

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on January 28, 2008, in Room 123-S of the Capitol.

Committee members absent: Anthony Hensley
Janis Lee
Chris Steineger

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Carol Toland, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Matt Todd, Revisor of Statutes Office
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator John Vratil
David Schauner, Kansas National Education Association
Doug Svatos

Introduction of bill

Senator Vratil requested the introduction of a bill concerning licensing for teachers. He explained that, under current law, if a person has a first time misdemeanor DUI, he/she cannot be licensed as a teacher in Kansas. The bill would change current law with regard to a first time misdemeanor DUI, but the statute would still prohibit teacher licensing for persons who have a felony DUI as well as several other personal crimes.

Senator Vratil moved to introduce the bill, seconded by Senator Apple. The motion carried.

SB 420 – School districts; notice of non-renewal or termination of teachers' contracts

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 420** would repeal K.S.A. 72-5411. She distributed a handout which included a copy of K.S.A. 72-5411 along with other relevant statutory provisions. (Attachment 1) She explained that the provisions of 72-5411 require that, if a teacher's contract is not renewed, the district must notify the teacher by May 1. If a teacher does not desire continuation of a contract, the teacher must give written notice by May 15. She noted that almost identical language is found in K.S.A. 72-5437, the due process provision relating to the continuation of teachers' contracts. The only difference is in the definition of "teacher". Superintendents, administrators, principals, and supervisors are included in the definition under 72-5411, but 72-5437 applies only to teachers. However, a third statute, K.S.A. 72-5452, applies specifically to administrators. Ms. Kiernan commented that the bill could be described as a clean-up bill.

Senator Vratil testified in support of **SB 420**. He noted that the continuing contract law for teachers and other specified school employees has worked for years; however, the two statutes dealing with teacher continuing contract law are inconsistent and conflict with each other. The repeal of K.S.A. 72-5411 would make the teacher continuing contract law apply only to teachers, but administrators' contracts would continue to be covered by K.S.A. 72-5452. He explained that his goal was simply to eliminate the inconsistency and conflict that exists in current law, not to change substantive law. (Attachment 2)

David Schauner, general counsel for the Kansas National Education Association, testified in opposition to **SB 420**. In his opinion, passage of the bill would create uncertainty and upset 56 years of established practice which has worked well for school employees and school districts. He expressed his concern about four problems which he felt might be created with the repeal of K.S.A. 72-5411. (Attachment 3)

There being no others wishing to testify, the hearing on **SB 420** was closed.

SB 421 – School districts; concurrent enrollment; pupils in grade 10

Ms. Kiernan explained that **SB 421** would expand the definition of a concurrent enrollment pupil to include

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on January 28, 2008, in Room 123-S of the Capitol.

pupils in grade 10. Currently, only students in grades 11 and 12 or gifted students in grades 9-12 may participate in dual credit programs with colleges.

Senator Karin Brownlee introduced Doug Svatos, who requested the bill. She explained that she and Mr. Svatos had served together on a council at Olathe South High School.

Mr. Svatos explained that his son and three or four other 10th graders were in two computer programming classes last year with juniors and seniors. The 10th graders did the same work as the juniors and seniors yet were unable to dual enroll and get the same college credit as the juniors and seniors. He said that the bill would simply provide additional opportunities for more students. (Attachment 4)

Written testimony in support of **SB 421** was submitted by Dr. Gary George, Olathe School District, (Attachment 5) and Elaine Carpenter, Olathe South High School (Attachment 6).

There being no others wishing to testify, the hearing on **SB 421** was closed.

Senator Schodorf reminded the Committee that, after a review of the Post Audit report on virtual schools at the January 23 meeting, she had suggested that a subcommittee on virtual schools be appointed to determine whether or not statutes concerning virtual schools need to be in place. She appointed Senator Vratil to serve as the Chairman of the subcommittee on virtual schools, and Senators Allen, Lee, Ostmeier, and Pine to serve as subcommittee members. The subcommittee will meet on February 4 at 1:30 p.m. in Room 123-S.

