



STATE OF KANSAS

Office of the Attorney General

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Attorney General

February 2, 1978

ATTORNEY GENERAL OPINION No. 78- 52

The Honorable Robin D. Leach
State Representative
3rd Floor - State Capitol
Topeka, Kansas 66612

Re: Schools--House Bill 2234--Open Meetings

Synopsis: Board action directing the furnishing of a statement of reasons under section 3 of 1978 House Bill 2234 must be taken in open session under the Kansas open meeting law, K.S.A. 75-4317 *et seq.*

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Dear Representative Leach:

You inquire concerning 1978 House Bill No. 2234, a bill which is proposed to provide so-called "due process" procedures to be followed in the termination and nonrenewal of contracts of employment of certain administrative school personnel.

Section 3 thereof requires that written notice of a board's intention not to renew the contract of an administrator be given on or before March 15 of the year in which the term of the contract which is not to be renewed expires. Section 3(a) states thus:

"Whenever an administrator is given written notice of a board's intention to not renew or to terminate the administrator's contract, the administrator may request a written statement of the reason or reasons for the termination or nonrenewal of the contract. The board shall give such statement to the administrator within ten (10) days from the date of such request."

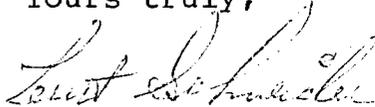
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You request my opinion whether the board must prepare and adopt its statement of reasons at an open meeting under K.S.A. 75-4317 *et seq.*, or whether this may be done in a closed session under K.S.A. 75-4318(b)(1).

It is the responsibility and obligation of the board to give the required statement of reasons. The board can do so only by official action of the board, approving a statement of reasons and directing that it be forwarded to the affected employee. K.S.A. 75-4318(b)(1) permits "[p]ersonnel matters of nonelected personnel" to be "discussed" at "closed or executive meetings." However, subsection (c) thereof provides, nonetheless, that "[n]o binding action shall be taken during closed or executive recesses" Unless, of course, the board by official action does adopt a given statement of reasons as a ground for terminating or for new renewing a contract, upon request therefor, it has failed to comply with the provisions of the proposed act.

I find nothing in the proposed bill or in the open meeting law, K.S.A. 75-4317 *et seq.*, which exempts board action adopting a statement of reasons required thereunder from the requirements of the open meeting law.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj