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Janet Waugh  
District 1

Melanie Haas  
District 2

Michelle Dombrosky  
District 3

Ann E. Mah  
District 4

Jean Clifford  
District 5

Dr. Deena Horst  
District 6

Ben Jones  
District 7

Betty Arnold  
District 8

Jim Porter  
District 9

Jim McNiece  
District 10

## **TUESDAY, SEPTEMBER 13, 2022**

### **MEETING AGENDA**

10:00 a.m.

1. Call to Order – Chair Jim Porter
2. Roll Call
3. Mission Statement, Moment of Silence and Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes (August 9-10)

10:05 a.m.

6. Commissioner's Report – Dr. Randy Watson

10:30 a.m.

7. Citizens' Open Forum

10:45 a.m. (IO)

8. Recognition of Wellsville High School's 2022 FBLA National Champions

11:00 a.m.

Break

11:10 a.m. (AI)

9. Act on ESSER II Change Requests and ESSER III Expenditure Plans for Use of Federal COVID-19 Relief Funds

11:25 a.m. (RI)

10. Receive Proposed Graduation Requirements

Noon

Lunch

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Location: Landon State Office Building at 900 SW Jackson St., Board Room Suite 102, Topeka, Kansas.  
References: (AI) Action Item, (DI) Discussion Item, (RI) Receive Item for possible action at a later date, (IO) Information Only  
Services: Individuals who need the use of a sign language interpreter, or who require other special accommodations, should contact Barbara Hughes at (785) 296-3203, at least seven business days prior to a State Board meeting.  
Website: Electronic access to the agenda and meeting materials is available at [www.ksde.org/Board](http://www.ksde.org/Board)  
Next Meeting: October 11 and 12, 2022

*Kansas leads the world in the success of each student.*

- |                |   |
|----------------|---|
| 1:30 p.m. (IO) | 11. Recognition of the Free State Legislature Lithograph  |
| 2:00 p.m. (AI) | 12. Act on KESA Recommendations Received in August  |
| 2:15 p.m. (RI) | 13. Proposal for the Kansas Purple Star School Designation  |
| 2:45 p.m. (AI) | Break   |
| 3:00 p.m. (AI) | 14. Act on Recommendations of the Professional Practices Commission   |
| 3:15 p.m. (RI) | 15. Receive Recommendations Amending the Kansas State Board of Education Guidelines and Policies  |
| 3:45 p.m. (DI) | 16. Update on Teacher Vacancy and Supply Committee and Professional Standards Board Substitute Teacher Working Group  |
| 4:00 p.m.      | 17. Consent Agenda <ul style="list-style-type: none"><li>a. Receive monthly personnel report.</li><li>b. Act on personnel appointments to unclassified position.</li><li>c. Act on request to contract with the Orion Education and Training Service Center to support Perkins V special population updates.</li><li>d. Act on request from USD 465 Winfield to hold a bond election.</li><li>e. Act on request from USD 465 Winfield to receive Capital Improvement (Bond and Interest) State Aid.</li><li>f. Act on request from USD 421 Lyndon to hold a bond election.</li><li>g. Act on request from USD 421 Lyndon to receive Capital Improvement (Bond and Interest) State Aid.</li><li>h. Act on request from USD 115 Nemaha Central to hold a bond election.</li><li>i. Act on request from USD 115 Nemaha Central to receive Capital Improvement (Bond and Interest) State Aid.</li><li>j. Act on request from USD 329 Wabaunsee to hold a bond election.</li><li>k. Act on request from USD 329 Wabaunsee to receive Capital Improvement (Bond and Interest) State Aid.</li><li>l. Act on request from USD 373, Newton, for capital improvement (bond and interest) state aid</li><li>m. Act on recommendations of the Licensure Review Committee.</li></ul> |

- n. Act on recommendations for licensure waivers.
- o. Act on recommendations for Visiting Scholar licenses.
- p. Act to extend the Special Education and Title Services contracts for the State Personnel Development Grant plan (SPDG).
- q. Act on Emergency Safety Intervention (ESI) packet for the Kansas School for the Deaf.
- r. Act on recommendation for funding the 2022-2023 AmeriCorps Kansas Planning Grant award.
- s. Act to initiate contract bid process for equitable support of Kansas non-public schools for professional development of non-public teachers and leaders.
- t. Act on request to enter contract for KSDE Great Ideas in Education Conference.

4:15 p.m.

## 18. Chair Report and Requests for Future Agenda Items

- (AI) A. Act on National Association of State Boards of Education Delegate Assembly
- (AI) B. Act on Board Travel
- C. Legislative Liaison Report
- D. Committee Reports
- E. Board Attorney Report
- F. Requests for Future Agenda Items

4:45 p.m.

**RECESS**



# KANSAS STATE BOARD OF EDUCATION

## MISSION

To prepare Kansas students for lifelong success through rigorous, quality academic instruction, career training and character development according to each student's gifts and talents.

## VISION

Kansas leads the world in the success of each student.

## MOTTO

Kansans CAN.

## SUCCESSFUL KANSAS HIGH SCHOOL GRADUATE

A successful Kansas high school graduate has the

- Academic preparation,
- Cognitive preparation,
- Technical skills,
- Employability skills and
- Civic engagement

to be successful in postsecondary education, in the attainment of an industry recognized certification or in the workforce, without the need for remediation.

## OUTCOMES FOR MEASURING PROGRESS

- Social/emotional growth measured locally
- Kindergarten readiness
- Individual Plan of Study focused on career interest
- High school graduation rates
- Postsecondary completion/attendance





## MINUTES



Kansas State Board of Education

Tuesday, August 9, 2022

### **CALL TO ORDER**

(00:00:07)

Chairman Jim Porter called the monthly meeting of the Kansas State Board of Education to order at 10:00 a.m. Tuesday, August 9, 2022, in the Board Room of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas.

### **ROLL CALL**

All Board members were present:

Betty Arnold	Ben Jones
Jean Clifford	Ann Mah
Michelle Dombrosky	Jim McNiece
Melanie Haas	Jim Porter
Deena Horst	Janet Waugh

### **STATE BOARD MISSION STATEMENT, MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

Chairman Porter read both the Board's Mission Statement and Kansans Can Vision Statement. He then asked for a moment of silence after which the Pledge of Allegiance was recited.