The meeting was adjourned at 2:15 p.m.

The next meeting is scheduled for January 29, 2008.

7. **Definitions.** As used in this act: (a) "Teacher" shall mean and include teachers, supervisors, principals, superintendents and any other professional employees who are required to hold a teacher's or school administrator's certificate in any public school.

(b) "Governing body" and "board of education" shall mean the board of education of any public school district.

72-5411. Continuation of teachers' contracts; notice to terminate or discontinue; change by mutual consent. (a)

All contracts of employment of teachers in the public schools in the state shall continue in full force and effect during good behavior and efficient and competent service rendered by the teacher, and all contracts of employment shall be deemed to continue for the next succeeding school year unless written notice of intention to terminate a contract of employment is served by a board of education upon any teacher on or before May 1. A teacher shall give written notice to the board of education of a school district that the teacher does not desire continuation of a contract of employment on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board of education upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and the board of education of a school district.

72-5436. Definitions; exceptions to applicability. As used in this act: (a) "Teacher" means any professional employee

who is required to hold a certificate to teach in any school district, and any teacher or instructor in any area vocational-technical school or community college. The term "teacher" does not include within its meaning any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in an administrative capacity by any area vocational-technical school or community college, or commencing in the 2006-2007 school year, any person who is a retirant from school employment of the Kansas public employees retirement system.

(b) "Board" means the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

72-5437. Continuation of teachers' contracts; notice of termination or nonrenewal; change of terms. (a) All

contracts of employment of teachers, as defined in K.S.A. 72-5436, and amendments thereto, except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before May 1. A teacher

shall give written notice to a board that the teacher does not desire continuation of a contract on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and a board.

72-5451. Definitions; superintendents excepted. As used in this act:

(a) "Board" means the board of education of any school district, the board of directors of any interlocal cooperative composed of school districts, or the board of control of any area vocational-technical school.

(b) "Administrator" means any employee of a board who is required to hold a school administrator's certificate, or who is designated in K.S.A. 72-8202b, or whose position the board determines to be administrative or supervisory in nature with responsibilities and remuneration comparable to those of certified administrators. The term administrator shall not mean or include a superintendent of schools.

(c) "Not renew the contract" or "nonrenewal of the contract" means that an administrator remains on duty to complete the term of a current contract but is not offered a contract for the subsequent contract, calendar or fiscal year.

72-5452. Notice of nonrenewal or rejection of contract; change of terms. (a) Written notice of a board's intention

to not renew the contract of employment of an administrator shall be given to the administrator on or before May 1 of the year in which the term of the administrator's contract expires. An administrator shall give written notice to a board on or before May 15 of the administrator's rejection of renewal of a contract of employment.

(b) Terms of a contract may be changed at any time by mutual consent of both an administrator and a board.

*Senate Education Committee
1-28-08
Attachment 1*

State of Kansas

JOHN VRATIL
SENATOR, ELEVENTH DISTRICT
JOHNSON COUNTY
LEGISLATIVE HOTLINE
1-800-432-3924



COMMITTEE ASSIGNMENTS
CHAIR: JUDICIARY
VICE CHAIR: EDUCATION
MEMBER: FEDERAL AND STATE AFFAIRS
ORGANIZATION, CALENDAR
AND RULES
SENTENCING COMMISSION
INTERSTATE COOPERATION

Vice President Kansas Senate

Testimony Presented to
The Senate Education Committee
By Senator John Vratil
January 28, 2008
Concerning Senate Bill 420

Good Afternoon. Thank you for the opportunity to appear before the Senate Education Committee in support of Senate Bill (SB) 420. Currently, we have two statutes dealing with teacher continuing contract law: K.S.A. 72-5411 and K.S.A. 72-5437. The statutes are inconsistent and in conflict with each other. K.S.A. 72-5411 was adopted by the Legislature in 1951. By virtue of the definition of "teachers" (K.S.A. 72-5410), K.S.A. 72-5411 includes teachers, supervisors, principals, superintendents and administrators. K.S.A. 72-5437 was adopted by the Legislature in 1974 and by definition (K.S.A. 72-5436) applies only to teachers as opposed to K.S.A. 72-5452 which applies specifically to administrators. This latter statute requires boards of education to notify administrators by May 1 if administrators' contracts are not to be renewed.

