



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

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House Committee on Education
House Bill 2483
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Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to discuss House Bill 2483.

This bill would re-enact the teacher due process or fair dismissal law that was in effect in Kansas prior to 2014 for some teachers, but notably, not for all teachers.

In the 2014 legislative session, the repeal of this statute was never proposed as a bill. The proposal was never subject to a public hearing. And the proposal did not have broad legislative support even in a legislature that would be considered far more conservative than now.

The repeal of the due process statute came as a Senate floor amendment to an education budget bill in the wee hours of an April morning. And by wee hours, we're talking about past midnight just for clarification. Other policy provisions that had failed either in committee or on the floor as stand-alone bills were also logrolled into the education budget bill. The conference committee negotiators who were among the minority of legislators who supported these ideas, refused to remove them. They wound up in the education budget conference committee report brought before the full House long after midnight of a second 22-hour day.

At that time, the education bill failed to get the needed 63 vote majority to pass. A call of the House was put on and the members remained locked in the chamber for several hours until the 63rd vote could be pressured into casting a vote against conscience.

What a shameful lesson that night was in intimidation, tyranny, and total disrespect for the legislative process.

We come here today to call upon this committee to right a wrong and, by doing so, to let the teachers of Kansas know that this legislature respects Kansas teachers.

Unfortunately, this bill does not do that. This bill restores due process to only those teachers who earned their due process rights by June 30, 2014 and have remained continuously employed by the same school district since then.

Today, KNEA General Counsel David Schauner is before the Kansas Supreme Court arguing a case that will determine whether the amendment that stripped all teachers of due process protections violated certain legal protections. Specifically, the case will determine whether or not those teachers who had earned due process were stripped of an earned contract right when the bill passed. The question is whether or not the legislature can strip an earned benefit.

It is essentially the argument that overturned a similar due process law in North Carolina. The Court there ruled in favor of the teachers and restored due process to those who had already earned it before the repeal.

Should we prevail in this case, it will restore due process to those teachers but do nothing for the many teachers who were working in 2014 but had not been yet offered their fourth contract or those who have been hired since 2014.

The result would be – if this bill were to pass or if KNEA were to prevail in court – that Kansas would have two classes of teachers. Some would have due process protections, others would not. Future generations of Kansas teachers would remain at-will employees who can be non-renewed for no reason at all. What does that say to those who are in teacher preparation programs today? What does it say to those who have joined the profession since 2014? Simply put, it devalues them.

But the bill devalues not only new teachers, it punishes teachers who change districts. Let's say for example that the spouse of a teacher who has been teaching in Shawnee Mission since 2002 and had earned due process takes a new job in Wichita. The teacher left Shawnee Mission to move with his spouse and takes a job in the Wichita School District. Under the old law, the teacher would be eligible for due process after two years in Wichita. Under this bill, the teacher will never again be eligible - punished for changing districts. This bill essentially says that teachers who move are valued less than teachers who stay put.

But here's the real question with this bill – if due process and an impartial review of the Board's decision to non-renew is appropriate for those hired before 2014, why is it inappropriate for those hired after 2014?

What is the difference between those two classes of teachers? What does it say to the new hires? The only possible interpretation is "We, the Kansas legislature, trust those veteran teachers but we must not be asked to trust this new generation."

We believe that all teachers are worthy of due process protections. We believe that following a three year probationary period during which a teacher can be let go for any reason or no reason, it is not too much to ask that non-renewal require a defensible reason and that the teacher have the opportunity to request a hearing on the facts.

It is a myth that "bad teachers" are protected by due process/fair dismissal rules. "Bad" teachers are protected by "bad" principals. (Frankly we think that both are the exception to the rule.) The good principal that observes teachers, evaluates teachers, and documents teacher performance never has a problem getting rid of a poorly performing teacher.

If this legislature wants to right a wrong; if this legislature wants to demonstrate to teachers that they are valued and respected, then this legislature will act to restore the fair dismissal process that was in place before the action of the 2014 legislature.

You have the power here today to send a powerful and direct message to all Kansas teachers. You can support this bill as it is and establish two classes of teachers – one deserving of fairness in non-renewal proceedings and a second class of teachers unworthy of fairness. Alternatively you can amend this bill to restore the due process/fair dismissal law that was in place prior to its repeal in 2014 and demonstrate to all teachers that they are valued and respected by this legislature.