

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2757

As Recommended by House Committee of the
Whole

Brief*

HB 2757 would amend law concerning teachers' due process procedures when such teachers receive notice their contracts will be terminated or non-renewed. The bill would amend the definition of "teacher" to include any professional employee who is required to hold a certificate to teach in any school district and to specify the definition does not include supervisors, principals, superintendents, or any person employed under the authority of the statute governing the hiring of these kinds of administrative personnel. The bill would also amend the definition of "board" to include the board of education of any school district.

The bill would require the written notice provided to a teacher of a board's intention to not renew or terminate a contract to include a statement that the teacher may have the matter heard by a hearing officer upon written request filed with the clerk of the board of education. To afford procedural due process, the bill would allow written testimony of a witness when the witness lives more than 100 miles from the location of a unified school district office. Further, when testimony is presented by affidavit, the bill would require the same to be served upon the clerk of the board of education.

The bill would specify the provisions governing due process rights would apply only to:

- Teachers who have completed at least three consecutive years of employment and been offered

*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>

a fourth contract in the school district by which such teacher is currently employed; and

- Teachers who have completed at least two consecutive years of employment and been offered a third contract in the school district by which such teacher is currently employed if at any time prior to the current employment the teacher has completed three consecutive years of employment and been offered a fourth contract in any Kansas school district.

The bill would also provide that these due process rights would not apply to any teacher whose license has been non-renewed or revoked by the State Board of Education because the teacher has been convicted of certain offenses in Kansas or another state or entered into a criminal diversion agreement after having been charged with any of those offenses.

Background

HB 2757 was introduced by the House Committee on Taxation at the request of Representative Phillips and was referred to the House Committee of the Whole. The bill contains the same contents as 2017 HB 2179, which was added to HB 2578, a bill concerning school districts' bullying plans, by the House Committee on Education. The provisions of HB 2578 concerning bullying were reintroduced by the House Committee on Taxation as HB 2758, which was also referred to the House Committee of the Whole. HB 2578 was removed from the House Calendar on February 22, 2018.

HB 2179 (Teachers' Due Process Procedures)

HB 2179 was introduced at the request of 45 legislators. In the House Committee on Education hearing, an assistant revisor explained that 2014 HB 2506 removed provisions from statutes governing teachers' due process procedures

that made those procedures applicable to K-12 teachers. HB 2179 would reinstate provisions in place prior to the enactment of 2014 HB 2506. Representatives of the American Federation of Teachers, Kansas Families for Education, Kansas National Education Association, and Kansas Organization of State Employees appeared in support of the bill. Representatives of the Kansas Association of School Boards and Kansas Policy Institute appeared as listed opponents of the bill. No other testimony was provided.

During the 2017 Session, the House Committee of the Whole adopted an amendment adding language adapted from HB 2179 regarding teachers' due process procedures to HB 2186, a bill that would have repealed the existing Uniform Arbitration Act and replaced it with the Uniform Arbitration Act of 2000 (or Revised Uniform Arbitration Act). HB 2186 was assigned to the Senate Select Committee on Education Finance, where its contents were removed and replaced with the provisions of the Kansas School Equity and Enhancement Act.

According to the fiscal note prepared by the Division of the Budget on HB 2179, the State Department of Education indicates enactment of the bill would have no fiscal effect.