Proposed changes to collective bargaining in Kansas

Let your representative know what you think!

Every day across the state, teachers, principals, administrators, superintendents and boards of education work together on behalf of Kansas children, yet the vitriolic rhetoric has run thick recently in Topeka and across Kansas. The reason? Proposed changes to collective bargaining in Kansas.

What’s happened, and what’s to come?

The issues started when HB 2085 was introduced in the Commerce Committee. The bill was a confusing mix of changes to the Professional Negotiations Act (PNA). KASB supported the removal of evaluation from the PNA, but was neutral on the issue of multiple negotiating entities and opposed making collective bargaining optional. It is important to note that as per KASB Delegate Assembly adopted policies, KASB OPPOSES making collective bargaining optional. KASB SUPPORTS limiting mandatorily negotiable items.

After initial hearings on HB 2085, it became apparent to the committee there were major problems with the bill. At various times over the next weeks the committee chair invited assistance in improving the bill. Several meetings were held, some of which involved KASB, United School Administrators (USA), Kansas School Superintendents Association (KSSA) and KNEA. These meetings did not violate any laws, rules, or even common practices. Meetings between legislators and advocates and individuals happen every day. At all of these meetings, KASB or KSSA representatives asked the committee to get KNEA's views on changes.

Three significant changes proposed by KASB and KSSA

KASB and KSSA suggested several changes to the original HB 2085. Most importantly, both associations objected to and recommended changes to the provision that eliminated the bargaining requirement. On two different occasions, once when it was HB 2085 and once when it was HB 2027, changes were made at the request of KASB and KSSA that saved the PNA from becoming optional. KASB and KSSA both insisted on maintaining bargaining rights for boards and teachers, and the committee chair agreed. While the new HB 2027 places limits on what is mandatorily negotiable, the right to negotiate still exists in the bill thanks to the changes proposed by both KASB and KSSA.

A second major change suggested by KASB and KSSA was to maintain negotiations with a single bargaining group. The original HB 2085 contained language that would have allowed negotiations with a multitude of different teacher groups. This idea carried over into HB 2027 until new language was suggested by KASB legal staff to have it eliminated. In other words, KASB and KSSA recommended maintaining one bargaining group. In nearly all districts, that entity is KNEA. Again, the committee chair accepted and supported these changes.

The final major change suggested in the original HB 2085 and in the current HB 2027 version was to set aside early retirement plans from the provision that voids previous negotiated agreements. This change in language proposed by KASB protects financial benefits teachers have been planning to receive into the future.

A good bill? You need to decide and communicate with your representatives!

In its present form, HB 2027 makes significant changes in the Professional Negotiations Act. These changes are supported by KSSA and KASB. The bill returns most aspects of negotiating with teachers to the local level, where locally-elected boards of education and local educators on the front lines of the education process are free to make the decisions that work best for their individual communities.

If not for the actions of KASB and KSSA, a very different bill would be making its way through the process; one that eliminates collective bargaining and/or makes bargaining available to any and all groups and individuals directly and potentially removes benefits to those who are close to retirement.

Instead, HB 2027 is a bill that requires negotiations on salaries and wages, hours of work, sick leave, personal leave and designation of holidays. The bill lets the local board decide whether to negotiate other items by making them permissible.

Representatives need to hear from local board members on HB 2027. KASB encourages board members to review the bill and let your representatives know what you think.

The bill is available for review at: www.kslegislature.org.

To see additional analysis of the benefits of HB 2027, see KASB’s March 11, 2013, Capitol Update.

How do I contact my representative? The names and contact information can be found at kslegislature.org/li/b2013_14/chamber/house/roster.
FROM THE KASB EXECUTIVE DIRECTOR

David Brooks, Columnist for the New York Times, recently wrote about what he calls "The Brutality Cascade." Brooks talks about a system that honors the lowest common denominator. He contends the cascade tends to develop in competitive and political situations, in which whoever is willing to be the most "brutal" sets the rules for the rest of society.

For his first example, he uses steroids in sports. Those who choose to use performance enhancing drugs force all competitors into either doing the same or getting left behind. Cycling fans have learned more about this than we ever wanted to know.

He also compares students who want a normal school experience having to compete with "junior workaholics who have been preparing for the college admissions racket since they were 6." I think of the hours I spent with traveling basketball teams!

In politics, too, the brutality cascade pulls down the field. Better to use Brooks’ words again. Speaking of politicians, he says “… you find yourself competing against opponents who fund-raise all the time, who prefer brutalism to civility and absolutism to compromise. Pretty soon you must follow their norms to survive." We see this every day in Washington politics. Compromise has become the worst offense a partisan politician can commit.

My journey to Topeka has provided me with insight into this very phenomenon. It is not enough to disagree. One must disagree vociferously, even combatively. Words like unconscionable, evil, liars, brutalizing, war, and offensive appeal to emotions and not reasoning. Some claim we are "at war" with those with whom we disagree on a policy position. Others talk of government schools, education bureaucracy, union thugs and management goons. This is the Kansas brutality cascade.

The good news is I have seen leaders on all sides try to rise above this cascade. Communication, however uncomfortable, is the best way to rise above the cascade; communication that does not include inflammatory rhetoric and emotion-laden language.

Every day in local districts, municipalities, churches, and other organizations across the state, people sit down together and solve problems in a constructive and productive fashion. Those of us in Topeka should take a lesson from the folks back home.

