will prevent situations in which every third-year teacher is deemed to be "on the cusp" and is placed in an extended period.

We would also suggest that there be a few additional 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.** A teacher should never be placed in an extended period because the district failed to evaluate the teacher.
- **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," then we ask that the teacher 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.**

We believe that this can be a very positive experience but only if it is justifiable and the teacher has the support necessary to succeed. It should be in the interests of the district that has invested in this teacher to make an effort to ensure that the teacher has every opportunity to take advantage of the extended period.

Madame Chair, we respectfully ask that this Committee consider the three amendments I have outlined here. Administrators in testimony have spoken of the assistance they provide and have assured legislators that they follow the required evaluation system. Given that, these amendments simply codify best practice and would not put any additional burden on the system.



Kansas City, Kansas Public Schools

Unified School District No. 500

SENATE EDUCATION COMMITTEE

HB 2200

March 15, 2011

Madam Chairperson, Members of the Committee:

HB 2200 would reduce a key component of the current school finance law in Kansas. The provision for state assistance on USD bond issuances was first implemented as part of the 1992 School Finance Law. When Kansas agreed to assist in the cost of bonding for new construction in low wealth districts, we were one of only a handful of states with similar programs. Today, a number of states have followed our lead!

In the recent *Montoy* case, the Kansas Supreme Court referenced this provision of our law as evidence of equity in our formula. If, or how, the Court might respond to the reduction of this provision is uncertain.

Another unknown is the potential reaction by the bond market to the removal of state assistance. I won't hazard a guess how this proposed change might possibly impact bond interest rates, but I do believe that prudence would dictate a thorough study of these possible negative consequences before HB 2200 is seriously considered.

The Kansas City, Kansas District does not have any immediate plans for a bond election. We are currently benefiting, however, from state assistance on bonds approved by our voters several years ago for a renovation of many of our schools. (The average age of all of our schools is 57 years.)

I am fearful that the passage of HB 2200 would have a chilling effect on the passage of all new school construction projects except projects in wealthy USDs that do not qualify for state assistance. Creating an environment that reduces Kansas construction jobs is precisely the wrong approach for a nation (or a state) attempting to lift itself and its people out of the worst recession in more than a half century.

For these reasons, the Kansas City, Kansas Public Schools must oppose the passage of
HB 2200.

Bill Reardon, KCKPS Lobbyist



March 15, 2011

TO: Senator Jean Schodorf, Chair, and Members of the Senate Committee on Education

FROM: Gary George, Ed.D., Assistant Superintendent of Schools, Olathe Public Schools

SUBJECT: House Bill 2200

I am present today to express our opposition to House Bill 2200. This bill would reduce state aid for bond and interest payments of local school districts. The equalization factor would drop from 25 percent to 10 percent for the median district for future bond elections. We are a rapidly growing district and this is a critical issue for the Olathe Public Schools. We currently receive 12 percent assistance. Under House Bill 2200, the assistance would probably drop to 2 percent. This year, we are projected to receive \$4,733,471 in state aid. If House Bill 2200 were in effect now, 2 percent state assistance would be \$788,932. That difference would have to be made up by local property tax payers, and in effect, result in a tax increase.

We urge you to not advance this bill.

Thank you.

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Attachment 7



AIA Kansas

*A Chapter of the American
Institute of Architects*

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Wichita
Timothy Clark, AIA
Manhattan
Tim de Noble, AIA
Manhattan
David Drescher, AIA
Wichita
Dale R. Duncan, AIA
Olathe
Peter Gierer, AIA
Topeka
Nils Gore
Lawrence
Peter Hauff, AIA
Emporia
Joshua Herrman, AIA
Wichita
Craig Lofton, AIA
Lindsborg
Amanda Moore, Assoc. AIA
Topeka
Daniel (Terry) Tevis, AIA
Lenexa
Jason VanHecke, AIA
Wichita
J. Michael Vieux, AIA
Leavenworth

Executive Director
Trudy Aron, Hon. AIA, CAE
info@aiaks.org

March 15, 2011

TO: Schodorf and Members of the Senate Education Committee

FROM: Trudy Aron, Executive Director

RE: Opposition to HB 2200

Good Afternoon Madam Chair and Members of the Committee. I am Trudy Aron, Executive Director, of the American Institute of Architects in Kansas. Thank you for allowing us to testify in opposition to HB 2200.