Senate Bill 420 would repeal K.S.A. 72-5411 and retain the more recent K.S.A. 72-5437. The repeal of K.S.A. 72-5411 would make the teacher continuing contract law apply only to teachers. Administrators' contracts would continue to be covered by K.S.A. 72-5452. My motivation for supporting SB 420 is based solely on my goal to eliminate the inconsistency and conflict that exists in current law. It is not intended to change substantive law.

I ask that you support SB 420 in order to remove ambiguity from current law.

A handwritten signature in blue ink that reads "John Vratil".

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Senate Education Committee
1-28-08 Attachment 2

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72-5410

Chapter 72.--SCHOOLS

Article 54.--TEACHERS' CONTRACTS

72-5410. Definitions. As used in this act: (a) "Teacher" shall mean and include teachers, supervisors, principals, superintendents and any other professional employees who are required to hold a teacher's or school administrator's certificate in any public school.

(b) "Governing body" and "board of education" shall mean the board of education of any public school district.

History: L. 1951, ch. 413, § 1; L. 1965, ch. 410, § 28; L. 1969, ch. 317, § 7; April 25.

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72-5411

Chapter 72.--SCHOOLS

Article 54.--TEACHERS' CONTRACTS

72-5411. Continuation of teachers' contracts; notice to terminate or discontinue; change by mutual consent. (a) All contracts of employment of teachers in the public schools in the state shall continue in full force and effect during good behavior and efficient and competent service rendered by the teacher, and all contracts of employment shall be deemed to continue for the next succeeding school year unless written notice of intention to terminate a contract of employment is served by a board of education upon any teacher on or before May 1. A teacher shall give written notice to the board of education of a school district that the teacher does not desire continuation of a contract of employment on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board of education upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and the board of education of a school district.

History: L. 1951, ch. 413, § 2; L. 1970, ch. 284, § 13; L. 1978, ch. 292, § 1; L. 1980, ch. 220, § 16; L. 1984, ch. 266, § 1; L. 1992, ch. 20, § 1; L. 1995, ch. 263, § 2; July 1.

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72-5436

Chapter 72.--SCHOOLS

Article 54.--TEACHERS' CONTRACTS

72-5436. Definitions; exceptions to applicability. As used in this act: (a) "Teacher" means any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any area vocational-technical school or community college. The term "teacher" does not include within its meaning any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in an administrative capacity by any area vocational-technical school or community college, or commencing in the 2006-2007 school year, any person who is a retirant from school employment of the Kansas public employees retirement system.

(b) "Board" means the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

History: L. 1974, ch. 301, § 1; L. 1975, ch. 373, § 1; L. 1976, ch. 315, § 1; L. 1984, ch. 267, § 1; L. 2006, ch. 143, § 5; July 1.

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72-5437

Chapter 72.--SCHOOLS

Article 54.--TEACHERS' CONTRACTS

72-5437. Continuation of teachers' contracts; notice of termination or nonrenewal; change of terms. (a) All contracts of employment of teachers, as defined in K.S.A. 72-5436, and amendments thereto, except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before May 1. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and a board.

History: L. 1974, ch. 301, § 2; L. 1975, ch. 373, § 2; L. 1976, ch. 315, § 2; L. 1978, ch. 292, § 2; L. 1980, ch. 220, § 17; L. 1984, ch. 266, § 2; L. 1992, ch. 20, § 2; L. 1995, ch. 263, § 3; July 1.

