



1300 SW Topeka Blvd
Topeka, Kansas 66612
(785) 235-0262
lochs@aftks.org
Testimony IN SUPPORT of HB2179
Before the House Education Committee

Tuesday, February 14, 2017

Chairman Aurand and members of the committee:

My name is Lisa Ochs, the President of the American Federation of Teachers-Kansas, and I thank you for the opportunity to provide testimony in support of HB2179.

Until 2014, Kansas teachers had “due process” rights under state statute that had been in place since the 1950s. The premise was simple: After three years of employment with a district, teacher contracts (with certain exceptions for teachers convicted of a felony or other serious crime) were “deemed to continue for the next succeeding school year” unless notice and an opportunity for an independent hearing were provided by a school district.¹ State law stipulated that “good cause” had to be shown by a local board of education to justify the dismissal or nonrenewal of a tenured teacher.²

¹ See Kan. Stat. Section 72-5437, See also Gillett v. U.S.D. No. 276, 605 P.2d 105, 110 (1980)

² Kan. Stat. Section 72-5445 (stipulating the requirements for tenure, repealed as applied to teachers in a school district in HB 2506), Kan. Stat. Section 72-5438-45 (laying out the type of

Under the old state law, teachers who were threatened with dismissal or nonrenewal were entitled to:

- A statement of the reasons for nonrenewal or termination;³
- The right to a hearing before a hearing officer. (Rights afforded to each party in the hearing included: representation by counsel, the ability to present witnesses and cross-examine witnesses, that the hearing be “orderly,” and the “right of the teacher to a fair and impartial decision based on substantial evidence.”)⁴
- The right to a written opinion by the hearing officer that was appealable to the district court.⁵

These rights were taken away in H.B. 2506, an appropriations bill rushed through at the end of the 2014 legislative session. The result has been a wave of teacher retirements, resignations, and lower teacher morale.

Why are due process rights so important? These rights protected Kansas teachers from retaliation by administrators or arbitrary firing decisions. Most importantly, they gave teachers a voice to advocate for the education and resources their students need and for upholding the standards of the teaching profession (including academic freedom)—without fear of retribution.

Due process rights also ensured that districts could not target teachers for reasons having nothing to do with teaching, such as their age, their religion, or their political views. These rights are critical for not only K-12 teachers, but also higher education professionals.

notice and hearing required in order to terminate or not renew a tenured teacher’s contract, repealed as applied to teachers in a school districts in HB 2506).

³ Kan. Stat. Section 72-5438(a) (repealed as applied to teachers in a school district in HB 2506)

⁴ Kan. Stat. Section 72-5439 (repealed as applied to teachers in a school district in HB 2506)

⁵ Kan. Stat. Section 72-5443 (repealed as applied to teachers in a school district in HB 2506)

Nathan McAlister, a 19-year veteran teacher in Topeka and the 2010 National History Teacher of the Year, reflected on the value of due process in a May 2015 op-ed in the Topeka Capital-Journal:⁶

...Proponents [of H.B. 2506] ... saw due process as a protection for “underperforming” teachers, when quite the opposite is true. ...Due process began out of the need to protect good teachers. Indeed the very inception of the right was stated by the Kansas Supreme Court in 1957 “to protect competent and worthy instructors and other members of the teaching profession against unjust dismissal of any kind — political, religious or personal.”

[T]oday, a teacher, no matter their years of experience or accomplishments, may be arbitrarily dismissed. Can a teacher be dismissed for having a losing sports season? Yes. Can a teacher be dismissed if a school board doesn’t agree with their political views? Yes. Can a teacher be dismissed for their religious views? Yes.

...With such disdain for the teaching profession through this and other bills coming out of the Kansas Legislature, one may wonder, “What is Kansas losing?”

Kansas is losing teachers who are willing to take risks and do what is right for their students. Kansas is losing teachers who encourage their students to meet high expectations. Kansas is losing teachers to states that value educators. And in the end, Kansas will have students who can pass a state test, but not pass life’s test.

Due process protections are so vital for teacher professionalism, teacher retention, and a good relationship between teachers and school districts, that several Kansas districts negotiated some form of due process language into their teacher contracts following the passage of H.B. 2506.⁷ But district-by-district protections aren’t enough, given that contracts expire and school board members change.

⁶ <http://cjonline.com/news-education/2015-05-03/teacher-due-process-protected-good-teachers-not-bad-ones>

⁷ <http://cjonline.com/news/2015-07-26/some-kansas-school-districts-sidestepping-state-teachers-due-process-rights>

A fair dismissal process is essential to a high quality K-12 and higher education system. Inaction by the legislature hurts the state's ability to attract and retain high quality educators, and puts current educators' jobs unnecessarily at risk. Both KNEA and AFT-Kansas hear from teachers who are voicing how disheartening and discouraging they find the lack of respect and professional dignity accorded to them by the Legislature. Both organizations report seeing a wave of teacher resignations and retirements, and predict that the Legislature's stance as embodied in H.B. 2506 will only worsen the existing teacher shortage in urban and rural districts in Kansas.⁸

This bill may seem inconsequential to some lawmakers, but for teachers support for this non-budgetary item would signal to Kansas teachers a recognition by this body of the value of their work, respect for their profession, and gratitude for teachers, who in the face of increasingly difficult circumstances, persist in providing an excellent education for all children. We urge you to support this bill.

⁸ <http://www.kshb.com/news/state/kansas/kansas-faces-another-round-of-teacher-shortages>