AIA Kansas is a statewide association of architects and intern architects. Most of our 600 members work in over 100 private practice architectural firms designing a variety of project types for both public and private clients. Our members are designing tomorrow's buildings today, aiming to meet the "triple bottom line:" buildings that are affordable, protect the health of the building occupants, and respect our environment.

AIA Kansas strongly opposes HB 2200. This bill reduces state funding for capital improvements to school districts by 40% and interest payment for future bond issues passed by voters. In these economic times, the passage of bond issues by citizens for improvements to their schools is difficult enough. The state portion of funding assists citizens in lower wealth districts to pass greatly needed school bond issues without huge increases in property taxes.

Our State needs the new and renovated schools these bond elections provide. Many of our schools are two or three generations old. They are totally inadequate for today's teaching methods and technology. In addition, these older schools use 30-50% more energy, costing the school district and the community funds that should be spent on giving our children a better education.

These projects create much needed design and construction work. Our industries have been devastated by the recession with 23% unemployment in the design sector. Without the State honoring their commitments to school construction, jobs will not be created in these communities and they will not create the turnover revenues they bring. These school projects are economic development which is so greatly needed by our industry and our State.

AIA Kansas asks you to not approve HB 2200 for passage. I will be happy to answer questions at the appropriate time.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony before the
Senate Committee on Education
on
HB 2200

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

March 15, 2011

Madam Chair, Members of the Committee:

HB 2200 would reduce the state aid formula bond and interest payments on bonds issued by school districts for capital improvements and for capital outlay resolutions adopted after the effective date of the bill. KASB has already testified before this committee on **SB 70**, which would completely eliminate state aid for bond programs. KASB opposes **HB 2200** for the same reasons presented for that bill and these listed below for the record. In addition, we believe a *reduction* in the aid formula is preferable to the *elimination* of state aid, which has also been proposed. (For the past several years, the state has *not* made aid payments for capital outlay, but the authorization for such remains.)

KASB strongly believes the funding to provide a quality education for every Kansas child is the responsibility of the state as a whole. The physical plant and equipment of a school district affects the quality of education. 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. We can think of no public policy served by increasing the disparity in opportunity provided to Kansas students, including building, equipment and other capital costs.

Kansas courts have repeatedly articulated these same principles under Article Six of the Kansas Constitution, which says the responsibility for suitable finance for public education rests with the Legislature. State aid for bond payments was created following court cases in 1991-92. State aid for capital outlay was created after the *Montoy* decisions in 2005-06. In both cases, these actions were part of judicial settlements. In response to the state budget crisis, capital outlay aid has already been eliminated. We support restoring that aid as soon as possible.

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It is important to stress that this aid formula is designed to simply level the playing field, not provide a special benefit for lower wealth districts. Those districts still must raise at least the same amount of mill levy as wealthier districts. It simply means their cost is not *dramatically* higher.

There are only two major sources of capital funding for most districts: 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. We suggest the state should *encourage* these activities, not make them more difficult. For example, in a previous session the Legislature passed a proviso directing all districts to conduct a tornado safety evaluation. That action indicates the Legislature's concern over safety issues. Yet this bill would make it harder for many districts to address safety issues that have been identified. We have also noted that over the past 10 years, the portion of state and local taxes raised by property taxes has increased, for the first time in decades.

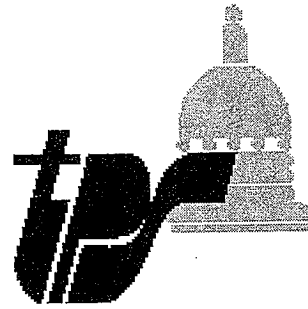
If the lack of state funding and corresponding property tax requirements reduce the ability of districts to finance the kind of projects identified above, it will reduce demand for construction and other capital purchases. Given the state's economic situation, this seems highly counterproductive.

New section three of the bill would require the local board 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, and would be required to make a recommendation regarding the bond issue and provide that recommendation to the school district and the State Board of Education within 15 days of the hearing. KASB does not have a specific position on this issue. It does not preclude the local board from continuing with the project. KASB policy positions support incentives to school district consolidation. This step may encourage small districts to conduct a closer review of their options.

Finally, the bill would require that monies received by a school district from bonds be used for the purposes described in the bond election. We believe this is the intent of current law.