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72-5451

Chapter 72.--SCHOOLS

Article 54.--TEACHERS' CONTRACTS

72-5451. Definitions; superintendents excepted. As used in this act:

(a) "Board" means the board of education of any school district, the board of directors of any interlocal cooperative composed of school districts, or the board of control of any area vocational-technical school.

(b) "Administrator" means any employee of a board who is required to hold a school administrator's certificate, or who is designated in K.S.A. 72-8202b, or whose position the board determines to be administrative or supervisory in nature with responsibilities and remuneration comparable to those of certified administrators. The term administrator shall not mean or include a superintendent of schools.

(c) "Not renew the contract" or "nonrenewal of the contract" means that an administrator remains on duty to complete the term of a current contract but is not offered a contract for the subsequent contract, calendar or fiscal year.

History: L. 1981, ch. 274, § 1; July 1.

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72-5452

Chapter 72.--SCHOOLS

Article 54.--TEACHERS' CONTRACTS

72-5452. Notice of nonrenewal or rejection of contract; change of terms. (a) Written notice of a board's intention to not renew the contract of employment of an administrator shall be given to the administrator on or before May 1 of the year in which the term of the administrator's contract expires. An administrator shall give written notice to a board on or before May 15 of the administrator's rejection of renewal of a contract of employment.

(b) Terms of a contract may be changed at any time by mutual consent of both an administrator and a board.

History: L. 1981, ch. 274, § 2; L. 1987, ch. 272, § 1; L. 1992, ch. 20, § 3; L. 1995, ch. 263, § 4; July 1.



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David Schauner, Testimony
Senate Education Committee
January 28, 2008
Senate Bill 420

Dear Chair Schodorf and Committee members:

My name is David Schauner, General Counsel for the Kansas National Education Association. Thank you for the opportunity to speak in opposition to **Senate Bill 420**.

SB 420, if passed, would eliminate the substance of the Kansas Continuing Contract Law. In doing so it would create uncertainty and upset 56 years of established practice that has worked well for school employees and school districts.

By eliminating K.S.A. 72-5411, the provision which contains the dates by which employees and employers must notify one another if they wish to break the chain of employment, uncertainty would be the rule.

Although there is some duplication between K.S.A. 72-5410 et seq. and K.S.A. 72-5436 et seq. (the Kansas Due Process Law) there are also material differences between those two statutes. I have attached a copy of those two statutes for your easy review.

There are a number of possible risks involved in deleting 72-5411 and they can be characterized as follows:

- The loss of predictability and certainty for both school employees and school districts.
- Principals, supervisors and superintendents would no longer be bound to a continuing contract procedure.
- The elimination of K.S.A. 72-5411 might have a negative impact on K.S.A. 72-5412. Specifically, K.S.A. 72-5412 which is the enforcement provision of the continuing contract law may no longer be available to school districts.
- The deletion of K.S.A. 72-5411 could create a bidding war among school districts during the summer when some teachers might be enticed to resign after the current May 15th date in return for hiring bonuses or other incentives.

In closing, we ask the committee to reject this attempt to repeal K.S.A. 72-5411 on the grounds set forth above.

**Article 54.--TEACHERS' CONTRACTS
72-5410. Definitions.** As used in this act:

(a) "Teacher" shall mean and include teachers, supervisors, principals, superintendents and any other professional employees who are required to hold a teacher's or school administrator's certificate in any public school.

(b) "Governing body" and "board of education" shall mean the board of education of any public school district.

History: L. 1951, ch. 413, § 1; L. 1965, ch. 410, § 28; L. 1969, ch. 317, § 7; April 25.

