

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 117

As Amended by Senate Committee on
Education

Brief*

SB 117 would make two amendments to the teacher due process law. First, the Commissioner of Education would be required to provide a list of five (not nine, as in current law) qualified hearing officers from whom boards of education and teachers would select one individual to conduct a due process hearing.

Second, the requirement that the hearing officer be paid \$240 a day for each day of attendance at a hearing or for meetings held for performing official duties would be deleted. Instead, school districts would pay the charge submitted by the hearing officer selected by the school board and the teacher to conduct the hearing.

Background

SB 117 was requested for introduction by the State Department of Education, whose representative explained that there are only 15 individuals who have indicated they are interested in being hearing officers at teacher due process hearings. (The statutes require that hearing officers be attorneys.) Current law requires the Commissioner of Education to maintain a list of nine qualified hearing officers from whom the school board and teacher must pick one to serve as the hearing officer in a due process hearing. If the two parties cannot agree based on the first list, the Commissioner must submit a second list. According to the State Department, because only 15 attorneys have indicated that they are willing to serve as hearing officers, there are not enough qualified individuals to make up a second list.

*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/kldr>

The second change would delete the limit of \$240 per day for services of a hearing officer and would allow the board to pay the fee charged by the hearing officer selected. As explained by the State Department's representative, one reason so few attorneys are willing to serve as hearing officers is that the \$240 per diem cost does not pay for the time it takes to prepare for the hearing or other costs associated with being a hearing officer.

The amendment made by the Senate Education Committee is technical and was suggested by the Revisor to delete redundant language. The fiscal note prepared by the Division of the Budget indicates there would be no fiscal impact to the state if SB 117 is enacted, but local boards of education might have to pay more money for the services of a hearing officer in due process hearings as the result of the \$240 limit on per diem compensation being removed.