

HOUSE BILL No. 2326

By Committee on Commerce, Labor and Economic Development

2-12

1 AN ACT concerning negotiation of working conditions, including labor
2 relations, for certain professional employees; amending K.S.A. 72-
3 5415, 72-5416, 72-5417, 72-5418, 72-5419, 72-5421, 72-5423, 72-
4 5424, 72-5426 and 72-5430 and K.S.A. 2014 Supp. 72-5413 and 72-
5 5437 and repealing the existing sections; also repealing K.S.A. 72-5420
6 and 72-5428a.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Sec. 1. K.S.A. 2014 Supp. 72-5413 is hereby amended to read as
10 follows: 72-5413. As used in this act ~~and in acts amendatory thereof or~~
11 ~~supplemental thereto:~~

12 (a) The term "persons" includes one or more individuals,
13 organizations, associations, corporations, boards, committees,
14 commissions, agencies, or their representatives.

15 (b) "Board of education" means the state board of education pursuant
16 to its authority under K.S.A. 76-1001a and 76-1101a, and amendments
17 thereto, the board of education of any school district, the board of control
18 of any area vocational-technical school and the board of trustees of any
19 community college.

20 (c) "Professional employee" means any person employed by a board
21 of education in a position which requires a certificate issued by the state
22 board of education or employed by a board of education in a professional,
23 educational or instructional capacity, but shall not mean any such person
24 who is an administrative employee and, commencing in the 2006-2007
25 school year, shall not mean any person who is a retiree from school
26 employment of the Kansas public employees retirement system, regardless
27 of whether an agreement between a board of education and an exclusive
28 representative of professional employees that covers terms and conditions
29 of professional service provides to the contrary.

30 (d) "Administrative employee" means, in the case of a school district,
31 any person who is employed by a board of education in an administrative
32 capacity and who is fulfilling duties for which an administrator's certificate
33 is required under K.S.A. 72-7513, and amendments thereto; and, in the
34 case of an area vocational-technical school or community college, any
35 person who is employed by the board of control or the board of trustees in
36 an administrative capacity and who is acting in that capacity and who has

Proposed Amendment for HB No. 2326

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Office of Revisor of Statutes
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1 authority, in the interest of the board of control or the board of trustees, to
2 hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or
3 discipline other employees, or responsibly to direct them or to adjust their
4 grievances, or effectively to recommend a preponderance of such actions,
5 if in connection with the foregoing, the exercise of such authority is not of
6 a merely routine or clerical nature, but requires the use of independent
7 judgment.

8 (e) "Professional employees' organizations" means any one or more
9 organizations, agencies, committees, councils or groups of any kind in
10 which professional employees participate, and which exist for the purpose,
11 in whole or part, of engaging in professional negotiation with boards of
12 education with respect to the terms and conditions of professional service
13 or for the purpose of professional development or liability protection.

14 (f) "Representative" means any professional employees' organization
15 or any person it authorizes or designates to act in its behalf or any person a
16 board of education authorizes or designates to act in its behalf.

17 (g) "Professional negotiation" means meeting, conferring, consulting
18 and discussing in a good faith effort by both parties to reach agreement
19 with respect to the terms and conditions of professional service.

20 (h) "Mediation" means the effort through interpretation and advice by
21 an impartial third party to assist in reconciling a dispute concerning terms
22 and conditions of professional service which arose in the course of
23 professional negotiation between a board of education or its
24 representatives and representatives of the recognized professional
25 employees' organization.

26 (i) "Fact-finding" means the investigation by an individual or board of
27 a dispute concerning terms and conditions of professional service which
28 arose in the course of professional negotiation, and the submission of a
29 report by such individual or board to the parties to such dispute which
30 includes a determination of the issues involved, findings of fact regarding
31 such issues, and the recommendation of the fact-finding individual or
32 board for resolution of the dispute.

33 (j) "Strike" means an action taken for the purpose of coercing a
34 change in the terms and conditions of professional service or the rights,
35 privileges or obligations thereof, through any failure by concerted action
36 with others to report for duty including, but not limited to, any work
37 stoppage, slowdown, or refusal to work.

38 (k) "Lockout" means action taken by a board of education to provoke
39 interruptions of or prevent the continuity of work normally and usually
40 performed by the professional employees for the purpose of coercing
41 professional employees into relinquishing rights guaranteed by this act and
42 the act of which this section is amendatory.