### **APPROVAL OF AGENDA**

Mrs. Haas asked for a correction be made to item 13 (~~June~~ July). Chairman Porter asked to vote on consent agenda items c, d, separately per Mrs. Dombrosky's request. Dr. Horst moved to approve the day's agenda as amended. Mrs. Waugh seconded. Motion carried 10-0.

**MOTION**  
(00:05:36)

### **APPROVAL OF THE JULY 12 AND 13 MEETING MINUTES**

Mrs. Mah moved to approve the minutes of the July 12 and 13 regular Board meeting with the following correction to page 4 (~~that is retired after a career of teaching~~, who has retired into the KPERS system after a career of teaching). Mrs. Haas seconded. Motion carried 10-0.

**MOTION**  
(00:06:36)

### **COMMISSIONER'S REPORT**

Commissioner Randy Watson discussed the Board's vision statement and the rigorous standard levels (highest in the nation) set by the Board and followed with data of school districts achieving the different STAR recognition ratings and also pointed out that those numbers are not necessarily showcasing the hard work done by school districts that face incredible challenges and still have made incredible strides but are not yet to recognition status. He commended USD 443 Dodge City and the Dodge City Community as a whole for their hard work towards the standard achievement levels.

(00:06:50)

## **CITIZENS' OPEN FORUM**

Chairman Porter declared the Citizens' Forum open at 10:40 a.m. The three speakers this month and their topics were as follows: Samantha Lefebvre – local district options for public comments in Board meetings; Becky Becker – art graduation requirements; Dr. John Schrock – teacher shortage temporary partial solutions. Chairman Porter declared the Citizens' Forum closed at 10:51 a.m.

(00:40:54)

## **ACTION ON ESSER EXPENDITURE PLANS FOR USE OF FEDERAL COVID-19 RELIEF FUNDS**

Assistant Director Doug Boline reported on the most recent ESSER Task Force recommendations, which included nine ESSER II change requests totaling just under \$1 million. Mr. Jones moved to accept the recommendations of the Commissioner's Task Force on ESSER and EANS Distribution of Money and approve the public school district ESSER II change requests as presented for use of federal COVID-19 relief funds. Mr. McNiece seconded. Motion carried 9-0-1 with Mrs. Dombrosky abstaining. As for ESSER III, sixteen new districts have submitted ESSER III plans with a total value \$72.1M. There are ten ESSER III change requests this month. Mr. Jones moved to accept the recommendations of the Commissioner's Task Force on ESSER and EANS Distribution of Money and approve the public school district ESSER III expenditure plans as presented for use of federal COVID-19 relief funds. Mr. McNiece seconded. Motion carried 9-0-1 with Mrs. Dombrosky abstaining.

(00:52:23)

**MOTION**  
(00:55:18)

**MOTION**  
(00:1:04:48)

## **ACTION ON MATH ASSESSMENT STANDARD SETTING CUT SCORES INFORMATION**

In July 2022 the Kansas State Board of Education received a presentation from Dr. Neal Kingston at the Assessment and Achievement Institute at the University of Kansas on performance level and cut score recommendations for the grade 10 math state assessment. Mrs. Mah moved to accept the recommendations. Mr. McNiece seconded. Motion carried 9-0-1 with Dr. Horst abstaining. These performance levels and cut scores will be applied to the grade 10 math assessment administered for the first-time spring 2022.

(01:06:01)

**MOTION**  
(01:39:20)

## **UPDATE ON VAPING ECHO FOR EDUCATION PROJECT**

Mark Thompson, Health and Physical Education Program Consultant, along with Mary Alice Kelly, School Nurse at Shawnee Mission North, and Vince Naccarato, Principal of Reno Valley Middle School, provided an overview of the first year of the project as well as the outlook and composition of the schools expected to participate in Cohort 2. The initial Vaping ECHO for Education project that involved teams from 21 schools wrapped up in Spring 2022. A second cohort of schools will participate in a Vaping ECHO Summit and a series of Vaping ECHO Sessions during the 2022-2023 school year.

(01:41:45)

## **RECOGNITION OF THE 2020 PRESIDENTIAL AWARDS FOR EXCELLENCE IN MATH AND SCIENCE TEACHING NATIONAL FINALISTS**

Callie Harris and Zerrin Oelze were among more than 100 educators recognized as national finalists for the 2020 (PAEMST) program – the nation's highest honor for math and science teaching. Each finalist received a \$10,000 unrestricted award from the National Science Foundation. Callie Harris, was a mathematics teacher at Maize Elementary School, Maize USD 266 at the time of her nomination. She currently serves as assistant principal at Pray-Woodman Elementary School in

(02:11:20)

Maize. Zerrin Oelze, is a science teacher at McLean Science and Technology Magnet Elementary School, Wichita USD 259. They shared some of the innovative programs they use in mathematics, technology and science instruction to foster student achievement. They also responded to questions from the Board.

#### **PRESENTATION OF KANSANS CAN BEST PRACTICES AWARDS TO CHILD NUTRITION PROGRAM RECIPIENTS**

The KSDE Child Nutrition & Wellness Kansans CAN 2021-2022 Best Practice Awards reward outstanding practices in Child Nutrition & Wellness Programs in Kansas that support the Kansans CAN vision. The following Child Nutrition & Wellness Program Sponsors were honored for outstanding and/or innovative practices: USD 466 Scott County - Kansans CAN Serve Local Foods; USD 312 Haven- Kansans CAN Lead and USD 266 Maize- Kansans CAN Implement Innovative Meal Pattern Strategies.

