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**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: Chairperson Thomas  
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: February 6, 2023

Subject: HB 2163 – Establishing due process procedures for public school teachers.

House Bill No. 2163 (HB 2163) would amend state law governing the termination or nonrenewal of teacher contracts. In 1974, the Legislature passed a new act that required school districts to provide notice of termination or nonrenewal of a teacher’s contract prior to the expiration of such contract. The legislation also established statutory due process procedures that allowed a teacher whose contract was terminated or nonrenewed to request an administrative hearing on the reason for such termination or nonrenewal. These procedures provided for the selection of a hearing officer, taking of testimony, allocation of costs of the proceedings, powers of the hearing officer, and the right to appeal.

In 2014, HB 2506 was brought up for debate on the floor of the Senate. HB 2506 was a broad education bill consisting of both appropriations for certain funds, including appropriations for postsecondary educational institutions, and education policy. During the debate, a floor amendment was offered that removed public school teachers from the scope of the due process procedure statutes. The amendment was adopted and those changes to the law were also adopted by the subsequent conference committee on HB 2506. HB 2506 became law on May 1, 2014. As a result, while school districts are still required to provide prior notice of termination or nonrenewal of a teacher’s contract, a teacher’s ability to request a due process hearing on the decision is subject to collective bargaining negotiations with the local school board. Some school districts have retained such procedures, or a modified version of such, in their teachers’ contracts.

HB 2163 would amend the due process procedure statutes to expand the scope to cover public school teachers again. The primary amendment is in Section 1 of the bill where “teacher”

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and “board” are amended to include school employees who hold a certificate to teach and boards of education of any school district, respectively. This amendment to K.S.A. 72-2252 would bring all such teachers back within the scope of the statutes governing due process procedures. The remainder of the bill are conforming amendments to clarify that certain provisions are applicable to teachers and school districts.

If enacted, HB 2163 would become effective on July 1, 2023.