

Testimony in Support of HB 2179
House Education Committee
February 14th, 2016

Thank you, to the Chairman and to this committee for giving me the opportunity to speak. My name is Brian Koon, and I am the legislative liaison for Kansas Families for Education.

Kansas Families for Education stands as a proponent of HB 2179, and we give this bill our full and unqualified support.

I am often asked why teachers need due process. The fact is, a public school teacher's job may run counter to political realities at times, and without due process, a teacher may be fired for doing a good job. To do their jobs well, teachers are expected to: challenge obsolete educational methodologies; push through entrenched district bureaucracies; advocate for students even if doing so is unpopular; to faithfully grade all students accurately, even the offspring of politically powerful members of the community; to demand a student receive special education services against the interests of a district trying to keep costs low, and many other examples. To expect teachers either to do these things as we rightfully demand of them, *or* to have a stable career, is not a reasonable expectation, and not an expectation that will make public schools better.

Teachers need due process, so that people who object to their lawful efforts must show cause for termination instead of mere personal prejudice – or no cause at all. Without due process, teachers may be subject to termination for doing the right thing.

While the exact definitions vary from state to state, and can often be complicated, I wish to shed a little light on the inaccuracy of using the words 'tenure' and 'due process' interchangeably.

These are distinct legal statuses, not mere synonyms, and so what follows is a brief explanation in general terms. If we can imagine a spectrum of job protections ranging from high to low, tenure is on the high end. The key element of tenure is a *prevention* of action being taken against a teacher by a school district unless a very high threshold for wrongdoing is met, usually criminal activity such as a misdemeanor. While a significant number of teachers appear to do well with tenure, it is my observation that tenure promotes academic stagnation because the tenured subject is potentially sheltered from even valid criticism, and need do little to keep their job.

On the opposite end of the spectrum is granting little or no job protections, which seems clearly to be the worst case scenario. Under this option, teachers could be subject to termination based on groundless accusations or rumor, fits of pique by principals or superintendents, the result of academic conferences with adversarial parents, or any passing whim *as well as* legitimate reasons for termination. Without the reasonable expectation of minimal job protections, perspective teachers will not likely obtain the very specific and expensive advanced degrees necessary to become a teacher – and we have seen the number of students in Education programs in this state drop since HB 2506 was passed. Instead, teachers may take their valuable degree to the private sector where compensation is better and their job description won't require disagreements with people who may try to fire them for fulfilling that same job description.

Without the reasonable expectation of continued employment from month to month, it seems unlikely teachers will invest much of their time and energy into their classrooms or take pride in

their students' achievements, and there may be little purpose of building relationships with students. Public Education must be better than that. Kansas Families for Education wants teachers to invest time and energy into the lives of their students, and to build the kind of caring relationships that correlate with better academic outcomes. Academic quality suffers unnecessarily without due process. Finally, anyone terminated under this type of arrangement can sue and make an argument that they were wrongfully terminated regardless of the accuracy of the claim.

In the middle of the spectrum is due process, a compromise between the two extremes, which, in the case of this bill, appears to be granted typically at the beginning of the fourth year of employment after a candidate has been thoroughly vetted. Under due process, teachers are sheltered from baseless accusations, but due process also sets out a pathway for termination when that is required. Because due process requires employers to show cause as to why a candidate is terminated, it typically results in lower rates of wrongful termination litigation. Due process combines the ability for the legislature and local boards of education to set high standards for teachers' credentials and on the job productivity, but also for the teachers to demand much of their students. In this way, due process is the most responsive option for both students and teachers, and has no cost to the state. As a Kansan concerned about public education, I believe due process is the best and cheapest means by which we can obtain the most educational bang for our tax buck.

To conclude, on behalf of public school students, their parents, and teachers all across this state, I urge each of you to consider favorably the passage of this bill. With that, I'd like to thank the chair and the committee for their time and consideration. Our children await your decision.