

## 2021 Kansas Statutes

**76-11a07. Same; procedural due process requirements of hearing.** The hearing provided for under K.S.A. 76-11a06, and amendments thereto, shall commence within 45 calendar days after the hearing officer is selected unless the hearing officer grants an extension of time. The hearing shall afford procedural due process, including the following:

- (a) The right of each party to have counsel of such party's own choice present and to receive the advice of such counsel or other person whom such party may select;
- (b) the right of each party or such party's counsel to cross-examine any person who provides information for the consideration of the hearing officer, except those persons whose testimony is presented by affidavit;
- (c) the right of each party to present such party's own witnesses in person, or their testimony by affidavit or deposition, except that testimony of a witness by affidavit may be presented only if such witness lives more than 100 miles from the location of the state school, or is absent from the state, or is unable to appear because of age, illness, infirmity or imprisonment. When testimony is presented by affidavit the same shall be served upon the commissioner of education or the agent of the state board and upon the teacher in person or by first class mail to the address of the teacher which is on file with the state board not less than 10 days prior to presentation to the hearing officer;
- (d) the right of the teacher to testify in the teacher's own behalf and give reasons for the teacher's conduct, and the right of the state board to present its testimony through such persons as the state board may call to testify in its behalf and to give reasons for its actions, rulings or policies;
- (e) the right of the parties to have an orderly hearing; and
- (f) the right of the teacher to a fair and impartial decision based on substantial evidence.

**History:** L. 1987, ch. 360, § 6; L. 2003, ch. 52, § 5; July 1.