



## *Kansas NEA Legislative Agenda for the 2013 Legislative Session*



**The legislative agenda of the Kansas National Education Association (KNEA) was adopted by the KNEA Board of Directors on December 1, 2012.**

This document lays out the positions of KNEA for the 2013 legislative session and establishes our goals and priorities. KNEA intends to be involved in six broad areas:

1. School finance/funding,
2. Tax policy,
3. The rights of school employees,
4. Retirement issues,
5. Protecting our students and their families, and
6. The future of public education.

Education, it has been pointed out, consumes over half of the state's annual budget. Education also is the only state function required in the constitution. Our Legislators have the constitutional requirement to provide for public education. Article 6, Section 1 of our state constitution says, "The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools..." In Section 6 of the same article the Legislature is further charged with funding those schools: "The legislature shall make suitable provision for finance of the educational interests of the state."

It is clear that the founders of our state thought of the future and considered "intellectual, educational, vocational and scientific *improvement*" to be the single most important function of the government. After all, we have long lived in a state and nation where it is the desire of all parents that their children are "better off" than the generation before them.

But it is not simply that the founders of our state and the writers of our constitution considered education important. Today we know that the quality of education – and the workforce created by our education system – is a key ingredient in the economic development of our communities and our state.

A performance audit report released by the Legislative Division of Post Audit in August 2008 reported that tax incentives have very little impact on job creation or the decision of companies to locate in a particular place or expand. In fact, the study twice suggested that research would indicate that education was a more important factor.

"Literature suggests that economic development assistance (such as tax incentives) isn't a priority criterion for businesses when making decisions about where to locate their operations. One reason is that many communities offer similar types of tax incentives. According to research, the factors that businesses place more importance on include the following:

the availability of skilled labor..."<sup>1</sup>

<sup>1</sup> Economic Development: Determining the Amounts the State has Spent on Economic Development Programs and the Economic Impacts on Kansas Counties, State of Kansas Legislative Division of Post Audit, August 2008, p30.

"A recent Kauffman Foundation study suggests that cities and states should look at other areas of government policy to promote economic growth. This study, which reviewed the importance of entrepreneurship in building and sustaining economic growth, pointed to the importance of dedicating public funds to areas other than typical economic development assistance as a means of supporting entrepreneurial activity. It suggested that government entities should emphasize providing communities where businesses will want to come, and not focus primarily on recruiting businesses to the area.

The specific areas the Kauffman study suggested for funding or improving are summarized below:

education (direct funding of research, subsidies of student costs, and regulatory oversight)...<sup>2</sup>

It is our belief that education is not an expense, it is an investment. A top quality public education system from preschool through graduate school is Kansas' strongest engine of economic development.

Kansas has much to be proud of when promoting our state to outsiders. Our location in the heart of America gives us access to the whole nation. Our state infrastructure provides roads and highways that allow us to move goods quickly and safely. Our cost of living and family-friendly environs make Kansas attractive to others. Topping all that off is our system of excellent K-12 schools, community and technical colleges, and nationally-recognized universities.

The Legislature will convene within the context of a continuing recession. State aid to schools was cut significantly during the 2009 session although much of the state-wide cut was offset by increased – although temporary – federal aid increases and increases in local mill levies and student fees. Were it not for the American Recovery and Reinvestment Act and increased local effort, much of the gains in school funding that came as a result of the Montoy lawsuit would have been lost.

In the 2010 session, while education did not see any increased funding, further cuts were rendered unnecessary when a temporary sales tax increase was adopted. The 2011 Legislature passed the largest cut to school funding in Kansas history which was followed in 2012 by a very modest increase in base state aid per pupil (\$48).

While the recession appears to be coming to an end, the recovery has been slow. The state – thanks in large part to dramatic reductions to the state's income tax – will certainly face continuing budget challenges.

An anti-government, anti-tax alliance fed by the Flint Hills Policy Center and Americans for Prosperity has launched an all-out war on state services, calling for large reductions in state funding for schools in particular. This alliance has the ear of the House Republican Leadership and committees dealing with the budget have been formed specifically to work the AFP agenda.

We believe however that the strength of Kansas is in the strength of its communities. We believe that as Kansans we take care of our schools, our roads, our children, our elderly and disabled citizens. This sense of community and caring is what makes Kansas a great place to live, work, run a business, and raise a family.