43 (l) (1) "Terms and conditions of professional service"—means is

1 *exclusively limited to:* (A) Salaries and wages, including pay for duties
2 under supplemental contracts; hours and amounts of work *outside of*
3 *teaching periods*; vacation allowance, holiday, sick, extended, sabbatical,
4 and other leave, and number of holidays; retirement; insurance benefits;
5 wearing apparel; pay for overtime; jury duty; grievance procedure;
6 including binding arbitration of grievances; disciplinary procedure;
7 resignations; termination and nonrenewal of contracts; reemployment of
8 professional employees; terms and form of the individual professional
9 employee contract; probationary period; ~~professional employee appraisal~~
10 ~~preetters~~; each of the foregoing being a term and condition of
11 professional service, regardless of its impact on the employee or on the
12 operation of the educational system; (B) matters which relate to privileges
13 to be ~~granted to a recognized~~ professional employees' organization
14 including, but not limited to, voluntary payroll deductions; dissemination
15 of information regarding the professional negotiation process and related
16 matters to members of the bargaining unit on school or college premises
17 through direct contact with members of the bargaining unit; reasonable
18 leaves of absence for members of the bargaining unit for organizational
19 purposes such as engaging in professional negotiation and partaking of
20 instructional programs properly related to the representation of the
21 bargaining unit; ~~any of the foregoing privileges which are granted the~~
22 ~~recognized professional employees' organization through the professional~~
23 ~~negotiation process shall not be granted to any other professional~~
24 ~~employees' organization; and (C) such other matters as the parties~~
25 ~~mutually agree upon as properly related to professional service including,~~
26 ~~but not limited to, employment incentive or retention bonuses authorized~~
27 ~~under K.S.A. 72-8246, and amendments thereto.~~

28 (2) Nothing in this act, and amendments thereto, shall authorize any
29 professional employees' organization to be granted the exclusive privilege
30 of access to the use of school or college facilities for meetings, the use of
31 bulletin boards on or about the facility or the use of school or college mail
32 systems.

33 (3) Nothing in this act, and amendments thereto, shall authorize the
34 diminution of any right, duty or obligation of either the professional
35 employee or the board of education which have been fixed by statute or by
36 the constitution of this state. Except as otherwise expressly provided in
37 this subsection ~~(f)~~, the fact that any matter may be the subject of a statute
38 or the constitution of this state does not preclude negotiation thereon so
39 long as the negotiation proposal would not prevent the fulfillment of the
40 statutory or constitutional objective.

41 (4) Matters which relate to the duration of the school term, and
42 specifically to consideration and determination by a board of education of
43 the question of the development and adoption of a policy to provide for a

1 school term consisting of school hours, are not included within the
2 meaning of terms and conditions of professional service and are not
3 subject to professional negotiation.

4 (5) *Matters which relate to the length of teaching periods and the*
5 *number of teaching periods shall not be included within the meaning of*
6 *terms and conditions of professional service and shall not be subject to*
7 *professional negotiation.*

8 (m) "Secretary" means the secretary of labor or a designee thereof.

9 (n) "Statutory declaration of impasse date" means June 1 in the
10 current school year.

11 (o) "Supplemental contracts" means contracts for employment duties
12 other than those services covered in the principal or primary contract of
13 employment of the professional employee and shall include, but not be
14 limited to, such services as coaching, supervising, directing and assisting
15 extracurricular activities, chaperoning, ticket-taking, lunchroom
16 supervision, and other similar and related activities.

17 Sec. 2. K.S.A. 72-5415 is hereby amended to read as follows: 72-
18 5415. (a) When a representative is designated or selected for the purposes
19 of professional negotiation by the majority of the professional employees
20 in an appropriate negotiating unit, such representative shall be the
21 exclusive representative of all ~~may represent any of the professional~~
22 ~~employees in the unit for such purpose at the discretion of each~~
23 ~~professional employee in the unit.~~

24 (b) ~~Nothing in this act or in acts amendatory thereof or supplemental~~
25 ~~thereeto shall be construed to prevent professional employees, individually~~
26 ~~or collectively, from presenting or making known their positions or~~
27 ~~proposals or both to a board of education, a superintendent of schools or~~
28 ~~either chief executive officer employed by a board of education entering~~
29 ~~into an agreement covering terms and conditions of professional service.~~

30 Sec. 3. K.S.A. 72-5416 is hereby amended to read as follows: 72-
31 5416. (a) If professional employees of a board of education are not
32 represented by a professional employees' organization for the purpose of
33 professional negotiation, any professional employees' organization may
34 file a request with the board of education alleging that a majority of the
35 professional employees in an appropriate negotiating unit wish to be
36 represented for such purpose by such organization and asking the board of
37 education to recognize it as the exclusive representative ~~a representative of~~
38 ~~the unit under K.S.A. 72-5415, and amendments thereto.~~ Such request
39 shall describe the grouping of jobs or positions which constitute the unit
40 claimed to be appropriate and shall include a demonstration of majority
41 support through verified membership lists. Notice of such request shall
42 immediately be posted by the board of education on a bulletin board at
43 each school or other facility in which members of the unit claimed to be

1 appropriate are employed.

2 (b) A request for recognition under subsection (a) shall be granted by
3 the board of education unless:

4 (1) The board of education has a good faith doubt as to the accuracy
5 or validity of the evidence demonstrating majority support; or

6 (2) another professional employees' organization files with the board
7 of education within ~~ten (10)~~ 10 calendar days after the posting of notice of
8 the original request a competing request alleging majority support and
9 asking the board of education to recognize it as ~~the exclusive~~
10 ~~representative a representative of the unit; or~~

11 (3) one or more of the professional employees included in the unit
12 claimed to be appropriate files with the board of education within ~~ten (10)~~
13 10 calendar days after the posting of notice of the original request a
14 competing request alleging majority support and asking the board of
15 education to deny the request for recognition; or

16 (4) the board of education, within the previous ~~twelve (12)~~ 12
17 months, has lawfully denied or withdrawn the recognition of a professional
18 employees' organization as ~~the exclusive a representative of the~~
19 professional employees included in the unit claimed to be appropriate; or

20 (5) the secretary, within the previous ~~twelve (12)~~ 12 months, has
21 conducted a secret ballot election under the provisions of this act, ~~or the~~
22 ~~act of which this section is amendatory~~; and the election resulted in a
23 majority vote for no representation.

24 (c) (1) No provision of this section shall prohibit a professional
25 employee from representing such professional employee in negotiations
26 with a board of education.

27 (2) No provision of any agreement between a professional employees'
28 organization and a board of education shall require or otherwise impose
29 upon a professional employee representation by such professional
30 employees' organization unless such professional employee:

31 (A) Is a member of such professional employees' organization; and

32 (B) such professional employee does not exercise the provisions of
33 paragraph (1).

34 Sec. 4. K.S.A. 72-5417 is hereby amended to read as follows: 72-
35 5417. (a) A petition may be filed with the secretary, asking the secretary to
36 investigate and decide the question of whether: (1) Professional employees
37 in an appropriate negotiating unit have designated a professional
38 employees' organization for recognition as ~~an exclusive a representative~~
39 for purposes of K.S.A. 72-5415, and ~~amendments thereto~~; (2) a
40 professional employees' organization which is ~~the a recognized-exclusive~~
41 representative should be replaced by another professional employees'
42 organization; or (3) recognition of a professional employees' organization
43 as ~~the exclusive a representative~~ should be withdrawn.

(b) A petition under subsection (a) may be filed by:

(1) A board of education alleging that it has received a request for ~~exclusive~~ recognition from a professional employees' organization and has a good faith doubt as to the accuracy or validity of the claims made in the request; ~~or~~

(2) a professional employees' organization; or

(3) one or more professional employees seeking withdrawal of recognition of a professional employees' organization as ~~the exclusive a~~ representative of the unit.

Sec. 5. K.S.A. 72-5418 is hereby amended to read as follows: 72-5418. (a) Upon receipt of a petition under K.S.A. 72-5417, ~~and amendments thereto~~, and except as provided in subsection (b), the secretary or a person or persons designated by the secretary may direct and conduct a secret ballot election in order to decide the questions raised by the petition.

(b) The secretary shall dismiss, without determining the questions raised therein, any petition filed under K.S.A. 72-5417, ~~and amendments thereto~~, if:

(1) The petition is filed by a professional employees' organization and is not supported by credible evidence that at least ~~thirty percent (30%)~~ 30% of the professional employees in the appropriate unit are members of the professional employees' organization filing the petition; or

(2) the petition is filed by one or more professional employees, asks the secretary to determine the question of whether recognition of a professional employees' organization should be withdrawn, and is not supported by credible evidence that at least ~~thirty percent (30%)~~ 30% of the professional employees in the appropriate unit support the request; or

(3) ~~the board of education, within the previous twelve (12) months, has lawfully recognized a professional employees' organization other than the petitioner as the exclusive representative of any professional employees included in the unit described in the petition; or~~