(02:27:19)

#### **ACTION ON ACCREDITATION REVIEW COUNCIL'S KANSAS EDUCATION SYSTEM ACCREDITATION (KESA) RECOMMENDATIONS**

During the State Board meeting in July, Jay Scott, Director of Accreditation and Design, presented information on thirty-two systems that were ready for review of an accredited status recommendation and two that were ready for a conditional accreditation status. The thirty-two systems presented to the Board for accredited status were USD 103 Cheylin, USD 215 Lakin, USD 246 Northeast, USD 247 Cherokee, USD 248 Girard, USD 255 South Barber, USD 264 Clearwater, USD 265 Goddard, USD 266 Maize, USD 271 Stockton, USD 283 Elk Valley, USD 305 Salina, USD 310 Fairfield, USD 315 Colby, USD 316 Golden Plains, USD 326 Logan, USD 344 Pleasanton, USD 373 Newton, USD 400 Smoky Valley, USD 436 Caney Valley, USD 438 Skyline, USD 447 Cherryvale, USD 467 Leoti, USD 476 Copeland, USD 487 Herington, USD 501 Topeka, USD 511 Attica, Z0006-9001 Brookridge Day School, Z0029-8434 Bishop Ward High School, Z0029-8999 St James Academy, Z0029-9892 Corpus Christi Catholic School and Z0030-0000 Salina Diocese. The Board also received two systems that are recommended for conditional accreditation, USD 209 Moscow and USD 480 Liberal. Jay Scott brought these thirty-four systems back to the Board for action. Mrs. Mah made a motion to accept the recommendations of the Accreditation Review Council and award the status of accredited to the thirty-two systems as presented and the status of conditionally accredited to the two systems as presented. Dr. Horst seconded. Motion carried 9-1 with Mr. Jones in opposition.

(02:39:20)

**MOTION**  
(03:12:35)

#### **RECEIPT OF ACCREDITATION REVIEW COUNCIL RECOMMENDATIONS FOR KANSAS EDUCATION SYSTEM ACCREDITATION (KESA)**

The Accreditation Review Council (ARC) has recommended an accreditation status for the next four systems awaiting recommendation. Executive summaries, accountability reports and other narratives were provided to Board members for the three public systems and one private system. The ARC considers compliance and foundational structures to support a five-year process of continuous improvement. Board members will act on the ARC recommendations in September. The systems that were received by the Board in August are USD 260 Derby, USD 381 Spearville

(03:15:37)

(Redetermination), USD 456 Marais Des Cygnes Valley (Redetermination) and Sacred Heart Elementary, Emporia.

**RECEIVE INFORMATION ON APPOINTING MEMBERS TO THE NEW KANSAS CHILDREN'S VISION HEALTH AND SCHOOL READINESS COMMISSION**

(03:17:00)

Dale Brungardt Director of School Finance, presented to the Board one of the requirements in Senate Bill 62, that was passed this spring and signed by the Governor, that requires the State Board of Education to establish a Kansas Children's Vision Health and School Readiness Commission. The duties of the commission, as specified in the bill, are as follows: (1) Overseeing revision of state vision screening requirements and guidelines no fewer than once every seven years; (2) providing standardized vision screening referral letters and eye professional examination reports as referenced in the Kansas vision screening requirements and guidelines; (3) identifying state resources that assist in providing opportunities to offer free or low-cost eye exams for students who fail vision screenings and are unable to afford an examination on their own; and (4) establishing a system to collect data from school health personnel concerning the results of the original screenings and referral outcomes, as well as issuing an annual report to the secretary of health and environment and the commissioner of education. The commission shall be comprised of: one optometrist, one ophthalmologist, one representative of a health organization dedicated to preventing blindness, one representative of the department of education, one representative of the department of health and environment, one school nurse, one public health nurse, and one school administrator.

**ACT ON RECOMMENDATIONS OF THE PROFESSIONAL PRACTICES COMMISSION**

Scott Gordon, General Counsel for KSDE reviewed the current case presented for action. He summarized the situation. Professional Practices Commission Chair Jennifer Holt also attended the meeting virtually to be able to answer any questions. Mrs. Waugh moved to adopt the findings of fact and conclusions of law of the Professional Practices Commission and follow the recommendation to deny the licensure application in case 22-PPC-16. Dr. Horst seconded. Motion carried 10-0.

(03:30:35)

**MOTION**  
(03:35:24)

**SPECIAL EDUCATION ADVISORY COUNCIL QUARTERLY UPDATE**

Tobias Wood, Chair-Elect of the Special Education Advisory Council, gave a summary of the council's work during their April 2022 and July 2022 sessions. He also was pleased to share that the State of Kansas has attained the highest level of achievement in providing services to children and youth with disabilities by meeting the requirements for 2021 set forth in the Individuals with Disabilities Act (IDEA).

(03:35:50)

**DISCUSSION ON BUILDING A CULTURE OF SAFETY IN SCHOOLS**

John Calvert and Jim Green, Director and Asst. Director of School Safety, discussed with the board the various aspects that make up a comprehensive school safety plan and that there is not a one-size-fits-all solution. They also stressed the importance of positive relationships between students and adults along with a supportive culture in keeping schools safe.

(03:49:49)

### **ACTION ON CONSENT AGENDA**

Dr. Horst moved to approve Consent Agenda items 19 a, b, e and f. Mr. Jones seconded. Motion carried 10-0. In this action, the Board:

- received the monthly Personnel Report for July.
- Confirmed the following unclassified positions Jake Steel to the position of Intern on the Accreditation and Design team, effective July 1, 2022, at an annual salary of \$70,000.00 (Ten-month program; Sarah Reed to the position of Administrative Specialist on the Special Education and Title Services team, effective July 11, 2022, at an annual salary of \$39,520.00; Frederick Richter to the position of Quality Assurance Technician on the Information Technology team, effective July 18, 2022, at an annual salary of \$51,12640.
- approved recommendations for a Visiting Scholar license.
- authorized two out-of-state tuition contracts for students attending the Kansas School for the Deaf: Excelsior Springs School District, Excelsior Springs, Missouri - 1 Day Student - \$40,000; North Kansas City School District, North Kansas City, Missouri - 1 Day Student - \$40,000

**MOTION**  
(04:32:55)

### **SEPARATE ACTION ON CONSENT AGENDA**

At the beginning of the meeting, Chairman Porter asked to vote consent items 19 c and d as one group, but separate from the other submissions. Mrs. Arnold moved to approve consent agenda items 19 c and d. Mr. McNiece seconded. Motion carried 9-0-1 with Mrs. Dombrosky abstaining. In this action, the Board:

- approved the following recommendations for funding McKinney Vento Homeless Grants:
  - USD 233 Olathe \$ 50,300
  - USD 259 Wichita \$ 209,619
  - USD 260 Derby \$ 10,138
  - USD 261 Haysville \$ 40,000
  - USD 289 Wellsville \$ 10,000
  - USD 290 Ottawa \$ 30,000
  - USD 348 Baldwin \$ 17,900
  - USD 383 Manhattan-Ogden \$ 35,200
  - USD 457 Garden City \$ 22,200
  - USD 475 Geary County \$ 20,000
  - USD 500 Kansas City \$ 156,000
  - USD 501 Topeka \$ 42,037
- approved payment of NASBE membership dues.