With these thoughts in mind, this legislative agenda is intended to serve as a blueprint for what we believe will keep our schools, communities, and state strong.

---

<sup>2</sup> Ibid. p 32.

## **School funding must demonstrate the State's on-going commitment to a quality public education for every child in Kansas.**

During the 2006 legislative session, a new three-year school finance plan was adopted. Adoption of this plan lifted the state from the burden placed upon it as a result of the Montoy school finance lawsuit which found that the state had failed to meet its constitutional duty to provide suitable finance for public education.

The three year plan adopted included several important reforms:

- It focused resources where they were most needed; especially on at-risk students.
- By virtue of providing funding for three successive school years, it established the ability of school districts to make budget decisions and plan for upcoming years.
- It represented the most significant increase in state funding for public schools since 1992.
- It established – at least for the 2009-10 school year – that funding should increase by no less than the Consumer Price Index – Urban.

In 2008, the Legislature reaffirmed a commitment to long range funding by passing a fourth year funding increase to ensure additional funds for the 2009-10 school year.

In 2009, however, the Legislature acted quickly to reverse the fourth year funding passed in 2008. In addition, a series of funding cuts were made that brought state funding of public education down nearly to the 2006 level. The cuts passed in 2011 reduced base state aid per pupil to the 1998 level (1992 when adjusted for inflation). A very modest increase of \$48 per pupil was passed in 2012.

***KNEA believes*** that the Legislature must not return to the days when the annual increase in public school funding typically was an additional \$50 in base state aid per pupil. It is that practice that directly led to the inadequate and inequitable funding formula found to be unconstitutional under Montoy.

While we have argued that the CPI-U is not the appropriate measure of inflation for an institution that purchases primarily services as opposed to goods, the idea was an appropriate one. Using this formula, the Legislature was committing itself to at least meeting the increased costs due to inflation.

### ***KNEA supports:***

1. The restoration of funds lost due to the actions of the 2011 Legislature.
2. The restoration of funds lost due to the recession as rapidly as possible.
3. The development and adoption of an inflation measure appropriate to public education on which to base annual increases in funding.
4. Annual adjustments in funding levels to reflect changes in educational costs over time, and allow all districts to recruit and retain competent, caring and qualified teachers and school leaders and meet operating costs.
5. More public transparency in the movement of funds from one budget category to another.
6. Additional funding increases that allow school districts to increase teacher compensation to the national average over a period of not more than five years.
7. The distribution of funds in such a way as to provide flexibility to use funding increases to meet the needs of local school districts through local budget development and collective bargaining.
8. Full funding of the excess costs of special education.
9. Full funding of early childhood and all-day kindergarten programs.

## **Tax policy must provide a stable revenue stream to meet the needs of Kansas within an environment conducive to economic development.**

Changes made to the Kansas Income Tax System in 2012 are predicted to devastate the state's revenue stream. The Kansas Legislative Research Department estimates a loss of \$2.5 billion in state revenue in six years. In the fall of 2012, the effects of this tax change are already having an impact causing the Governor to call for agency budget cuts of 10% for the coming year and for making the temporary sales tax increase permanent.

Over the years the Kansas tax system has become less balanced and more susceptible to swings in the economy. This is the result of a helter-skelter approach to tax policy. Individuals, organizations, and corporations seek tax changes for their own benefit without consideration of all the unintended consequences of such changes. Seniors want property tax relief, non-profits want sales tax relief, and corporations want business tax relief. In responding to a plethora of requests, the Legislature has patched together a system that has become more reliant on property taxes and less able to provide a revenue stream that can insulate vital state services during an economic downturn. Today the system is inadequate to provide for the services that Kansans have come to appreciate.

Examples of the problems with our approach to tax policy include:

- A statutory list of individual sales tax exemptions that now reaches into triple letters,
- A significant amount of lost tax revenue and state spending on economic development initiatives that, according to a study by the Division of the Legislative Post Audit<sup>3</sup>, have resulted in little benefit to the state,
- Shifts in tax burden from the state to local units of government resulting in an over-reliance on the local property tax and calls for additional taxing authority for local sales and property taxes.

**KNEA believes** that the time has come for the Legislature to establish a blue ribbon task force of experts and economists to review the Kansas tax system and make recommendations for changes that will make the system fair to both businesses and individuals and provide for the needs of the state through good and bad economic times.