~~(4) the board of education, within the previous twelve (12) months, has lawfully denied or withdrawn the recognition of a professional employees' organization as the exclusive representative of the professional employees included in the unit described in the petition; or~~

(5) the secretary, within the previous ~~twelve (12)~~ 12 months, has conducted and certified the result of a secret ballot election under the provisions of this act; ~~or the act of which this section is amendatory.~~

Sec. 6. K.S.A. 72-5419 is hereby amended to read as follows: 72-5419. If the secretary does not dismiss a petition filed under K.S.A. 72-5417, ~~and amendments thereto~~, and determines that it is necessary to direct and conduct a secret ballot election in order to resolve the questions raised by the petition, the secretary shall order the election held and shall

1 determine the eligibility of professional employees to vote at the election.
2 The secretary shall base his or her determination of the questions raised by
3 the petition upon the result favored by the majority of the professional
4 employees who vote at the election if at least a majority of the eligible
5 professional employees vote. If less than a majority of the eligible
6 professional employees vote at any election conducted under this section,
7 the status of the professional employees with regard to representation prior
8 to the election is maintained. The name of a professional employees'
9 organization shall not appear on the ballot unless: (a) The professional
10 employees' organization has submitted to the secretary satisfactory
11 evidence demonstrating that at least ~~thirty percent (30%)~~ 30% of the
12 professional employees in the appropriate unit are members in good
13 standing of such organization; or (b) the professional employees'
14 organization is ~~the currently recognized exclusive as a representative of~~
15 ~~such unit~~. In addition to the name of any professional employees'
16 organization entitled to be contained thereon, the ballot in the election
17 shall contain the choice of "no representation." When an election in which
18 the ballot contains three ~~(3)~~ or more choices results in no choice receiving
19 a majority of the votes cast, the secretary shall conduct a run-off election
20 by secret ballot. The ballot in a run-off election shall only provide for a
21 selection between the two choices receiving the largest and second largest
22 number of votes in the original election. The secretary shall certify the
23 result of the election to the parties involved therein.

24 Sec. 7. K.S.A. 72-5421 is hereby amended to read as follows: 72-
25 5421. (a) A board of education and ~~an exclusive~~ a representative selected
26 or designated under the provisions of this act, ~~or the act of which this~~
27 ~~section is amendatory~~, may enter into an agreement covering terms and
28 conditions of professional service. The agreement becomes binding when
29 ratified by a majority of the members of the board of education and a
30 majority of the professional employees in the applicable negotiating unit
31 who vote on the question of ratification of the agreement at an election
32 conducted by the ~~exclusive~~ representative if at least a majority of the
33 professional employees in the negotiating unit vote. If less than a majority
34 of the professional employees vote on the question of ratification, the
35 election is void.

36 (b) Every professional employee in the applicable negotiating unit
37 who is to be absent from the place and at the time of the election may vote
38 an absentee ballot on the question of ratification of the agreement. Upon
39 written application by a professional employee for an absentee ballot, the
40 ~~exclusive~~ representative shall transmit to the professional employee, in
41 person or by mail to the address provided by the professional employee in
42 the application, a ballot, an unmarked envelope, a larger envelope
43 containing a space for the professional employee's signature and addressed

1 to the ~~exclusive~~ representative, and instructions to the professional
2 employee for casting the ballot. On receipt of an application under this
3 subsection, the ~~exclusive~~ representative shall prepare and maintain a list of
4 the names of professional employees who have applied for absentee
5 ballots. The returned envelopes shall be checked against the list of names
6 of applicants and the unmarked envelopes containing the ballots shall be
7 extracted. The unmarked ballot envelopes shall be opened and the absentee
8 ballots shall be counted in the same manner as ballots cast at the election.

9 Sec. 8. K.S.A. 72-5423 is hereby amended to read as follows: 72-
10 5423. (a) Nothing in this act, ~~or the act of which this section is~~
11 ~~amendatory~~, shall be construed to change or affect any right or duty
12 conferred or imposed by law upon any board of education, except that
13 boards of education are required to comply with this act, ~~and the act of~~
14 ~~which this section is amendatory~~, in recognizing professional employees'
15 organizations, and when such an organization is recognized, the board of
16 education and the professional employees' organization ~~shall~~ *may* enter
17 into professional negotiations on request of either party at any time during
18 the school year prior to issuance or renewal of the annual teachers'
19 contracts. Notices to negotiate on new items or to amend an existing
20 contract must be filed on or before February 1 in any school year by either
21 party, such notices shall be in writing and delivered to the chief
22 administrative officer of the board of education or to the representative of
23 the bargaining unit and shall contain in reasonable and understandable
24 detail the purpose of the new or amended items desired.

