

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2353**

As Amended by Senate Committee of the Whole

Brief*

Senate Sub. for HB 2353, as amended, would make several changes to the Classroom Learning Assuring Student Success Act (House Sub. for SB 7; law effective on April 2, 2015); revise the Professional Negotiations Act (PNA); and allow the Board of Regents to adopt policies to authorize the universities to provide leave time to university support staff. In addition, the bill would make appropriations related to some of these changes. Those changes and related appropriations:

- Provide any student who is not a resident of a school district and is attending the district in the 2014-15 school year would be allowed to attend school in the district in the 2015-16 and 2016-17 school years. If transportation for the student is provided in the 2014-15 school year, there is no change in the student's residence, and no requirement to furnish transportation to any additional residence, transportation would be provided in the subsequent years as well. Behavioral policies of a school district would apply to non residents students, the same as resident students. (This provision would apply to the non-resident student and any member of that student's family, regardless of whether that family member had attended the non-resident school district in school year 2014-15);

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Prohibit all-out-of-state virtual students from being eligible for state aid;
- Clarify the school finance computation of assessed valuation for any school district experiencing a significant drop in total assessed valuation between school years 2014-15 and 2015-16 (House Sub. for SB 7 allows districts to use the assessed valuation of the district for school year 2015-16 for purposes of determining the amounts of supplemental general state aid and capital outlay state aid for school year 2014-15);
 - An appropriation of \$1.5 million for each of fiscal years 2016 and 2017 would be made related to this change;
- Clarify references to contractual bond obligations so that the statute refers to the date the obligations were approved by election, rather than when such obligations were incurred;
- Add an amount of general state aid in school years 2015-16 and 2016-17 equal to the difference between federal impact aid received in school year 2014-15 and the amount of that aid received in 2015-16, if the latter year is less;
 - An appropriation of \$3.0 million for each of fiscal years 2016 and 2017 would be made related to this change;
- Provide for an increase in the demand transfer for capital outlay state aid from the State General Fund in an amount of \$1.8 million, which would prevent school districts from being required to pay back funding received under the formula repealed by House Sub. for SB 7;

- Revise the PNA to provide that upon entering negotiations, the parties must negotiate compensation of professional employees and hours and amounts of work. Compensation would be defined as salary and wages, supplemental contract salaries, and overtime pay. Further, each party could select up to three additional terms and conditions of professional service from among those listed in the PNA's definition of "terms and conditions of professional service." All other items included in the definition would be permissive topics for negotiation if the parties mutually agreed to discuss them. These provisions would not apply to the negotiations of a first-time agreement between a board of education and professional employees' organization. Individuals selected to conduct negotiations by the board of education and the professional employees' organization would be required to complete training on conducting negotiations each year. Finally, the deadline for filing notice to negotiate on new items or to amend an existing contract would be changed from February 1 to March 31 and the "statutory declaration of impasse date" from June 1 to July 31; and
- Allow the Board of Regents to adopt policies to authorize the universities to provide leave time to university support staff.

The bill would become effective upon publication in the *Kansas Register*, except for provisions related to non-resident and virtual students and general obligation bonds. These provisions would become effective July 1, 2015.

Background

The Senate Committee on Ways and Means removed the contents of HB 2353, that contained a technical

amendment to 2014 HB 2506, and inserted the amended version of SB 300. The Senate Committee recommended a substitute bill.

The Senate Committee of the Whole made the following three amendments to Senate Sub. for HB 2353:

- Required nonresident students be subject to a school district's behavioral policy;
- Revised the Professional Negotiations Act based on Senate Sub. for HB 2326 as recommended by the Senate Committee on Education; and
- Allowed the Board of Regents to adopt policies to authorize the universities to provide leave time to university support staff (SB 161).

SB 300

SB 300 was introduced by the Senate Ways and Means Committee to make various amendments to House Sub. for SB 7, which became effective on April 2, 2015. At the hearing on this bill, no one testified. The fiscal note on SB 300 indicated there would be no fiscal impact

The Senate Committee made several amendments to SB 300, including the following:

- Clarifying requirements related to non-resident students being allowed to stay in school districts attended in school year 2014-15;
- Adding appropriations related to amendments;
- Prohibiting payment of virtual state aid for out-of-state virtual students; and
- Making technical amendments.

