



Making public schools great for every child

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Sub for House Bill 2027

Mr. Chairman and committee, thank you for the opportunity to speak to you in opposition to Substitute for HB 2027. I imagine you know that this bill has raised considerable controversy. There has been good reason for that. This bill and the topic of collective bargaining have mostly been discussed only behind closed doors, with few participants, without open discourse, and in a very limited period of time. That is particularly unfortunate considering that this bill proposes virtually a complete reversal of collective bargaining, a process that has served districts well for over forty years. Collective bargaining brings teachers and administrators together to work out solutions, to work out the best means of providing quality education for all of our students. The process allows discussion of issues such as the work schedules for teachers and students and whether or not a teacher will have time to collaborate with colleagues. Look at the complexity of the original bill and the proposed bill--to consider undoing the work of so many years with such limited reflection on the consequences and the complications of implementing it is very short sighted. It's possible even the proponents haven't had time to consider how parts of it would play out. The original law didn't come into existence at the drop of a hat. It took time and discussion over time. Why should revising it be any different? It's overwhelming to decide what to focus on in testimony because there are so many detrimental elements to this bill. And no one has yet provided convincing reasons for these changes—they make vague references to flexibility, but all the current law does is require conversation about issues. In the end, the district has the ultimate say.

Some will argue that this bill doesn't stop districts from continuing to bargain most topics. It does, however, prohibit two that have enormous implications for teachers and students. If the intent is to allow local control, why would you tell districts that they can't discuss these? And past experience shows us that we rarely bargain permissible items.

This bill has made me reflect on the nature of laws and rules. Laws define expectations and limitations. Sometime their purpose is to promote appropriate behavior. But we don't think about most laws very often. Most of us become accustomed to them and adjust our behavior routinely. Take the law requiring the use of a seat belt, for example. I'm old enough to remember resenting that law when it was passed. I didn't always wear a seat belt before, but with the new law, I had no choice. Now my behavior is safer. If a seat belt became optional, would I still wear it voluntarily? I think I would, but I suspect many of us wouldn't. Why change something that has had such a positive impact? And often laws have more impact on those who are less willing to meet expectations and stay within limitations, especially when they get a little frustrated with the process.

Will districts continue to seek out the perspective of teachers, even when the process takes more time? If that were the case, why are the changes sought? I hope that you have heard from many districts that say the process has served them well—probably even many of the districts represented by the proponents. Districts have testified throughout this session about their collaborative efforts,

their innovative new initiatives, and the progress their students are making. Even districts that have recently been through a bargaining session with difficult moments are committed to the current process; they know it has made them better as they worked through the different perspectives on issues. Many superintendents and school boards have assured everyone that this bill wouldn't change their behavior. If that is true, why change?

Is it easy to reach an agreement on all of the issues currently mandated? No, it can take time and sometimes causes frustration on both sides. But will not discussing those items make the difference of opinion disappear? No—bargaining provides a means to communicate about important issues that impact teaching and learning. Will not discussing those items allow the best solutions to be brought forward? Often the process shows both sides that there are reasons for the other point of view and ways to find a compromise. Notice how rarely conflicts in districts make the news in our towns. There is an occasional story, but nothing like some states. That is because we have a process to work out our collective solutions. Do we really want those differences to become an ugly public debate? If teachers can't go to the school board with their concerns and their ideas, that may be the option available.

It would be worth taking the time to study the districts that are expressing difficulties behind closed doors—do we know the difficulty is due to the bargaining process or other issues? Often bargaining surfaces underlying issues that have to be dealt with eventually—just not talking about them doesn't make them go away.

Some have expressed particular interest in being able to compensate some teachers differently for different reasons. Our current process allows that. Districts can currently offer recruitment and retention incentives if they choose, without even using the negotiations process. Not many take advantage of that possibility, though. They work through the process instead, showing respect for the teachers who are, after all, the ones who would be rewarded or motivated by those variations. For example, a number of districts have additional compensation for special education teachers. My district, Seaman, offers supplemental pay for special education teachers. Topeka 501's contract allows the district to place a new teacher at a higher step than others if the teacher's specialty is a shortage area. Districts have bargained additional compensation for teachers who earn ESOL certification or National Board certification, who serve as instructional coaches, who mentor new teachers, who teach dual credit courses—the list goes on and on. Because teachers have agreed to these differences, they are generally accepted.

Other states have attempted to use performance pay, but not with much validity or reliability as of yet. States that do pay more to a teacher who reaches a standard one year often find that teacher doesn't reach the standard and earn the pay the next year. Does that mean the teacher suddenly lost his or her skill? Or is it more likely that the measure of performance isn't reliable. I know I was always aware of my classes that were scheduled opposite our advanced math class. While I expected those students to improve and grow, the makeup of the class meant the performance level might be different than other classes. Did that make me less effective in that class? Have we perfected how to measure that? How will we measure high performance in the arts, for example? You may not know that the state is currently studying how to consider student performance as it relates to teacher evaluation. We are working on measures that we can agree are meaningful. And when they are put into place, I would hope that a district would seek teachers' input on what really reflects high student performance. Surely they would want teachers to see the decision as valid—why not come to an agreement on it?

This destructive effort would be easier to understand if Kansas teachers had lucrative contracts. I'm sure I don't have to tell you that teachers are not paid as well as professionals with similar education and training, and compensation for Kansas teachers is in the bottom half of the nation. So is it that teachers are taking advantage of working conditions outlined in contracts? Again, I think most people

are amazed by the effort and time that teachers put into their work. So what is the issue with any current contracts that can't be talked about in an effort to find workable solutions? No matter what you decide with this bill, don't let anyone tell you it will be good for teachers. If this bill passes, it will set teachers' rights and voice in their district back over forty years.

What is most unfortunate about this bill is what it will do to our relationships at a time when we need to pull together to tackle both the new and exciting initiatives in education, but also the very real challenges. No one claims to have wanted a bill that makes this massive change; they say this proposal was thrust upon them. Perhaps that isn't fully truthful, perhaps they have felt coerced—I don't know. I know I have heard from a significant number of superintendents and school boards who are outraged by this action, but they've been intimidated about speaking their mind. Let's first explore who really supports this change and why. I hope you review, for example, the KSSA survey that has been cited as support for this move. The numbers are hardly impressive. It represented 65% of the superintendents, many of whom have said they had no idea what the purpose of the survey was when they answered. One item that KSSA originally suggested prohibiting from bargaining only had 32% of the votes in agreement. Surely we need more compelling evidence than that to strip away the work of decades.

No matter how this bill came into its current form, we all acknowledge—at least in private conversations--that it will do enormous harm to the collaborative relationships we've built over the years. Education isn't like the private sector. It is about people and process, not products. It is a complex and exciting process, but it's not cut and dried. It takes everyone's best thinking and best reflection to make it work well. Why would you take the experts, the teachers actually delivering the education, out of the discussion about how to proceed? That makes no sense.

I'm not ready to accept that dire consequence for our students, teachers, and schools. I hope you aren't as well. Vote against this bill and the destruction of what Kansas has built over many, many years.