

76-11a14. Same; abridgement of constitutional right, procedure for determination. In the event that any teacher alleges that the teacher's contract has been nonrenewed or terminated by reason of the teacher having exercised a constitutional right, the following procedure shall be implemented:

(a) The teacher alleging an abridgment by the state board of a constitutionally protected right shall notify the state board of the allegation within 15 days after receiving the notice of intention to nonrenew or terminate the teacher's contract. Such notification shall specify the nature of the activity protected, and the times, dates, and places of such activity;

(b) the hearing officer provided for by K.S.A. 76-11a06, and amendments thereto, shall thereupon be selected and shall decide if there is substantial evidence to support the teacher's claim that the teacher's exercise of a constitutionally protected right was the reason for the nonrenewal or termination;

(c) if the hearing officer determines that there is no substantial evidence to substantiate the teacher's claim of a violation of a constitutionally protected right, the state board's decision to nonrenew or terminate the contract shall stand;

(d) if the hearing officer determines that there is substantial evidence to support the teacher's claim, the state board shall be required to submit to the hearing officer any reasons which may have been involved in the nonrenewal or termination;

(e) if the state board presents any substantial evidence to support its reasons, the state board's decision not to renew or to terminate the contract shall be upheld.

History: L. 1987, ch. 360, § 13; L. 2003, ch. 52, § 12; July 1.