Senate Sub. for HB 2326

HB 2326, as introduced, would have made alternative amendments to the PNA.

At the House Committee on Commerce, Labor and Economic Development hearing, a representative of the Kansas Policy Institute spoke in favor of the bill, stating the legislation would provide freedom to individual teachers to negotiate the terms and conditions of professional service. Two members of the State Board of Education, expressing their individual opinions and not a policy position of the State Board, stated the bill would give schools more flexibility when hiring qualified persons to teach science and mathematics.

A representative, on the behalf of the Kansas Association of School Boards, the Kansas National Education Association, the United School Administrators of Kansas, and the Kansas School Superintendents Association, spoke in opposition to the bill, stating all four organizations agreed two years ago to work on means to reform the PNA. As a result of discussions among stakeholders, legislation was introduced in both chambers this year, SB 136 and HB 2257. Concern was expressed HB 2326 could lead to complicating the negotiation process if multiple teachers negotiated individually. The bill, according to the testimony, could limit local control and flexibility by disallowing parties from negotiating matters which were mutually agreed upon. A representative of the American Federation of Teachers—Kansas spoke in opposition to the bill, stating downward pressure could be placed on teacher pay and benefits.

The House Committee amended the bill to delay the effective date until July 1, 2016.

The House Committee of the Whole amended the bill by striking its contents and inserting the language found in HB 2257.

The Senate Education Committee amended the bill to strike the contents of HB 2326 and add the contents of SB 136, as amended by the Senate Committee of the Whole, as a substitute bill. There are two differences between the two bills. One is the number of additional terms and conditions each party could select from among those listed in the PNA's definition of "terms and conditions of professional service." HB 2326 allows for up to five, compared to three in SB 136. SB 136 also requires parties to negotiate hours and amounts of work, which was not required by HB 2326.

The Senate Committee of the Whole adopted an amendment to the substitute bill to:

- Revise the definition of "terms and conditions of professional service" to apply only to the minimum amount of salaries and wages and specify that matters related to nonrenewal of contracts are not included within the definition and not subject to professional negotiation;
- Add language providing any agreement entered into between a board of education and a professional employees' organization prior to July 1, 2015, would continue beyond such date if the express terms of the agreement provide for a termination or expiration date that is on or after July 1, 2015; however, in no event would any agreement be extended, renewed, or otherwise continued in effect beyond such termination date;
- Amend the definition of "compensation" applicable to those items parties are required to negotiate to apply only to the minimum amount of salary and wages; and
- Remove provisions in the PNA related to fact-finding to resolve impasse.

The fiscal note prepared by the Division of the Budget may not reflect the fiscal effect of Senate Sub. for HB 2326,

as currently amended. The fiscal notes prepared by the Division of the Budget for HB 2257 and SB 136, as introduced, indicate there would be no fiscal effect on state revenues or expenditures.

SB 136

In the Senate Education Committee, a representative appeared in support of the bill on behalf of the United School Administrators of Kansas, the Kansas School Superintendents Association, the Kansas National Education Association, and the Kansas Association of School Boards. The representative stated the bill represents the efforts of those organizations to reach an agreement on how to make collective bargaining more effective, efficient, and focused and less contentious. A member of the Topeka School Board also appeared in support of the bill. There was no neutral or opponent testimony.

The Senate Committee agreed to amend the definition of “terms and conditions of professional service,” narrowing it to mean only salaries and wages, including pay for duties under supplemental contracts; hours and amounts of work; and such other matters as the parties mutually agree upon as properly related to professional services, including but not limited to employment incentives or retention bonuses. The Senate Committee also agreed to strike language that would have allowed each party to select for negotiation up to five additional terms and conditions of professional service from among those listed in the PNA’s definition of “terms and conditions of professional service.”

The Senate Committee of the Whole agreed to add “hours and amounts of work” to the list of items required to be negotiated; restore language removed by the Senate Committee; and, in the restored language, change from five to three the number of additional terms and conditions each party could select from among those listed in the PNA’s definition of “terms and conditions of professional service.”

SB 161

The bill was recommended by the Board of Regents and placed on the Consent Calendar. A fiscal note indicated there would be no fiscal impact.