**MOTION**  
(04:33:33)

### **CHAIRMAN'S REPORT**

*Action on Board Travel —*

Mr. Porter had an addition to the travel requests. Mr. McNiece moved to approve travel requests and updates. Mrs. Haas seconded. Motion carried 10-0.

*Committee Reports —*

Updates were given on the following:

(04:33:45)

- Policy Committee – Review of the Board’s Guidelines and Policies has been completed. Mrs. Clifford would like to present the amended policies at the September Board Meeting and then have a vote for approval in October.
- Student Voice – Mrs. Mah reported continued visits with students and there are a few things that have come out that might need to be addressed in policy at a discussion in October or November.
- Kansas Advisory Council for Indigenous Education Working Group will hold their next meeting on Friday, August 19<sup>th</sup> and begin assessing current Social Science and Language Arts curriculum standards. They will also discuss a proposed mascot policy and data collection.

Chairman Porter added to the Chairman’s report by going over the items addressed in the recently passed HB 2567 to determine if further discussion is necessary on any of the items. Messaging in regards to the Board and its work was also discussed. There was a general consensus that many things are being misinterpreted by the general and work can be done to improve this area.

*Board Attorney’s Report —*

Board Attorney Mark Ferguson presented a written report to the Board and discussed current items before the courts that are relevant to the work of the Board. Specifically, he referenced a case that Public Forum at the Olathe Board of Education Meeting, in which a decision was handed down on August 5, 2022. He believes the Kansas Federal Court outlined rules related to Open Forum practices that relate to the Kansas State Board of Education’s “Limited Public Forum.”

*Requests for Future Agenda Items —*

- Mr. Porter requests an Executive Session to discuss HB 2567 items in September.
- Mrs. Clifford would like to present amended KSBOE Policies and Guidelines from Policy Committee in September for action in October.
- Mrs. Haas would like to have a Board retreat to discuss the Kansas Education System Accreditation (KESA) process of the Accreditation Review Council (ARC).
- Mrs. Mah would like to hear more from Dr. John Schrock and the presentation/materials he presented during the Citizens’ Open Forum on teacher prep and the current teacher supply shortage.
- Mrs. Arnold would like to hear more on what successful parent/guardian engagement looks like in a school. Mr. Porter suggested finding a school that does an exemplary in regards to parent/guardian engagement for a presentation.
- Dr. Horst would like information presented on the agency’s data collection projects – what do we collect data on and for whom.

**RECESS**

The meeting recessed at 5:26 p.m. until 9 a.m. Wednesday.

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Jim Porter, Chair

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Barbara Hughes, Board Secretary

## MINUTES



Kansas State Board of Education

Wednesday, August 10, 2022

### **CALL TO ORDER**

Chairman Jim Porter called the Wednesday meeting of the Kansas State Board of Education to order at 9:00 a.m. Wednesday, August 10, 2022, in the Board Room of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas.

(00:12:25)

### **ROLL CALL**

The following Board Members were present:

Betty Arnold	Ben Jones
Jean Clifford	Ann Mah
Michelle Dombrosky	Jim McNiece
Melanie Haas	Jim Porter
Deena Horst	Janet Waugh

### **APPROVAL OF AGENDA**

As Mr. Porter mentioned yesterday in his Chairman's Report, he asked to remove the Executive Session from today's agenda. Dr. Horst moved to approve the day's agenda with the removal of the Executive Session. Mrs. Arnold seconded. Motion carried 9-0. (Mr. McNiece was not present for the vote.)

**MOTION**  
(00:12:52)

### **RECOGNITION OF THE WASHBURN RURAL HIGH SCHOOL DEBATE TEAM – NATIONAL CHAMPIONS**

Washburn Rural High School Debate Team's National Championship winners Jiyeon Park and Zach Willingham and their coach Tim Ellis were recognized for their outstanding achievement.

(00:13:07)

### **RECEIVE PROPOSED AMENDMENT FROM KSHSAA TO K.S.A. 2014 SUPP. 72-7114**

Bill Faflick, KSHSAA Executive Director, gave a presentation to the Board on the proposed amendment which would allow for a multiplier factor to be used when determining classification status for Kansas high schools. Following Mr. Faflick's presentation, a public hearing was held in the matter of the KSHSAA proposed amendment to K.S.A. 2014 Supp. 72-7114. Three proponents (Rep. Tim Johnson, Christopher Strathman and Jeff Hines) and three opponents (Geoff Andrews, Martin Straub and Nick Compagnone) each gave testimony in the matter. Written testimony was also given to the Board and posted on the Board's website for public viewing. This item will be on the agenda for action at the September Board meeting. If approved by the Kansas State Board of Education, the

(00:36:03)



issue will then need to go before the legislature.

**ADJOURNMENT**

Chairman Porter adjourned the meeting at 11:29 a.m.

The next regular meeting for the State Board of Education is September 13 and 14, 2022.

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Jim Porter, Chair

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Barbara Hughes, Board Secretary

## MINUTES



## Kansas State Board of Education

Tuesday, July 12, 2022

## CALL TO ORDER

(00:15:02)

Chairman Jim Porter called the monthly meeting of the Kansas State Board of Education to order at 10:00 a.m. Tuesday, July 12, 2022, in the Board Room of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas.

## ROLL CALL

All Board members were present:

Betty Arnold	Ben Jones
Jean Clifford	Ann Mah
Michelle Dombrosky	Jim McNiece
Melanie Haas	Jim Porter
Deena Horst	Janet Waugh

## STATE BOARD MISSION STATEMENT, MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Chairman Porter read both the Board's Mission Statement and Kansans Can Vision Statement. He then asked for a moment of silence after which the Pledge of Allegiance was recited.

## APPROVAL OF AGENDA

**MOTION**  
(00:16:50)

Chairman Porter asked to vote on consent agenda items c, d, j, k and i separately. Dr. Horst moved to approve the day's agenda as amended. Mrs. Haas seconded. Motion carried 8-0.

## APPROVAL OF THE JUNE 14 AND 15 MEETING MINUTES

**MOTION**  
(00:17:45)

Mrs. Mah moved to approve the minutes of the June 14 and 15 regular Board meeting. Mrs. Waugh seconded. Motion carried 8-0.