Thank you for your consideration. I would be happy to respond to questions.

Handwritten notes and signatures at the bottom left of the page.



March 15, 2011
Chairwoman Jean Schodorf
Senate Education Committee
HB 2200

Chairwoman Schodorf and members of the Senate Education Committee:

USD 501 opposes HB 2200. Though the State has not met its obligation to provide capital outlay state aid to school districts for the past two years, the capital outlay state aid program is critical to our district. We are in the process of closing two schools before next school year in order to more efficiently direct district funds into the classroom. Our current capital outlay funds will pay for the costs associated with combining classrooms and school buildings. Through these difficult economic times, our business office has explored and implemented numerous cost saving measures to help the district weather the recession and the continued cuts in state aid. Through sound money management, we have been able to not only accommodate the cuts to base aid and capital outlay, but also to take the steps necessary to target where we can be more efficient with our capital expenditures. However, as we institute neighborhood school closures, which is one of the most difficult processes for a school district to undertake, it is vital that we have the necessary capital outlay funding to ensure the closures do not negatively impact our students' education. A permanent reduction in future state aid will compromise our district's ability to continue to fund capital improvement needs.

Current capital outlay funds, though currently unmatched with state dollars, will pay for this first impending round of school closures, and will help with future closures. Continued failure of the state to meet its capital outlay obligations will result in our district facing a capital outlay crisis 2-3 years down the road, when the monies have been expended on school closures and other current needs, not replenished, and as a result, we have little safety net to deal with the district's capital improvement needs. A bond issue would be our only option, and a reduction in the capital improvement state aid would likewise place a heavy burden on our taxpayers that is disproportionate to what other districts' taxpayers would have to incur. Please consider this as you deliberate. HB 2200 would have a detrimental impact on USD 501 and the citizens in our school district.

Thank you,

Jennifer J. Crow
USD 501



Testimony in Opposition to HB 2200 (written only)

Senate Education Committee

Schools for Quality Education (SQE)

Tracy Russell

March 15, 2011

Chairperson Schodorf and members of the Senate Education Committee:

I appear before you today on behalf of Schools for Quality Education (SQE), an organization of more than 100 small, rural school districts in Kansas, to express our opposition to HB 2200. HB 2200 reduces the state's contribution to school district capital outlay projects and capital improvements and institutes a new requirement that applies only to small districts, as defined as 400 or fewer students with 200 or less square miles.

Funding of education has been a federal/state/local partnership that has resulted in educational excellence in Kansas. As our schools face reductions in state aid, it becomes more difficult to maintain the quality that we all want for Kansas children. While decreases in state aid receive the headlines, it is that action coupled with an assortment of other policies that erodes the state's investment in public education. This erosion often hits small districts the hardest. HB 2200 fits into this category. Although the bill does not remove the state's participation in maintaining school infrastructure, by reducing the investment from 25% to 15%, it is one more reduction in the investment that our schools need. This action may save the state money, but it certainly does not save Kansas taxpayers. In fact, it will place an even greater burden on local property taxpayers who must make up the difference.

The other troubling provision of HB 2200 is the disparate treatment of small school districts. Under this legislation small districts would have to consult with the Joint Committee on State Construction before authorizing the issuance of bonds. The Joint Committee would hold a hearing on the bond issuance and make a recommendation to the school district and State Board of Education. This flies in the face of local control and the will of local voters. District size does not determine the merit of local bonding initiatives.

There has been much discussion this session about consolidation of small schools. We believe that adoption of HB 2200 will have the opposite effect of discouraging voluntary consolidation because

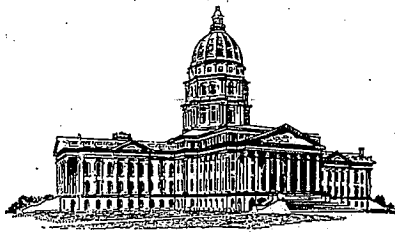
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combining districts may result in the need for a new building or improvements to an existing one to accommodate such action. By making it harder to finance such projects, a barrier to consolidation is created. The Legislative Post Audit's (LPA) report on reorganization recognized the importance of facilitating capital improvements as a means to voluntary consolidation and recommended more state participation in bonding initiatives. HB 2200 essentially reverses that recommendation.

