SESSION OF 2011

CONFERENCE COMMITTEE REPORT BRIEF ON SUBSTITUTE FOR HOUSE BILL NO. 2191

As Agreed to May 5, 2011

Brief*

Sub. for HB 2191 would allow school districts to offer employment contracts to teachers for one or up to two additional years (that is, a fourth or a fourth and a fifth year contract) at the end of the teacher's probationary period, thus extending until the sixth year of employment the ability of the teacher to attain due process rights. (Current law states that a new teacher in a school district, area vocational-technical school, or community college cannot attain due process rights in less than three years; there is no provision in current law to extend that time.)

Any teacher offered a contract under the provisions of the bill would be evaluated and a plan of assistance would be written to assist the teacher meet areas needing improvement as noted in the evaluation. Before signing or rejecting the contract, a teacher would have not less than 48 hours from the time the contract is offered to review and consider the contract and plan of assistance.

In addition, the bill would require school districts to annually file a report with the State Board of Education, and the House and Senate education committees, with information regarding numbers of teachers offered due process rights.

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* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at http://www.kslegislature.org/klrd

The provisions of the bill related to the additional two years of probationary employment and the reporting requirements would expire on July 1, 2016.

Conference Committee Action

The Conference Committee deleted the language in the bill that would have allowed a teacher to share the plan of assistance with the teacher's mentor or another teacher. Inserted instead was language that would allow a teacher, before signing or rejecting the contract, to have not less than 48 hours from the time the contract is offered to review and consider the contract and plan of assistance.

Background

Proponents of the original bill, which would have increased the term of employment needed to attain due process rights for teachers from three to five years for new teachers and from two to three years for teachers with previous employment in the institution, were representatives of the Kansas Association of School Boards, United School Administrators of Kansas, the Doniphan County Education Cooperative, and Auburn-Washburn, Augusta, and McPherson school districts. Opponents of the bill included representatives of the Kansas National Education Association, and a principal in the Abilene School District.

The House Education Committee amended the bill adding the option for a school district, area vocational technical school, or community college to offer two additional years of probationary employment to a new teacher. The Committee also added a provision for annual reporting of teacher contract information to the State Board of Education and the House and Senate education committees. The Committee also added an amendment that would make the provisions of the bill related to the additional two years of probationary employment and the reporting requirements expire on July 1, 2016. The Committee compiled these changes and adopted a substitute bill.

The Senate Education Committee amended the bill to allow school districts to offer employment contracts to teachers for one or two additional years of probationary employment at the end of the teacher's probationary period. The Senate Education Committee also amended the bill by adding a provision that any school district offering a teacher one or two additional years of probation, as the bill describes, would be required to evaluate the teacher and provide a plan of assistance to help the teacher meet the areas of need in performance evaluation.

The Division of the Budget fiscal note on the original bill indicated there would be no fiscal effect.

teacher contracts, employment