## COMMISSIONER'S REPORT

(00:18:00)

Dr. Randy Watson highlighted a number of topics in his monthly report to the State Board, many of which would be covered on the agenda. He started by highlighting the 15<sup>th</sup> Anniversary of the Kansas City STEM Alliance and how the Advanced Placement program has found that students do better in AP History courses of which students are learning through project-based curriculum verses traditional curriculum. The KC STEM Alliance has based their programs on this principle. Tomorrow he will present to the Board additional information on the data collected during the Kansans Can Success Tour and how it provides us with a clear picture of what Kansans feel is

necessary in order to prepare children for a successful future. Dr. Watson also briefed the Board on the recent success of the "Campout with the Commissioner" at Milford Lake that was part of KSDE's Sunflower Summer program. Lastly, he shared what he recently learned about the health assessment "Life's Essential 8" and how that philosophy relates to the STAR recognition quantitative and qualitative measures that determine the likelihood of success of Kansas students. He concluded with maps showing how Kansas school districts are doing in relation to the 8 STAR recognition measures.

#### CITIZENS' OPEN FORUM

Chairman Porter declared the Citizens' Forum open at 10:31 a.m. There were no speakers this month. Chairman Porter declared the Citizens' Forum closed at 10:32 a.m.

(00:46:32)

#### ACTION ON ESSER EXPENDITURE PLANS FOR USE OF FEDERAL COVID-19 RELIEF FUNDS

Assistant Director Tate Toedman reported on the most recent ESSER Task Force recommendations, which included thirteen ESSER II change requests. Mr. Jones moved to accept the recommendations of the Commissioner's Task Force on ESSER and EANS Distribution of Money and approve the public school district ESSER II change requests as presented for use of federal COVID-19 relief funds. Mrs. Haas seconded. Motion carried 9-0-1 with Mrs. Dombrosky abstaining. As for ESSER III, one of the conditionally approved districts, USD 461 Neodesha, has met all of the stakeholder pieces so their funds are going to be released. There are still nine conditionally approved districts that the need to finish that piece in order to receive their funds. Sixteen new districts have submitted ESSER III plans with a total value \$18.9M. There is one ESSER III change request from USD 447 Cherryvale for an HVAC project. Mr. Jones moved to accept the recommendations of the Commissioner's Task Force on ESSER and EANS Distribution of Money and approve the public school district ESSER III expenditure plans as presented for use of federal COVID-19 relief funds. Mr. McNiece seconded. Motion carried 9-0-1 with Mrs. Dombrosky abstaining.

**MOTION**  
(00:52:24)

**MOTION**  
(01:01:10)

#### ACTION ON FINANCIAL LITERACY STANDARDS

In June, Helen Swanson, an Education Program Consultant and Nathan McAlister, Humanities Program Manager both from the Career Standards and Assessments Services team at the department, provided an update to the Board on the Financial Literacy Standards that are in place. Ms. Swanson and Mr. McAlister reviewed the previous standards and gave a brief summary for the recommended updated financial literacy standards. The data shown throughout their presentation focused on grades K-8. The 2021 standards replace previous separate standards from both organizations, including National Standards in K-12 Personal Finance Education which were adopted by the Kansas State Department of Education. A group of Kansas teachers, higher education specialists, and professional organizations from across the state came together to create a new crosswalk document, teacher resources and plan for future professional development opportunities. Dr. Horst moved to approve the Financial Literacy Standards as presented and Mr. McNiece seconded. Motion carried 9-1, with Mrs. Dombrosky opposing.

(01:01:55)

**MOTION**  
(01:11:20)

#### PRESENTATION ON ALL IN FOR KANSAS

(01:24:52)

Melissa Rooker, the Executive Director of the Kansas Children's Cabinet and Trust Fund provided an update to the State Board of Education on the "All in for Kansas Kids" work; which is funded by the three-year renewal of the federal Pre-School Development Grant B-5. She also gave a brief overview of the Kindergarten Readiness subgrants, the ASQ, Dolly Parton's Imagination Library and other projects of interest.

#### RECOGNITION OF THE 2022 KANSAS PRINCIPAL OF THE YEAR

(03:45:02)

2022 Kansas Principal of the Year, Caleb Smith (Newton High School, USD 373 Newton), shared some of the things being done in his school to meet the State Board of Education's outcomes for measuring progress toward achieving the board's vision of "Kansas leads the world in the success of each student." He faced the challenge of accepting the position of Principal during the initial Covid-19 outbreak when schools were closed and everything was done virtually. He immediately focused on building a culture of family amongst his staff and believes that is key to the success of Newton High School. He is also extremely proud of the Individual Plan of Study efforts in his school including their Health/Science and Agriculture academies.

#### ACTION ON ACCREDITATION REVIEW COUNCIL'S KANSAS EDUCATION SYSTEM ACCREDITATION (KESA) RECOMMENDATIONS

(03:57:45)

During the State Board meeting in June, Jay Scott, Director of Accreditation and Design, presented information on twenty-nine systems that were ready for review of an accredited status recommendation. The twenty-nine systems presented to the Board for accredited status were USD 217 Rolla, USD 218 Elkhart, USD 225 Fowler, USD 251 North Lyon County, USD 254 Barber County North, USD 257 Iola, USD 281 Graham County, USD 285 Cedar Vale, USD 286 Chautauqua County Community, USD 321 Kaw Valley, USD 325 Phillipsburg, USD 352 Goodland, USD 357 Belle Plaine, USD 371 Montezuma, USD 372 Silver Lake, USD 374 Sublette, USD 384 Blue Valley, USD 394 Rose Hill, USD 404 Riverton, USD 405 Lyons, USD 411 Goessel, USD 415 Hiawatha, USD 421 Lyndon, USD 426 Pike Valley, USD 429 Troy, USD 461 Neodesha, USD 493 Columbus, Z0029-8572 Hayden, and Z0031 Wichita Diocese. Jay Scott brought these twenty-nine systems back to the Board for action. Dr. Horst made a motion to accept the recommendations of the Accreditation Review Council and award the status of accredited to the twenty-nine systems as presented. Mr. McNiece seconded. Motion carried 10-0.