Schools for Quality Education urge you to reject HB 2200 because it is an erosion of local control and shifts more of the burden to local property taxpayers. Thank you for your consideration.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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SHERYL SPALDING
29TH DISTRICT

March 15, 2011

TESTIMONY ON HB 2251

Madam Chair and Members of the Committee:

Thank you for the opportunity to comment on HB 2251 which concerns funding for K-12 out-of-state students. According to The Department of Education there are currently 724 students whose residence lies not in Kansas but in neighboring states. This means that the taxpayers of Kansas are giving a free education to 724 students from other states. Again, according to The Department of Education, no state or parent is currently paying to attend our schools.

The process now in place is that the school districts who accept these out-of-state students are required to file an application with the State Board of Education stating that they tried to get the other state to pay. The schools must also request a waiver for these out-of-state students to attend.

The Department of Education estimates that the savings per year would be about \$3.1 million. If you look on the Department of Education web site you will see that no school spends less than \$9 thousand per pupil and some spend as much as \$14,000 per pupil. This means that the savings for taxpayers in this state will actually be much more than the \$3.1 million.

Perhaps in the past we could afford such largess but not anymore. I ask you to support HB 2251.

Thank you for your consideration.

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STUART J. LITTLE, Ph.D.
Little Government Relations, LLC

Senate Education Committee
Testimony on House Bill 2251

March 15, 2011

Chairwoman Schodorf and Members of the Committee,

I am Stuart Little, lobbyist for the Shawnee Mission School District, located in Johnson County. I appear today in support of House Bill 2251. Shawnee Mission is the state's third largest school district with 27,827 students enrolled in 2010-11.

Shawnee Mission has no opposition to the bill, but would like to request it be amended to allow out-of-state homeless children to be included in the student count for state funding. If a child attends school in a district and subsequently becomes homeless and finds refuge in another state, the child has the right under the federal McKinney Vento law to attend his/her former school district. The federal government does not reimburse the district for this cost. In fact, the federal law also requires the district to waive all required fees and to provide transportation. Since the district has the obligation to provide educational services for these children, we respectfully ask that you allow state funding.

We support your efforts to consider this bill with our amendment.

I would be happy to stand for questions at the appropriate time.

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1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony before the
Senate Committee on Education
on
HB 2251 –Funding for Out-of-state Students

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

March 15, 2011

Madam Chair, Members of the Committee:

Thank you for the opportunity to comment on **HB 2251**, which concerns funding for out-of-state students. In 2005, the Legislature changed long-standing state law and voted to end state funding for non-state residents enrolled in Kansas districts. The change was almost immediately reversed. Because this issue has an impact on the funding of all districts, we asked the KASB Delegate Assembly to take a position on this issue. The position our members adopted overwhelmingly is as follows:

G. Enrollment of Non-Resident Students

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.

Since then, there have been no proposals by our member to change this position, which is consistent with current Kansas law. **HB 2251** changes current law as follows:

The first two sections of the bill appear to be superfluous to the bill as passed by the House. Section 1 requires every school board enrolling or planning to enroll pupils residing in other states to “utilize its good faith efforts to negotiate an agreement with the out-of-state school board of the school district in which the pupil resides. Such agreement shall address the payment of costs to the Kansas school district for educating any out-of-state pupils.” Section 2 directs any such Kansas school district that has failed to reach agreement under Section 1 to file an application with the board of education. However, we cannot find in the bill where the State Board of Education is given authority to act on this application or provide funding for these students.

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The key provisions of the bill are in Section 3, which amends state law to 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. The exceptions are 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 contiguous to the student's residence in a bordering state.

While this step may gradually save the state money under the school finance plan, our members seem to agree with what Kansas districts receiving these students have said in the past. The vast majority of these students and families see the Kansas school district as their community. They shop and pay sales tax in Kansas, they work and pay income tax in Kansas, and they may own property and pay property taxes in Kansas. Closing the door to the schoolhouse could diminish all of these activities, especially the first, because they would spend less time in the district. Many of the affected districts are in rural, declining population areas; the kind of places where the Governor is attempting to draw residents and economic activity. In short, we believe the state has more to lose than to gain turning away these students.

Although KASB opposes this bill under our current policy stated above, we support the provisions adopted by the House Education Committee to allow current students to continue to be counted, and to provide some additional exceptions.

Thank you for your consideration.

