



**KASB Survey of Teacher Employment Relations**

**March, 2008**

**Research Bulletin No. 5**

<b>2006-07 KASB Survey</b>	<b>1999-2000</b>	<b>2000-01</b>	<b>2001-02</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>
<b>Termination</b>	14	21	12	12	9	9	15	15	
<b>Non-renewal: Non-tenured</b>	150	159	305	233	117	68	67	110	
<b>    Tenured</b>	13	62	55	44	30	18	7	19	
<b>Resignation instead of non-renewal</b>	213	227	285	227	220	243	273	314	
<b>Requests for Contract Release</b>	363	534	435	378	275	270	236	198	250

KASB annually surveys school districts with questions on the workings of the teacher due process laws; these surveys gather data, not opinions. With consistent questions over a period of time, comparable characteristics of the data may be analyzed, as in the above table. The latest data shows terminations, non-renewals and resignations that occurred during the 2006-07 school year and requests for release from contracts covering the 2007-08 year.

As the above table indicates, some of the data appears to fluctuate over time and other items are usually about the same. Perhaps due to competition for experienced teachers, requests for release from signed contracts seems to vary the most, and this year there was a slight increase in the reported number of release requests. Non-renewals of non-tenured teachers, had declined considerably but turned up again this year.

**Teacher Terminations**

There were 15 terminations during the 2006-07 school year in 15 separate school districts. A “termination” is defined in our survey instrument as whenever a teacher is “...dismissed, discharged or fired by board action before the end of the contract term.” Of these board actions, four teachers initially requested a hearing as the law provides they may, and two hearings were held. Often in these cases, prior to a hearing a settlement is negotiated between the board and the teacher. In both hearings, the hearing officer found for the board.

**Teacher Non-renewals**

The continuing contract law provides that, unless notified otherwise by the board of education before May 1, a teacher’s contract is automatically renewed for the following year. Due process rights attach to the process of non-renewal of a teacher contract, and those rights differ depending upon whether or not the teacher has taught for three years in the district: “tenure” is the term commonly used to describe the degree of protection afforded those teachers who have taught for more than three years.

**Non-tenured:** Our survey shows that 110 non-tenured teachers were non-renewed by 45 separate boards last year. Of these, 60 (55%) were first year teachers, 29 (26%) were second year teachers and 21 (19%) were third year teachers. None of these teachers requested a hearing. Some of these situations usually arise from boards with uncertain funding situations involving special programs who choose to non-renew all the staff and then immediately rehire them when whatever special funding is involved arrives.

**Tenured:** The survey shows that 19 tenured teachers were non-renewed by 12 separate boards last year. Of these, four teachers initially requested hearings and one was eventually held, where the decision of the board was upheld.

### **Resignation Instead of Non-renewal**

As a practical matter, resignation of the teacher often happens when he or she is informed by the administration that non-renewal is a probability. This circumstance is covered by our survey. One-hundred nine separate districts reported a total of 314 such resignations: 278 non-tenured teachers and 36 tenured teachers. Declining enrollments and program cuts may play a part in these cases.

### **Requests for Release from 2007-08 Contracts**

Even though the continuing contract law binds the teacher and the board to employment obligations, each year a number of teachers request release from these contracts for a variety of reasons. This year's survey reveals a total of 250 such requests; an increase over last year. Of the total, one was subsequently withdrawn by the teacher, eight were denied by the board and 241 were granted.

Of the 241 granted, only 96 included the assessment of liquidated damages, another 25 happened even though no replacement had been found, and 96 occurred when a suitable replacement was found. Of the eight denied, four teachers returned to the district and the other four left anyway. Only one district involved indicates that it has reported this breach to the State Board, seeking to have certification removed.

### **Non-renewals, Terminations, and Finding New Jobs**

We also asked districts to report the number of teachers who found new jobs in other districts, having been non-renewed, terminated, resigned from or released from their contract in their original district.

Of the 250 teachers requesting contract release, 89 (36%) were known by the releasing district to be headed for other employment in another Kansas public school district. Of the 458 terminations, non-renewals and resignations reported, 213 (47%) were known by their districts to have found employment in another Kansas school district.

<p>This bulletin is being emailed to superintendents and board clerks. For printed copies, or if you have questions, email Jim Hays at <a href="mailto:research@kasb.org">research@kasb.org</a> or call 800-432-2471.</p>
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