**MOTION**  
(04:02:20)

#### RECEIPT OF ACCREDITATION REVIEW COUNCIL RECOMMENDATIONS FOR KANSAS EDUCATION SYSTEM ACCREDITATION (KESA)

(04:05:05)

The Accreditation Review Council (ARC) has recommended an accreditation status for the next thirty-four systems awaiting recommendation. Executive summaries, accountability reports and other narratives were provided to Board members for the twenty-seven public systems and five private systems. The ARC considers compliance and foundational structures to support a five-year process of continuous improvement. Board members will act on the ARC recommendations in August. The systems that were received by the Board in July are USD 103 Cheylin, USD 215 Lakin,

USD 246 Northeast, USD 247 Cherokee, USD 248 Girard, USD 255 South Barber, USD 264 Clearwater, USD 265 Goddard, USD 266 Maize, USD 271 Stockton, USD 283 Elk Valley, USD 305 Salina, USD 310 Fairfield, USD 315 Colby, USD 316 Golden Plains, USD 326 Logan, USD 344 Pleasanton, USD 373 Newton, USD 400 Smoky Valley, USD 436 Caney Valley, USD 438 Skyline, USD 447 Cherryvale, USD 467 Leoti, USD 476 Copeland, USD 487 Herington, USD 501 Topeka, USD 511 Attica, Z0006-9001 Brookridge Day School, Z0029-8434 Bishop Ward High School, Z0029-8999 St James Academy, Z0029-9892 Corpus Christi Catholic School and Z0030-0000 Salina Diocese. The Board also received two systems that are recommended for conditional accreditation, USD 209 Moscow and USD 480 Liberal.

#### ACTION ON LICENSURE RECOMMENDATIONS FOR RETIRED TEACHERS

(04:10:45)

Shane Carter, Director of Teacher Licensure, discussed options during the June meeting for easing the burden of the renewal process as an incentive for retired teachers with lapsed licenses to renew. Mrs. Arnold moved that the Kansas State Board of Education authorize any person who has retired into the KPERS system after a career of teaching, whose license has expired, to receive a transitional teaching license for the 2022/2023 school year upon submitting an application and successfully passing a KSDE background check. Mr. McNiece seconded and the motion carried 10-0.

**MOTION**  
(04:21:24)

#### PRESENTATION FROM KANSAS ART EDUCATION ASSOCIATION (KAEA)

(04:27:46)

Elizabeth Madden (outgoing KAEA President), and Katie Morris (KAEA Board Member) presented to the State Board on visual arts being an essential part of a well-rounded education. They maintain that visual arts provide opportunities for students to develop communication, collaboration, creativity, critical thinking and problem solving which are essential, as outlined by the Partnership for 21<sup>st</sup> Century Learning, for increasingly complex life and work environments in today's world. They also touched on the social/emotional communication benefits of art education in addition to many other positive aspects. They asked the Board to not reduce the Fine Arts credit requirement for graduation.

#### ACTION ON PROPOSED AMENDMENTS TO EMERGENCY SAFETY INTERVENTION REGULATIONS

(05:04:27)

In June 2022, the Kansas State Department of Education's General Counsel, Scott Gordon, shared proposed new language for the pending amendments to K.A.R. 91-42-1 and 91-42-2. Since that time, there have been no comments or suggested changes to the proposed language which is attached in the following pages. Any changes between last month and this month are formatting in nature and do not reflect any changed language. Mrs. Haas moved that the Kansas State Board of Education authorize the Kansas State Department of Education to submit the proposed amendments to K.A.R. 91-42-1 and 91-42-2 through the formal regulatory adoption process. Mrs. Arnold seconded. Motion carried 10-0.

**MOTION**  
(05:05:25)

#### RECEIPT OF MATH ASSESSMENT STANDARD SETTING CUT SCORES INFORMATION

(05:06:00)

Beth Fultz, Assistant Director for Career Standards and Assessment Services, and Dr. Neal Kingston, Director of the Achievement and Assessment Institute (AAI), presented performance level and cut

score recommendations for the grade 10 math assessment. The performance levels and cut score recommendations were developed during a virtual standards-setting meeting on June 29 and 30. Twelve Kansas high school math educators with a range of 5-30 years of experience were led through the standard setting process by staff at the Achievement and Assessment Institute (AAI) at the University of Kansas as detailed in the assessment contract. Dr Kingston explained the process used to determine performance levels and cut scores. Mrs. Arnold and Mr. McNiece voiced concerns over the difficulty in explaining this information to stakeholders and the lay person. These recommendations will be on the agenda for action by the Board in August.

ACTION ON BUDGET RECOMMENDATIONS TO THE GOVERNOR for FY 2024

(06:21:07)

Dr. Neuenswander then reviewed the process for the Board to consider possible options for education

state aid programs as required by statute. Action for the following recommendations for state Fiscal Year 2024 occurred:

**SERIES OF  
MOTIONS**  
(06:25:07)

- Mrs. Mah moved to recommend amount of Base Aid for Student Excellence (BASE) as presented for 2023-24 at \$5,006. (BASE amount established in state law and approved by the Kansas Supreme Court). Mrs. Haas seconded. Motion passed unanimously.
- Mrs. Haas moved to recommend amount of Supplemental State Aid as presented to fund the law. Dr. Horst seconded. Motion passed unanimously.
- Mrs. Mah moved to recommend Capital Improvement State Aid estimate as presented to fund the law. Mr. McNiece seconded. Motion passed unanimously.
- Dr. Horst moved to recommend amount allocated for Capital Outlay State Aid to fund the law. Mrs. Haas seconded. Motion passed 9-1 with Mrs. Dombrosky opposing.
- Mrs. Waugh moved to recommend the amount allocated for Juvenile Detention Facilities as presented to fund the law. Mr. McNiece seconded. Motion carried 9-1 with Mrs. Dombrosky opposing.
- Mr. Jones moved to recommend a five-year phase-in for Special Education State Aid at an additional cost of \$76,829,711 each of the five years to reach 92 percent of excess costs, which is current law. Mrs. Mah seconded. Motion passed 9-1 with Mr. Porter opposing.
- Mr. Jones moved to recommend funding current law for Transportation (2.5 miles) at no additional cost. Mrs. Mah seconded. Motion passed 7-3 with Mrs. Waugh, Mrs. Arnold and Mr. McNiece opposing.
- Mr. McNiece moved to recommend funding Career and Technical Education Transportation at 100 percent (2019- 2020 level) at an estimated cost of \$1,482,338. Dr. Horst Seconded. Motion passed 9-1 with Mrs. Dombrosky opposing.
- Mrs. Haas moved to recommend fully funding Mentor Teacher Program at an additional cost of \$1 million. Mr. McNiece seconded. Motion passed unanimously.
- Mrs. Mah moved to recommend fully funding Professional Development at an additional cost of \$1.9 million Mr. McNiece seconded. Motion passed 8-2 with Dr. Horst and Mrs. Dombrosky opposing.
- Mr. Jones moved to recommend funding the National Board Certification scholarships for teachers at current level. Mr. Porter seconded. Motion passed unanimously.