Submitted by
KASB
By: [Signature]



Home of the Coyotes

USD #242 WESKAN SCHOOLS

Dave Hale, Superintendent

219 Coyote Blvd.

Weskan KS 67762

785-943-5222 (office) 785-943-5303 (fax)

www.weskanschools.org

To: Senate Education Committee
From: Dave Hale, Superintendent
USD 242 Weskan
RE: Written Testimony to the Senate Education Committee on House Bill 2251
Date: March 15, 2011

Dear Mr. Chairman and Honorable Members of the Senate Education Committee,

I would like to take this opportunity to express my views concerning the proposed HB 2251. Approval of this bill would eliminate state funding for out-of-state students attending Kansas schools unless exempted by the specific exceptions noted in the bill. It appears this bill is very similar, if not identical, to proposed legislation that we have seen in the past.

HB 2251 would require school districts to "enter into a contract with a sending district under which contract the sending district agrees to pay the costs of educating pupils enrolled in the receiving district." Since my district has no Kansas students going to Colorado schools, I can assure you no such contract is likely to be agreed upon. The last time a Weskan administrator was required to approach the Cheyenne Wells school district with this request, he was politely told "No". I doubt they have changed their view on this matter since it was last presented to them. Why would they agree to it considering the fact that no Kansas students come their way.

The K-12 enrollment at Weskan School is currently 113 students, of which thirteen are residents of Colorado. These thirteen students and their families make up a valued and vital component of our school and our community, no matter what their zip codes. Out here, our communities are defined by geographic isolation and centers of commerce and education, not by artificial boundaries on a map.

Many of our Colorado families do own real property in Kansas, but a few do not. That does not mean that they do not contribute economically to our state, as they most certainly do. Their affiliation with our school and community has a great influence on where they spend their time and money. Their children are involved in school activities and organizations, and their parents support those activities as they travel to various communities in Kansas. They shop in Kansas stores, they eat in Kansas restaurants, and they buy fuel at Kansas stations, paying Kansas sales tax at each stop. Without their association with our school, their commerce would naturally be shifted west to Colorado communities. It should also be noted that we have two full time certified and two full time classified employees that pay state income tax to Kansas.

Should this bill receive serious consideration, I would ask that accurate numbers of students immigrating and emigrating be determined. I know we can determine the number of out-of-state students attending Kansas schools, but do we know the number of Kansas students attending out-of-state schools? I doubt the savings, if any, would be worth the loss of more rural schools and

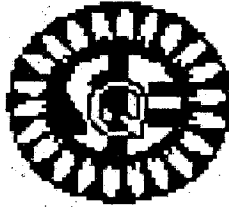
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communities. Moreover, I fervently believe that this bill would result in a net loss to the Kansas economy and contribute to an unraveling of community bonds that know no boundaries.

Most importantly, this bill would force educators to make a choice between two bad options. One would force them to turn children away from our schools who desire a quality education; the other is to take these children and teach them as we always have and in so doing, financially handicap our districts.

Thank you for your time and I urge you to not let HB 2251 pass out of committee.

Dave Hale, Superintendent
Weskan USD-242



Testimony in Opposition to HB 2251 (written only)

Senate Education Committee

Schools for Quality Education

Tracy Russell

HB 2251 would require a student in Kansas public schools to be a resident of the state for districts to receive state aid for those students, with a couple of exceptions. The exceptions are students with a parent or guardian who is an employee of the school district, a student who attended in the district this year, and children of parents who own property in Kansas that is contiguous to the student's residence in the bordering state. This legislation will primarily affect small, rural school districts.

Schools for Quality Education opposes the legislation because of the adverse impact on rural districts. Many of these families work and shop in Kansas, paying income and sales taxes. Their residences may be closer to a Kansas district than that in their home state.

Under HB 2251 in its current form, a student already enrolled may continue in a Kansas district, but a sibling who is not in school yet will go to a different district. This could create a hardship for many families.

There has been much discussion this year about the importance of spurring investment in the rural areas of Kansas and the importance of keeping these areas vital. Schools are the hub of small communities, giving identity and vitality to small towns. This legislation runs counter to that effort by excluding some from the community of schools. This exclusion could lead to a withdrawal from our small communities entirely by those who live just across the state line.

For these reasons, I urge your rejection of HB 2251. Thank you for your consideration.

*Senate Education
3-15-11
Attest 16*