



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

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House Committee on Education
House Bill 2179
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Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to discuss House Bill 2179.

As you know, this bill would re-enact the teacher due process or fair dismissal law that was in effect in Kansas prior to 2014.

In the 2014 legislative session, the repeal of this statute was never proposed as a bill. The proposal was never subject to a public hearing. And the proposal did not have broad legislative support even in a legislature that would be considered far more conservative than now.

The repeal of the due process statute came as a Senate floor amendment to an education budget bill in the wee hours of an April morning. And by wee hours, we're talking about past midnight just for clarification. Other policy provisions that had failed either in committee or on the floor as stand-alone bills were also logrolled into the education budget bill. The conference committee negotiators who were among the minority of legislators who supported these ideas, refused to remove them. They wound up in the education budget conference committee report brought before the full House long after midnight of a second 22-hour day.

At that time, the education bill failed to get the needed 63 vote majority to pass. A call of the House was put on and the members remained locked in the chamber for several hours until the 63rd vote could be pressured into casting a vote against conscience.

What a shameful lesson that night was in intimidation, tyranny, and total disrespect for the legislative process.

We come here today to call upon this committee to right a wrong and, by doing so, to let the teachers of Kansas know that the war on teachers is over. This legislature has the opportunity to stand in respect to Kansas teachers.

I want to share with you a couple of due process stories.

The first is my own. It comes right out of my 13 years of experience as a bilingual 5th grade teacher.

I taught a melded program of English language arts and history using historical fiction and non-fiction sources to teach both subjects simultaneously. In addition in my high-poverty, language minority school we had a read aloud program in which teachers were expected to read literature to their students for some amount of time every day.

If you had a child in the 1980's you will almost certainly recognize the name Roald Dahl. Dahl was at the height of his popularity back then with books like *"Charlie and the Chocolate Factory," "The Twits," "The Fantastic Mr. Fox," "James and the Giant Peach,"* and *"Danny, the Champion of the World."* We had read several of those and I had moved on to *"The Witches."* Within days of starting, a parent was in my principal's office to demand that I be censured for teaching Satanism.

Now later in the year, I was teaching a unit on the Holocaust. My students were in small groups, each group reading a different book which they were to use in make a presentation to the full class later. This same woman's son chose to be in the group reading a book by Jane Yolen entitled "*The Devil's Arithmetic*" about a modern Jewish girl who dreams that she and her brother are in a concentration camp. Once again this parent was in the principal's office to complain about Satanism in my classroom.

I tell you this because I was a very fortunate teacher. My principal knew what I was doing in my classroom. He dropped in almost daily, he observed my teaching, he supported my methods, and he appreciated the excitement of my students as they explored each new theme through literature.

Both times he was visited with complaints, he told the parent that he was fully aware of what I was doing in my classroom, that my lessons and choices in literature were both appropriate for students and to the instructional program, and that he would not tell me change what I was doing nor would he take any action against me. He did offer to let her son do alternative lessons in his office when things upset her.

The point is he could have chosen to consider me an annoyance and direct me to stop using any literature that might offend this parent, letting her know that he had brought me in line. If I was a Kansas teacher in 2015, he could have just non-renewed me without even giving me a reason and regardless of my teaching evaluations so that he wouldn't have to seem like a censor. He could simply put a parent's accusations ahead of what was real.

I was protected by a good principal with a willingness to stand behind his teachers. Not all teachers are so lucky.

That brings me to my second story and this is a Kansas story.

There was a high school biology teacher some years ago in Piper, Kansas. She was in her three year probationary period and so had not yet earned her due process protections. A research assignment was given to all biology students every year. The students knew that this major project would account for 50% of their grade for the quarter. This had been a practice of the biology department for years and it was noted in the syllabus given to students.

When grading her students' reports, this teacher became aware that she was reading the same paragraphs over and over. Running the reports through software that detects plagiarism, she found that a number of students had simply plagiarized a report found on the internet. The students were given failing grades on the project and some failed biology for that quarter.

Parents were livid. How could this teacher fail their children just for plagiarizing a report? The parents went before the school board to demand that the teacher change the grades and pass their children. The parents noted that the cheating policy that they had signed did not specifically say that plagiarism was cheating.

The school board directed the superintendent to direct the teacher to change the grades. That's what the superintendent did. This teacher believed she had two choices. She could change the grades and demonstrate to students that there were no consequences for cheating if their parents simply complained to the school board. Or she could defy the superintendent's directive for which she would simply be non-renewed. After all, the board does not have to give a reason to non-renew a probationary teacher.

This teacher, however, took a third route. She refused to change the grades and resigned from the district.

Later, in this very building, she was given a resolution by the House of Representatives and given a sustained standing ovation on the floor of the House. Chairman Aurand was there that day, standing and applauding with the rest of his House colleagues.

Back then, this could only happen to probationary teachers – those in their first three years of practice. Since 2014, this has been the reality for all Kansas teachers.

Since non-renewal now can be done for any reason or no reason at all, the School Boards Association advises their member boards to never put a reason for non-renewal in writing. Even during the great recession when many teachers were non-renewed for financial reasons, it was not put on the notice under the belief that once there was a recovery those teachers might think they should be rehired. Now they have a non-renewal that they must try to explain and perhaps light a candle in church in the hopes that a potential employer will believe them.

The repeal of due process for teachers was a cruel and unwarranted attack on the teaching profession. It is one piece of a war on teachers that was led by a few legislators. And it is time for that war to end.

Commissioner Watson appeared before this committee as well as the K-12 Budget Committee and the Senate Education Committee. He told all three groups that teacher morale was low; that teachers felt deeply that the people in this statehouse don't appreciate or respect them. Enrollment in teacher preparation programs continues to decline. The teacher shortage has become so bad that the State Board of Education actually noted elementary education as a shortage area. I don't think anyone could have anticipated that kind of decline in candidates.

You have the power here today to send a powerful and direct message to teachers. By voting for this bill you will send teachers a very clear message of respect.

We urge this committee to work and pass House Bill 2179.