### ***KNEA supports:***

1. A moratorium on additional tax cuts or changes to the tax system that would result in lower revenue to the state.
2. The establishment of a task force on tax modernization that would include representatives of business, local units of government, non-profits, and legislators charged with making recommendations on tax policy to the 2014 Legislature.
3. A progressive income tax structure as part of the "three-legged stool" of a stable tax system.

### ***KNEA opposes:***

1. Tax and expenditure limits such as the so-called Taxpayer Bill of Rights (TABOR) that limit the ability of the Legislature or local units of government to enact measures to ensure that state and local services meet the needs of the citizens of Kansas.

---

<sup>3</sup> Economic Development: Determining the Amounts the State has Spent on Economic Development Programs and the Economic Impacts on Kansas Counties, State of Kansas Legislative Division of Post Audit, August 2008.

## **The rights of school employees must be respected and serve to honor the decision to choose teaching as a career.**

Kansas has adopted a number of laws guaranteeing teachers certain rights. Among these are provisions for professional negotiations, continuing contracts, and due process.

**KNEA believes** that the current system is well-understood by teachers, administrators, and school board members and is working well. Continuous improvements in student achievement and the high status of Kansas schools relative to other states indicate that the teacher rights provisions of Kansas law have had no negative impact on education.

In recent years, the Legislature has sought to weaken teacher rights. There are continual attacks on a teacher's right to due process. The Legislature consciously stripped retired teachers who return to work of their rights under negotiated agreements and to due process. The Legislature gave local school boards the ability to unilaterally impose "bonus" or "incentive pay" provisions without going through collective bargaining and gaining the support of employees.

Most recently, the legislature considered the complete elimination of continuing contract status for one class of teachers and weakening due process provisions by extending the probationary teaching period to five years.

KNEA views such proposals as attacks upon teacher rights and the teaching profession in general.

### ***KNEA supports:***

1. Returning professional status to retirees who have returned to work.
2. A requirement that bonuses and/or incentive pay including any form of "merit pay" be a mandatorily negotiable topic given that such plans would have the impact of reducing the earning potential of other teachers.
3. The current system of a three-year probationary period after which a teacher has earned the right to a due process hearing before an impartial third party. KNEA further supports provisions in current law that allow for an extension of the probationary period under certain circumstances.
4. The current Professional Negotiations Act which ensures that teachers have a voice in the policies impacting their professional lives.
5. High standards for entry into the profession of teaching including comprehensive training and licensure upon recommendation of an accredited degree-granting institution of higher education.

### ***KNEA opposes:***

1. Any legislation which removes any aspect of teacher compensation from the professional negotiations process.
2. Any legislation which weakens or limits a teacher's right to a due process hearing in non-renewals or terminations.
3. Any legislation which singles out a particular group of teachers for either preferential treatment or restricted rights.
4. Any legislation that restricts the right of employees to choose payroll deduction for contributions of any kind.
5. Any legislation that lowers the standards for licensure and entry into the profession of teaching.

## **Retirement must be protected by a system that is financially sound and keeps retirees secure through their retirement years.**

The Kansas Public Employees Retirement System (KPERs) provides the primary retirement income for many Kansans including public school employees. Although the system has a large unfunded liability the legislature addressed the UAL by increasing the contributions from the state and individuals and instituting a new Tier 3.

The issue is complicated by the fact that current retirees do not have any provision for a regular cost of living adjustment (COLA). The Legislature struggles each year to find some way to provide financial relief to current retirees but very often such relief is limited to only certain retirees and even then of minimal value. Current active employees will face the same difficulty when they retire.

Additional pressure was put on the system as retired employees were permitted to return to work for the same employer from whom they retired without any change in their retirement benefit.

**KNEA believes** that KPERs retirees need and deserve a regular cost of living adjustment and that it is incumbent upon the Kansas Legislature to find a solution to the problem of "ad hoc" adjustments. Any such solution to this problem must not have a negative impact on the system's unfunded actuarial liability.

Encouraging retirees to return to work is not a solution to the teacher shortage. The Legislature must first turn its attention to making sure that teaching is a career option that young people want to pursue. If we are to address this type of teacher shortage we must improve teacher compensation across the board, support new and career teachers, and return respect to the teaching profession.

