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MEMORANDUM

To: Chairman Abrams
Members of the Senate Committee on Education

From: Jason B. Long, Senior Assistant Revisor

Date: January 22, 2015

Subject: SB 2 – Authorizing school districts to offer multi-year contracts to teachers

Senate Bill No. 2 would create a new section of law allowing school districts to offer multiple year contracts to teachers. Under subsection (a) of the bill a school district could offer two-year contracts to any teacher who has less than 11 years of experience as a teacher in Kansas. Subsection (b) would allow a school district to offer a three-year contract to any teacher who has more than 10 years of experience as a teacher in Kansas. Subsection (c) defines “teacher” as those professional employees that are required to hold a certificate to teach. It expressly excludes administrators from the definition.

It should be noted that K.S.A. 72-5423, which a part of the Professional Negotiations Act, provides that collective agreements entered into pursuant to the PNA may be adopted by reference in any teaching contract, but not for a period of more than three years. This could be interpreted as a implicit three-year limitation on teaching contracts.

Also, school districts are subject to the cash basis law, which generally prohibits municipalities from incurring debt in excess of the municipality’s ability to payoff with current revenues. Multiple year teaching contracts could arguably constitute an obligation of the school district that would be beyond its current fiscal year means to payoff. K.S.A. 10-1116 provides a narrow exception for teaching contracts. However, if SB 2 is to be recommended favorably for passage, K.S.A. 10-1116 likely needs to be amended to broaden the exception to allow for the provisions of SB 2.

The law would take effect on July 1, 2015, if enacted.