25 (b) Except as otherwise expressly provided in this subsection, every
26 meeting, conference, consultation and discussion between a professional
27 employees' organization or its representatives and a board of education or
28 its representatives during the course of professional negotiation and every
29 hearing conducted by the secretary under K.S.A. 72-5426, and
30 amendments thereto, for determination of the question of the existence of
31 impasse is subject to the provisions of the Kansas open meetings law, and
32 any amendments or supplements thereto. Meetings, conferences,
33 consultations and discussions held by the secretary under K.S.A. 72-5426,
34 and amendments thereto, for investigation of the question of the existence
35 of impasse, and meetings, conferences, consultations and discussions held
36 during the course of and in connection with, and the meeting required at
37 the conclusion of, impasse resolution proceedings, as provided for in
38 K.S.A. 72-5427 and 72-5428, and amendments to such sections, are
39 specifically made exempt from the provisions of the Kansas open meetings
40 law, ~~and any amendments or supplements thereto~~.

41 (c) Nothing in this act, ~~or the act of which this section is amendatory~~,
42 shall be construed to authorize a strike by professional employees.

43 (d) Any agreement lawfully made under the provisions of this act, ~~or~~

1 the act of which this section is amendatory; may be adopted by reference
2 and made a part of the employment contract between any professional
3 employee of the applicable negotiating unit and a board of education for a
4 period of not to exceed three years.

5 Sec. 9. K.S.A. 72-5424 is hereby amended to read as follows: 72-
6 5424. (a) ~~A board of education and a professional employees' organization~~
7 ~~who enter into an~~ *Any* agreement covering terms and conditions of
8 professional service may include in such agreement procedures for final
9 and binding arbitration of such disputes as may arise involving the
10 interpretation, application or violation of such agreement.

11 (b) Where a party to such agreement is aggrieved by the failure,
12 neglect or refusal of the other party to proceed to arbitration in the manner
13 provided for in such agreement, such aggrieved party may file a complaint
14 in court for a summary action without jury seeking an order directing that
15 the arbitration proceed in the manner provided for in such agreement.

16 Sec. 10. K.S.A. 72-5426 is hereby amended to read as follows: 72-
17 5426. (a) If in the course of professional negotiation either the board of
18 education or the *a* recognized professional employees' organization, or
19 both, believe that an impasse exists therein, either party individually or
20 both parties together may file a petition with the secretary, asking the
21 secretary to investigate and determine the question of whether an impasse
22 exists in professional negotiation and, if a finding that an impasse exists is
23 made, to begin impasse resolution procedures as provided in K.S.A. 72-
24 5427 and 72-5428, and amendments thereto. Within the five days
25 immediately following the date of filing, excluding Saturdays, Sundays
26 and legal holidays, the secretary shall begin investigation of the question
27 raised by the petition and in order to determine the question may meet with
28 the parties or their representatives or both, either jointly or separately, and
29 may hold such conferences, consultations and discussions therewith as the
30 secretary deems necessary. If the secretary decides on the basis of the
31 investigation that a hearing is necessary to determine the question, the
32 secretary shall conduct the hearing immediately in accordance with the
33 provisions of the Kansas administrative procedure act.

34 (b) If the secretary finds that no impasse exists in professional
35 negotiation between the parties, the secretary shall order the parties to
36 continue professional negotiation.

37 (c) If the secretary finds that an impasse exists in professional
38 negotiation between the parties, the secretary shall begin impasse
39 resolution procedures in accordance with K.S.A. 72-5427 and 72-5428,
40 and amendments thereto.

41 (d) Notwithstanding the foregoing provisions of this section, an
42 impasse is deemed to exist if the board of education and the *a* recognized
43 professional employees' organization have not reached agreement with

1 respect to the terms and conditions of professional service by the statutory
2 declaration of impasse date and, on such date, the parties shall jointly file a
3 notice of the existence of impasse with the secretary. Upon receipt of such
4 joint notice, the secretary shall begin impasse resolution procedures in
5 accordance with K.S.A. 72-5427 and 72-5428, and amendments thereto.

