

**Substitute for HOUSE BILL No. 2191**

By Committee on Education

2-22

1 AN ACT concerning school districts; relating to teachers; amending  
2 K.S.A. 2010 Supp. 72-5445 and repealing the existing section.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2010 Supp. 72-5445 is hereby amended to read as  
6 follows: 72-5445. (a) (1) Subject to the provisions of ~~subsection~~  
7 *subsections (b) and (c)*, the provisions of K.S.A. 72-5438 through 72-  
8 5443, and amendments thereto, apply only to: (A) Teachers who have  
9 completed not less than three consecutive years of employment, and been  
10 offered a fourth contract, in the school district, area vocational-technical  
11 school or community college by which any such teacher is currently  
12 employed; and (B) teachers who have completed not less than two  
13 consecutive years of employment, and been offered a third contract, in the  
14 school district, area vocational-technical school or community college by  
15 which any such teacher is currently employed if at any time prior to the  
16 current employment the teacher has completed the years of employment  
17 requirement of subpart (A) in any school district, area vocational-technical  
18 school or community college in this state.

19 (2) Any board may waive, at any time, the years of employment  
20 requirements of provision (1) for any teachers employed by it.

21 (3) The provisions of this subsection are subject to the provisions of  
22 K.S.A. 72-5446, and amendments thereto.

23 (b) The provisions of K.S.A. 72-5438 through 72-5443, and  
24 amendments thereto, do not apply to any teacher whose license has been  
25 nonrenewed or revoked by the state board of education for the reason that  
26 the teacher: (1) Has been convicted of a felony under K.S.A. 2010 Supp.  
27 21-36a01 through 21-36a17, and amendments thereto, or any felony  
28 violation of any provision of the uniform controlled substances act prior to  
29 July 1, 2009; (2) has been convicted of a felony described in any section of  
30 article 34 of chapter 21 of the Kansas Statutes Annotated, *prior to their*  
31 *repeal, or sections 36 through 64, 174, 210 or 211 of chapter 136 of the*  
32 *2010 Session Laws of Kansas, and amendments thereto*, or an act  
33 described in K.S.A. 21-3412 or K.S.A. 21-3412a, *prior to their repeal, or*  
34 *sections 48 or 49 of chapter 136 of the 2010 Session Laws of Kansas*, and  
35 amendments thereto, if the victim is a minor or student; (3) has been  
36 convicted of a felony described in any section of article 35 of chapter 21 of

1 the Kansas Statutes Annotated, *prior to their repeal, or sections 65*  
 2 *through 77 or 229 through 231 of chapter 136 of the 2010 Session Laws of*  
 3 *Kansas, and amendments thereto, or has been convicted of an act*  
 4 *described in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter*  
 5 *136 of the 2010 Session Laws of Kansas, and amendments thereto, if the*  
 6 *victim is a minor or student; (4) has been convicted of any act described in*  
 7 *any section of article 36 of chapter 21 of the Kansas Statutes Annotated,*  
 8 *prior to their repeal, or sections 78 through 86 of chapter 136 of the 2010*  
 9 *Session Laws of Kansas, and amendments thereto; (5) has been convicted*  
 10 *of a felony described in article 37 of chapter 21 of the Kansas Statutes*  
 11 *Annotated, prior to their repeal, or sections 87 through 125 and*  
 12 *subsection (a)(6) of section 223 of chapter 136 of the 2010 Session Laws*  
 13 *of Kansas, and amendments thereto; (6) has been convicted of an attempt*  
 14 *under K.S.A. 21-3301, prior to their repeal, or section 33 of chapter 136*  
 15 *of the 2010 Session Laws of Kansas, and amendments thereto, to commit*  
 16 *any act specified in this subsection; (7) has been convicted of any act*  
 17 *which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, prior to*  
 18 *their repeal, or sections 212 or 213 of chapter 136 of the 2010 Session*  
 19 *Laws of Kansas, and amendments thereto; (8) has been convicted in*  
 20 *another state or by the federal government of an act similar to any act*  
 21 *described in this subsection; or (9) has entered into a criminal diversion*  
 22 *agreement after having been charged with any offense described in this*  
 23 *subsection.*

24 ~~(c) Except for subsection (c)(5),~~ *(1) The provisions of this subsection*  
 25 *shall apply to a teacher described in subsection (a)(1)(A) of this section.*  
 26 *After a teacher has completed not less than three consecutive years of*  
 27 *employment and if the requirements of paragraph (2) have been*  
 28 *satisfied, the board of education of the school district and the teacher may*  
 29 *enter into an agreement under which the school district may offer the*  
 30 *teacher a contract of employment for a fourth year or a fourth and fifth*  
 31 *year and the teacher agrees that the provisions of K.S.A. 72-5438 through*  
 32 *72-5443, and amendments thereto, shall not apply to such teacher unless a*  
 33 *sixth contract is offered to the teacher.*

34 *(2) Any teacher offered a contract pursuant to this subsection shall*  
 35 *be evaluated in accordance with state law and the school district's*  
 36 *evaluation system prior to any such contract being offered. The*  
 37 *teacher's performance evaluations shall support the decision to offer the*  
 38 *teacher a contract pursuant to this subsection, and a plan of assistance*  
 39 *shall be written to address those areas of the performance evaluation*  
 40 *which form the basis for the decision to offer such a contract to the*  
 41 *teacher. The teacher shall be given the opportunity to review any plan of*  
 42 *assistance and to have such plan reviewed by such teacher's mentor, if*  
 43 *one exists, or by another teacher employed by the school district who is*

1 *selected by the teacher to conduct such review.*

2 (3) *If an agreement under this subsection is reached by the teacher*  
3 *and the school district, then the school district shall file annually a report*  
4 *with the state board of education which shall contain the following*  
5 *information in ~~paragraphs (1) through (4)~~ **subparagraphs (A) through***  
6 ***(D):***

7 ~~(1)~~ **(A)** *The number of teachers that were offered by the school*  
8 *district a contract under subsection (a)(1)(A) of this section;*

9 ~~(2)~~ **(B)** *the number of teachers that were offered by the school district*  
10 *an agreement under this subsection;*

11 ~~(3)~~ **(C)** *the number of teachers that accepted the agreement under this*  
12 *subsection;*

13 ~~(4)~~ **(D)** *the number of teachers that were not offered by the school*  
14 *district either a contract under subsection (a)(1)(A) of this section or an*  
15 *agreement under this subsection; ~~and.~~*

16 ~~(5)~~ **(4)** *In addition to the reports required under ~~this subsection for~~*  
17 *~~paragraphs (1) through (4)~~ **paragraph (3)**, each school district shall report*  
18 *annually to the state board of education, the committee on education of the*  
19 *senate and the committee on education of the house of representatives the*  
20 *number of contracts issued under subsection (a) which result in the*  
21 *application of K.S.A. 72-5438 through 72-5443, and amendments thereto,*  
22 *to the teachers who receive such contracts and the year of employment for*  
23 *which the contract is issued.*

24 **(5)** *The provisions of this subsection shall expire on July 1, 2016.*

25 Sec. 2. K.S.A. 2010 Supp. 72-5445 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its  
27 publication in the statute book.

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