Elections Q & A clarification

We need to clarify a misstatement in a recent article concerning frequently asked questions on school board elections.

The question at issue concerned the election of school board members by write-in votes. Certainly, write-in votes for school board elections are allowed. In school board elections, the person receiving the most votes for an open board seat will win the seat, regardless of whether that person is a named candidate on the ballot or if the person is a write-in candidate. If the person receiving the most votes is a write-in candidate, and such person declines the position or is found by the county election officer to be ineligible for lack of residency (if "Sean Connery" or "Sandra Bullock" won in a landslide write-in campaign but didn’t live in the member district, for example), a vacancy would exist in that board seat whenever the declaration of vacancy is made after July 1 following the election. The board would then start the process of publishing notice of the vacancy in the paper and waiting at least 15 days after publication to appoint someone. If the board desired to appoint the candidate receiving the next highest number of votes in the election to the position, the board could certainly do so. However, the board would not be obligated to do so by Kansas law. Keep in mind that the appointment would only be for the first two years of the four year term. This seat would be up for election to fill the unexpired term in the next general school election.

We apologize for any confusion created on this issue.

Plaques, certificates available from KASB to honor board, staff members

KASB is offering plaques and certificates available for purchase to honor retiring school board members or any district personnel. Several awards are being offered again this year. Get more information or see sample awards on the KASB Web site at www.kasb.org/awards. Orders are accepted year-round, however, any orders placed by May 17 will be guaranteed delivery by the end of the school year.

To order your awards today, contact Sheryl Fincham at KASB, at 800-432-2471, mail to Plaques & Certificates, KASB, 1420 SW Arrowhead Road, Topeka, Kansas, 66604, fax to 785-273-7580 or email sfincham@kasb.org.

2013 Policy Update

School board policies are published and distributed to all KASB member districts in June each year. These policies reflect the most recent changes in federal and state statute. Selected policies are also updated on an as needed basis.

The most recent full update was distributed in February of 2013. The update can be found on the KASB website by going to Legal/Labor Relations and choosing Board Policy Service.

Nominations being accepted for Friends of Education Awards

This program recognizes volunteer efforts throughout the state. Nominations are solicited in five categories: School Volunteer, Community Leader, Community/Civic Organization, Business/Partner Activities and Public Sector Institution.

Go to http://ksconfidencetaskforce.weebly.com/ to find out more!

THIS AND THAT

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2012 school district question submitted elections data analysis

County clerks reported historic low numbers of question submitted elections during 2011. That situation changed dramatically in 2012. Twenty-five bond issue elections were held and 20 passed. Six special question elections were held, most having to do with changes in method of election or voting plan, and all six passed. One sitting school board member was recalled. There were no special questions for capital outlay levies or local option budgets, perhaps reflecting the situation involving lack of funding for state aid for those budgets.

On the graph here, note the increased frequency in total elections following the passage in 1992 of the state aid program, and the LOB mechanism. The “spike” in elections in 2006 followed passage of a statute requiring that more attention be paid to the issue of equal population representation among school board member district boundaries. Many boards dealt with this by simplifying their method of election, which requires approval of the voters. Several more boards did the same in 2012.

This information was gathered from a survey of county clerks and county election officers. Please report any missing 2012 elections to the KASB Research Department. This Bulletin will be available through a link to the KASB website, members only section. Call the KASB Research Department (800-432-2471) or email research@kasb.org for additional information. KASB Research also has available a searchable database of all question submitted elections in Kansas affecting school districts held after January 1, 1995. Call or email to request this file.
FROM THE KASB LEADERSHIP DEPARTMENT

School board election just around the corner

The election is just around the corner. The candidate’s campaigns are in full swing. The election is critical but the preparation and hard work required to make the new board members part of the team is job one. High functioning teams understand it is as much about building and maintaining relationships as it is about skills. New candidates will bring skills to the board but as leaders we must take the time to build the “relationships” that ensure success.

Communication and trust are two important ingredients in any quality organization. Experienced board members can provide the important connection for new board members by serving as mentors. The following excerpt may help you prepare for the transition of new board members. It can be shared by the president and superintendent to enlist the support of your returning members.

The goal of mentoring programs is to orient a new board member to the board and district and to help him or her be comfortable, develop self-confidence, and become an effective leader. Follow these guidelines to maximize your mentoring effectiveness.

1. Be a good mentor by sharing your knowledge and experiences with others. Take a personal interest in helping others succeed.

2. Try to develop an informal, collegial relationship with the new board member—explain that you are there to help. Listen respectfully to all concerns and answer questions honestly.

3. During your first contact with the new board member, introduce yourself and explain that you will serve as his or her mentor and are looking forward to sharing information about the board and district. If possible, meet with the individual to become acquainted. Be available as needed to provide assistance, advice, and support. The superintendent's office will provide current policies and other pertinent data to enhance knowledge and awareness.

4. Be prepared to introduce the new board members at events until he or she becomes a familiar face.

5. Be available and maintain a helpful attitude. Your assistance will allow the new board members to become an effective member of the board and ensure future leadership for the district.

Being a mentor can bring rewards to you, the new board member, and the district. Thank you for your assistance and commitment.

KASB will be hosting New Board Member Workshops around the state in April. It would be great to see the new members accompanied by their mentors as they begin the journey.

NEW BOARD MEMBER WORKSHOPS - SAVE THE DATES

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