**Article 54.--TEACHERS' CONTRACTS
72-5411. Continuation of teachers'**

contracts; notice to terminate or discontinue; change by mutual consent. (a) All contracts of employment of teachers in the public schools in the state shall continue in full force and effect during good behavior and efficient and competent service rendered by the teacher, and all contracts of employment shall be deemed to continue for the next succeeding school year unless written notice of intention to terminate a contract of employment is served by a board of education upon any teacher on or before May 1. A teacher shall give written notice to the board of education of a school district that the teacher does not desire continuation of a contract of employment on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board of education upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and the board of education of a school district.

History: L. 1951, ch. 413, § 2; L. 1970, ch. 284, § 13; L. 1978, ch. 292, § 1; L. 1980, ch. 220, § 16; L. 1984, ch. 266, § 1; L. 1992, ch. 20, § 1; L. 1995, ch. 263, § 2; July 1.

**Article 54.--TEACHERS' CONTRACTS
72-5436. Definitions; exceptions to applicability.** As used in this act:

(a) "Teacher" means any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any area vocational-technical school or community college. The term "teacher" does not include within its meaning any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in an administrative capacity by any area vocational-technical school or community college, or commencing in the 2006-2007 school year, any person who is a retirant from school employment of the Kansas public employees retirement system.

(b) "Board" means the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

History: L. 1974, ch. 301, § 1; L. 1975, ch. 373, § 1; L. 1976, ch. 315, § 1; L. 1984, ch. 267, § 1; L. 2006, ch. 143, § 5; July 1.

**Article 54.--TEACHERS' CONTRACTS
72-5437. Continuation of teachers'**

contracts; notice of termination or nonrenewal; change of terms. (a) All contracts of employment of teachers, as defined in K.S.A. 72-5436, and amendments thereto, except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before May 1. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and a board.

History: L. 1974, ch. 301, § 2; L. 1975, ch. 373, § 2; L. 1976, ch. 315, § 2; L. 1978, ch. 292, § 2; L. 1980, ch. 220, § 17; L. 1984, ch. 266, § 2; L. 1992, ch. 20, § 2; L. 1995, ch. 263, § 3; July 1.

January 28, 2008

Senate Education Committee

Regarding Senate Bill 421:

Thank you for considering my testimony on Senate Bill 421. This bill would allow regular 10th grade students to participate in dual credit programs with colleges.

Under the current law, only students in grades 11 and 12 or gifted students in grades 9 through 12 may participate in such programs.

We experienced this first hand with our youngest son. Last year he was in two computer programming classes with mostly juniors and seniors, he and his fellow 10th graders (3 or 4 others) did the same work yet they were unable to dual enroll and get the same college credit the other students could.

This new bill would simply provide additional educational opportunities for more students. With the increase in advanced programs for students I believe it is time for this subtle change to the existing law.

Thank you once again for this opportunity to visit with you about this important educational change for Kansas high school students.

Doug Svatos
2125 S. Central
Olathe, KS 66062

*Senate Education Committee
1-28-08
Attachment 4*



**Olathe School District
Testimony provided by Dr. Gary George
January 28, 2008**

Senate Education Committee

Regarding Senate Bill 421:

Thank you for considering our testimony on Senate Bill 421, a bill which would permit grade 10 students to participate in dual credit programs with colleges.

Under the current law, only students in grades 11 and 12 or gifted students in grades 9 through 12 may participate in such programs. This new proposal simply provides additional educational opportunities for more students.

The Olathe School District supports Senate Bill 421.

*Senate Education Committee
1-28-08
Attachment 5*

Senate Education Committee

Regarding Senate Bill 421:

Thank you for considering my testimony on Senate Bill 421, a bill which would permit grade 10 students to participate in dual credit programs with colleges.

Under the current law, only students in grades 11 and 12 or gifted students in grades 9 through 12 may participate in such programs. This new proposal simply provides additional educational opportunities for more students. As a teacher of gifted students, I know this will benefit those that truly need such an opportunity.

I support Senate Bill 421.

Elaine Carpenter
Olathe South High School

Senate Education Committee
1-28-08
Attachment 6