- Mr. McNiece moved to recommend meeting federal maintenance of effort requirements for School Lunch at no additional cost. Mrs. Mah seconded. Motion passed 9-1 with Mrs. Dombrosky opposing.
- Mr. Porter moved to support KS Children's Cabinet's recommendation for an additional \$1,300,337 allocation for Parents as Teachers. Mrs. Waugh seconded. Motion passed 9-0-1 with Mrs. Dombrosky abstaining.
- Mrs. Waugh moved to support amount allocated as presented to fund Pre-K Pilot at current level. Mr. Jones seconded. Motion passed 9-1 with Mrs. Dombrosky opposing.
- Mrs. Waugh moved to not recommend Discretionary Grant funding. No recommendation was made with a 5-4-1 vote.
- No motion was made to fund the Juvenile Transitional Crisis Pilot (Beloit).
- Mr. Jones moved to recommend additional cost of \$1M (for a total of \$5M which will replace ARPA SFRF with SGF for Kansas Safe and Secure Schools. Mr. McNiece seconded. Motion passed 9-0-1 with Mrs. Dombrosky abstaining.
- Mr. McNiece moved to recommend expanding Mental Health Intervention Team Pilot Program in 2023-24 at an additional cost of \$3 million to expand program. Mrs. Haas seconded. Motion passed 9-1 with Mrs. Dombrosky opposing.
- Mr. Jones moved to recommend funding in the amount of \$35,000 EACH for Kansas Communities in Schools and Kansas Foundation for Agriculture in the Classroom. Mrs. Clifford seconded. Motion passed unanimously.

#### ACTION ON CONSENT AGENDA

Mrs. Arnold moved to approve Consent Agenda items 19 a, b, e, f, g, h, i, m, n, o, p, and q. Dr. Horst seconded. Motion carried 10-0. In this action, the Board:

- received the monthly Personnel Report for June.
- confirmed the unclassified personnel appointments of Mia Weiler to the position of Intern on the Special Education and Title Services team, effective June 2, 2022, at an annual salary of \$4,320.00 (Three-month program); Barbara Hughes to the position of Executive Secretary on the Office of the Commissioner team, effective June 13, 2022, at an annual salary of \$50,003.20; Janis Tolly to the position of Education Program Consultant on the Special Education and Title Services team, effective June 13, 2022, at an annual salary of \$56,118.40; Andrea Pagan to the position of Administrative Specialist on the Accreditation and Design team, effective June 12, 2022, at an annual salary of \$41,600.
- approved recommendations for Visiting Scholar licenses.
- approved recommendations of the Licensure Review Committee.
- approved recommendations of the Evaluation Review Committee for higher education accreditation and program approval.
- approved cut scores for licensure tests.
- approved Mental Health Intervention Team Program grants and applications for school year 2022-23.
- approved request from USD 311 Pretty Prairie to receive Capital Improvement (Bond and Interest) State Aid.

**MOTION**  
(07:23:32)

- approved request from USD 460 Hesston to hold a bond election (postponed/revised projects).
- approved request from USD 460 Hesston to receive Capital Improvement (Bond and Interest) State Aid (postponed election/revised projects).
- approved request from USD 498 Valley Heights to hold a bond election.
- approved request from USD 498 Valley Heights to receive Capital Improvement (Bond and Interest) State Aid.

#### SEPARATE ACTION ON CONSENT AGENDA

At the beginning of the meeting, Chairman Porter asked to vote consent items 19 c, d, j, k, and l as one group, but separate from the other submissions. Mr. Jones moved to approve consent agenda items 19 c, d, j, k and l. Mrs. Haas seconded. Motion carried 9-0-1 with Mrs. Dombrosky abstaining. In this action, the Board:

- approved RFP request for Annual Conference Keynote Presenters.
- approved a Preschool-Aged At-Risk program for USD 314 Brewster for 2022-2023.
- approved request for KSDE to Contract with a third-party entity to conduct a study of the effectiveness of the Mental Health Intervention Team (MHIT) pilot program and suggest improvements to the program (As required by Sen. Sub for HB 2567 passed by 2022 legislature).
- approved Safe and Secure School grants and applications for school year 2022-23.
- approved request from USD 311 Pretty Prairie to hold a bond election.

**MOTION**  
(07:23:55)

#### CHAIRMAN'S REPORT

Action on Board Travel —

Mrs. Waugh had an addition to the travel requests. Dr. Horst moved to approve travel requests and updates. Mr. Jones seconded. Motion carried unanimously.

(07:24:20)

**MOTION**  
(07:24:51)

Committee Reports —

Updates were given on the following:

- Kansas Advisory Council for Indigenous Education Working Group (KACIE-WG) (Mrs. Mah) – The working group had their first meeting on Wednesday, June 29 with all but one position filled. The group is working on an application for tribes outside of Kansas wanting to fill that position with a representative. The group will next meet on August 19. Mrs. Mah also provided a written report to the Board.
- Policy Committee (Mrs. Clifford) — The Board's Policy Committee met during the lunch break at the June meeting to confirm the changes from the April meeting and review the next section. Will next meet over lunch on Tuesday, August 9.

(07:25:19)

Board Attorney's Report —

Board Attorney Mark Ferguson presented a written report to the Board and shared briefly about Supreme Court cases relating to education and also locally in Kansas any court cases that should be on the Board's radar as far as impact.

Requests for Future Agenda Items —

(07:23:32)



Mrs. Mah brought up discussing last session's bills that affect the Board and their decisions. Mrs. Arnold requested more information on the history of the Math Assessment Cut Scores. Dr. Watson suggested he start by sending out information to Board members in an email. Mrs. Clifford inquired a lookback at ESSER money and its impact on schools more from a global sense and not a district level.