6 (e) Nothing in this act, ~~or in the act of which this section is~~
7 ~~amendatory~~, shall be construed or applied in any manner so as to prevent
8 the parties from voluntarily engaging in professional negotiation during
9 the course, or at the conclusion, of impasse resolution proceedings.

10 Sec. 11. K.S.A. 72-5430 is hereby amended to read as follows: 72-
11 5430. (a) The commission of any prohibited practice, as defined in this
12 section, among other actions, shall constitute evidence of bad faith in
13 professional negotiation.

14 (b) It shall be a prohibited practice for a board of education or its
15 designated representative willfully to:

16 (1) Interfere with, restrain or coerce professional employees in the
17 exercise of rights granted in K.S.A. 72-5414, *and amendments thereto*;

18 (2) dominate, interfere or assist in the formation, existence, or
19 administration of any professional employees' organization;

20 (3) discriminate in regard to hiring or any term or condition of
21 employment to encourage or discourage membership in any professional
22 employees' organization;

23 (4) discharge or discriminate against any professional employee
24 because such professional employee has filed any affidavit, petition or
25 complaint or given any information or testimony under this act, or because
26 such professional employee has formed, joined or chosen to be represented
27 by any professional employees' organization;

28 (5) refuse to negotiate in good faith with representatives of
29 recognized professional employees' organizations ~~as required in~~
30 *accordance with the provisions of K.S.A. 72-5423*, and amendments
31 thereto;

32 (6) deny the rights accompanying recognition of a professional
33 employees' organization which are granted in K.S.A. 72-5415, *and*
34 *amendments thereto*;

35 (7) refuse to participate in good faith in the mediation as provided in
36 K.S.A. 72-5427, *and amendments thereto*, or fact-finding efforts as
37 provided in K.S.A. 72-5428, *and amendments thereto*, or arbitration
38 pursuant to an agreement entered into pursuant to K.S.A. 72-5424, *and*
39 *amendments thereto*; or

40 (8) institute or attempt to institute a lockout.

41 (c) It shall be a prohibited practice for professional employees or
42 professional employees' organizations or their designated representatives
43 willfully to:

(1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414, *and amendments thereto*;

(2) interfere with, restrain or coerce a board of education with respect to rights or duties which are reserved thereto under K.S.A. 72-5423, and amendments thereto, or with respect to selecting a representative for the purpose of professional negotiation or the adjustment of grievances;

(3) refuse to negotiate in good faith with the board of education or its designated representatives ~~as required in accordance with the provisions of~~ K.S.A. 72-5423, and amendments thereto;

(4) refuse to participate in good faith in the mediation as provided in K.S.A. 72-5427, *and amendments thereto*, or fact-finding efforts as provided in K.S.A. 72-5428, *and amendments thereto*, or arbitration pursuant to an agreement entered into pursuant to K.S.A. 72-5424, *and amendments thereto*; or

(5) authorize, instigate, aid or engage in a strike or in picketing of any facility under the jurisdiction and control of the board of education.

Sec. 12. K.S.A. 2014 Supp. 72-5437 is hereby amended to read as follows: 72-5437. (a) All contracts of employment of teachers, 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 the third Friday in May. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before the 14th calendar day following the third Friday in May or, if applicable, not later than 15 days after the issuance of a unilateral contract ~~as authorized by K.S.A. 72-5428a, and amendments thereto, 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.

(c) As used in this section:

(1) "Board of education" or "board" means the board of education of any school district, the governing body of any technical college or the institute of technology at Washburn university, and the board of trustees of any community college.

(2) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity.

(3) (A) "Teacher" means any professional employee who is required to hold a certificate to teach in any school district, and any teacher or

1 instructor in any technical college, the institute of technology at Washburn
2 university or any community college, including any professional employee
3 who is a retiree from school employment of the Kansas public employees
4 retirement system.

5 (B) The term "teacher" does not include any supervisors, principals or
6 superintendents or any persons employed under the authority of K.S.A. 72-
7 8202b, and amendments thereto, or any persons employed in any
8 administrative capacity by any technical college, the institute of
9 technology at Washburn university or any community college.

10 Sec. 13. K.S.A. 72-5415, 72-5416, 72-5417, 72-5418, 72-5419, 72-
11 5420, 72-5421, 72-5423, 72-5424, 72-5426, 72-5428a and 72-5430 and
12 K.S.A. 2014 Supp. 72-5413 and 72-5437 are hereby repealed.

13 Sec. 14. This act shall take effect and be in force from and after its
14 publication in the statute book.

July 1, 2016, and