When retired teachers do return to full time work, they must be treated as professional educators who enjoy the same rights and commit to the same responsibilities as any other teacher. The removal of retired teachers who return to work from professional status has the effect of forcing those teachers to pay the employer contribution to KPERs while receiving no additional benefit. This is a loophole in the law which requires the employer to make the contribution.

### ***KNEA supports:***

1. Keeping KPERs a Defined Benefit plan.
2. The establishment of a regular cost of living adjustment for current retirees and for those active KPERs employees hired prior to July 2009.
3. Returning professional status to retirees who have returned to work.

### ***KNEA opposes:***

1. Separating subgroups of KPERs participants as a way of addressing the unfunded actuarial liability.
2. Changing from a defined benefit pension system to a defined contribution system.

## **Kansas students and their families have the right to fair treatment as they pursue opportunities for advancement.**

Kansas schools – and Kansas educators – serve children and families. We know as educators that student achievement is impacted by many factors outside the classroom. Children who come to school with toothaches can't concentrate on school work. Children who are hungry or abused can't concentrate on their lessons. And children who see no opportunity to go on to post secondary education often feel hopeless and wonder what is the point of striving to achieve high standards.

**KNEA believes** that issues of poverty, health care, and child abuse can and should be addressed by the Legislature. It is in the power of the Legislature to provide children and families with a helping hand in order to make the future brighter for all Kansans. We also believe that the Kansas Legislature should work with the Kansas Congressional Delegation to promote adequate federal funding for programs that support children and families.

### ***KNEA supports:***

1. Funding for post secondary education – including community colleges and technical colleges – that keeps opportunities for further learning affordable for all Kansans.
2. Expansion of post-secondary scholarship programs for high achieving Kansas students from low-income families.
3. Expansion of the Medicaid program under the Patient Protection and Affordable Care Act so that no Kansas child is without adequate health care.

## **The State must consider the future of public education so that Kansas remains competitive among the states and our citizens will enjoy successful careers in Kansas.**

Kansas public schools have a long tradition of excellence. By whatever measure one uses, Kansas public schools consistently rank in the top 5% of American schools.

But Kansas schools are at a crossroads today. While, as a result of a lawsuit, the Kansas Legislature recently boosted funding for public schools, much of that state funding increase has been cut and we are in danger of returning to the days of sub-inflationary annual increases in funding.

Teacher salaries in Kansas – even when adjusted for regional cost of living differences – lag well behind other states. Some Kansas teachers do not have health insurance programs while others find themselves paying more and more out of pocket for benefits. There has been a steady decline in the number of young people entering teacher training programs while a large percentage of Kansas teachers are within a few years of retirement.

In addition to the issue of finding the next generation of teachers is the changing world in which we live. Schools must meet the challenges of preparing the next generation of young people to compete and thrive in a 21<sup>st</sup> century economic reality much different from that experienced by those of us who came of age in the 20<sup>th</sup> century.

“Reading, writing, and arithmetic” will not be enough for today’s workplace. Fortunately representatives of business and industry have joined forces with educators to identify 21<sup>st</sup> century learning standards that provide a blueprint for success. Kansans have been involved in crafting these standards and are now seeking ways to bring them into our system of public education.

**KNEA believes** that the teacher shortage is real and must be addressed systemically. It is not enough to rely on retired teachers to return to work to fill our classrooms.

### ***KNEA supports:***

1. Tuition forgiveness programs to attract candidates into particularly hard to fill positions or content shortage areas.
2. Funding levels that allow salaries to be competitive with other states AND other career options.
3. Health insurance coverage for ALL public school employees in Kansas.
4. Full funding for mentoring and induction support for new teachers and professional development support for career teachers.

**KNEA believes** that 21<sup>st</sup> century learning standards are critical to maintaining our high standing among the states and attracting new business and industry to Kansas.

### ***KNEA supports:***

1. Funding for the ongoing work of the State Department of Education in cooperation with businesses and professional education organizations in promoting 21<sup>st</sup> century learning standards and their infusion into the core curriculum.
2. Full funding for professional development that allows teachers to implement 21<sup>st</sup> century learning standards into their daily work.

### ***KNEA opposes:***

1. Efforts to define a “suitable education” in ways that diminish curriculum offerings and co-curricular and extra-curricular opportunities for Kansas students.