

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2578**

As Amended by House Committee on Education

**Brief\***

HB 2578, as amended, would amend law concerning teachers' due process procedures and school district bullying policies.

***Teachers' Due Process Procedures***

The bill would amend the 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 it 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.

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\*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>

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 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.

### ***Bullying Policies***

The bill would also amend the law governing school district bullying plans. The bill would amend the required contents of such plans to include consequences and appropriate remedial action for a person who commits an act of bullying, harassment, or cyberbullying; a procedure for reporting an act of bullying, harassment, or cyberbullying, including a provision that permits a person to make an anonymous report; a procedure for prompt investigation of reports of bullying, harassment and cyberbullying; and a list of appropriate responses to an incident of bullying, harassment, or cyberbullying. The bill would also require the plan adopted and implemented by the local school board to

be published on the district's website with a link prominently posted on the home page of such website and distributed annually to parents and guardians who have children enrolled in a school in the school district. Further, the bill would require the plan to be submitted to the State Department of Education and kept on file with the Department.

## **Background**

HB 2578 was introduced by the House Committee on Education at the request of Representative Dove. As introduced, the bill only addressed school districts' bullying policies. In the House Committee hearing, representatives of the Gay, Lesbian and Straight Education Network (GLSEN) of Greater Wichita and Education Management Consultants, as well as a case manager, a high school teacher, and a high school student appeared in support of the bill. No other testimony was provided.

The House Committee adopted an amendment to revise the required contents of school districts' bullying plans. The House Committee also added the provisions of 2017 HB 2179, concerning teachers' due process procedures.

According to the fiscal note provided by the Division of the Budget, enactment of the bill, as introduced, would have no fiscal effect. [Note: Fiscal note information regarding HB 2179 is provided below.]

## ***Background of HB 2179***

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 opponents of the bill. No other testimony was provided.

In 2017, 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 the bill would have no fiscal effect.