#### RECESS

The meeting recessed at 5:15 p.m. until 9 a.m. Wednesday.

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Jim Porter, Chair

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Barbara Hughes, Board Secretary

## MINUTES



### Kansas State Board of Education

Wednesday, July 13, 2022

#### CALL TO ORDER

Chairman Jim Porter called the Wednesday meeting of the Kansas State Board of Education to order at 9:00 a.m. Wednesday, July 13, 2022, in the Board Room of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas.

(00:11:34)

#### ROLL CALL

The following Board Members were present:

Betty Arnold	Ben Jones
Jean Clifford	Ann Mah
Michelle Dombrosky	Jim Porter
Melanie Haas	Janet Waugh
Deena Horst	

Jim McNiece was absent as he was traveling to Washington D.C. representing the Board at the Education Commission of the States.

#### REVOTE ON CONSENT AGENDA

During the Consent Agenda vote on June 12, 2022, the Board inadvertently removed the wrong items for separate action due to clerical error with item lettering so a revote was warranted. Dr. Horst moved to approve all consent items minus c, d, i, j, and k. Mr. Jones seconded. Motion carried 9-0. Following that vote, Mr. Jones moved to approve items c, d, i, j and k. Mrs. Mah seconded. Motion carried 8-1 with Mrs. Dombrosky opposing.

**MOTION**  
(00:12:12)

#### APPROVAL OF AGENDA

Dr. Horst moved to approve the day's agenda as presented. Mrs. Arnold seconded. Motion carried 9-0.

**MOTION**  
(00:13:30)

#### RECEIPT AND ACTION ON REDESIGN SCHOOLS READY FOR LAUNCH AND UPDATE ON REDESIGN PROGRAM

Jay Scott, Director of Accreditation and Design, and Sarah Perryman, Coordinator on the Accreditation and Design Team, gave what was the final official Redesign update as KSDE is now ready to transition to "Design" efforts through KESA. They gave a brief history and overview of the Redesign Project. Additionally, they presented the final group of schools for the board to approve

(00:14:00)

for launch. After having participated in regional Redesign workshops and persevered through the complexities of COVID to maintain their redesign planning work, the following schools have been "cleared for launch" by a third-party Launch Readiness Committee made up of representative from the Kansas State Department of Education (KSDE) and Education Service Centers and the Committee recommended the State Board of Education approve them for launch:

*Apollo Schools*

eCademy, South Breeze, Frank Layden, Rossville Jr/Sr High, Hillcrest, Perry High School, Santa Fe Trail High School, Maple Hill

*Apollo II Schools*

Lincoln, Village

*Apollo III Schools*

Park, Timmerman, Graber, Hutchinson Middle School 8, Morgan, Whittier, Lowell  
Winfield Early Learning Center

These schools have also been approved by their local board of education to launch their redesign plans effective immediately, joining another 180 plus schools in 80 districts approved by the State Board for the launch of the Kansans Can Redesign Project plans. After discussion that the item was originally on the agenda as a "receive information" item and not an "action" item, it was decided to suspend Board Policy so that the vote can be held. Mr. Jones moved that the Board suspend its policy and allow a vote on the eighteen schools at the same time as receiving them for approval. Mrs. Mah seconded. Motion carried 9-0. Mr. Jones next moved to approve the launch of the Redesign schools as presented. Dr. Horst seconded. Motion carried 9-0.

**MOTION**  
(00:28:15)

**MOTION**  
(00:28:33)

PRESENTATION FROM THE KANSAS ASSOCIATION FOR CONSERVATION AND ENVIRONMENTAL EDUCATION

(01:00:50)

Laura Downey, the Executive Director of the Kansas Association for Conservation and Environmental Education (KACEE), provided the State Board of Education with an update on environmental education programs and projects in Kansas. She provided an update on the Kansas Green Schools program, the micro credentials offered, a natural resource leadership summit pilot in Garden City, KS and other upcoming projects and events.

CONTINUED DISCUSSION ON THE KANSANS CAN SUCCESS TOUR DATA

(01:33:20)

Commissioner Watson and Hayley Steinlage (Senior Education Research analyst) continued their presentation to the Board on the Kansans CAN Success tour data (originally provided to the State Board of Education in January 2022) and led Board members in a discussion about the findings of the three research teams that the tour data independently: R12 Comprehensive Center (McRel), Kansas State University and the Kansas State Department of Education. The three entities collaborated and by consensus, identified five core themes that Kansans feel are necessary in supporting schools' needs in producing successful high school graduates:

- Community Relations and Engagement
- Educator-Centered Supports
- System-wide Needs
- Leadership and Policy
- Enhance Student Learning and Success

#### ADJOURNMENT

Chairman Porter adjourned the meeting at 12:28 p.m.

The next regular meeting for the State Board of Education is August 9 and 10, 2022

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Jim Porter, Chair

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Barbara Hughes, Board Secretary



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Janet Waugh District 1	Melanie Haas District 2	Michelle Dombrosky District 3	Ann E. Mah District 4	Jean Clifford District 5
Dr. Deena Horst District 6	Ben Jones District 7	Betty Arnold District 8	Jim Porter District 9	Jim McNiece District 10

**Item Title:** Citizens' Open Forum

During the Citizens' Open Forum, the State Board of Education provides an opportunity for citizens to share views about topics of interest or issues currently being considered by the State Board.

Each speaker shall be allowed to speak for three minutes. Any person wishing to speak shall complete a presenter's card, giving his or her name and address, and the name of any group he or she is representing. (Ref. Board Policy 1012) The speaker's card should be completed prior to 10:30 a.m.

If written material is submitted, 13 copies should be provided.

**Agenda Number:** 8

**Meeting Date:** 9/13/2022



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**Item Title:** Recognition of Wellsville High School's 2022 FBLA National Champions

**From:**

The Wellsville High School FBLA chapter had two teams place first in their respective categories at this summer's National FBLA Leadership Conference in Chicago. The Eagles' national champions were the team of Scott Hoehn (2022 graduate), Kendra Kemp (senior) & Lola Kline (junior) in the Local Chapter Annual Business Report, and the team of Lola Kline (junior), Mason Lytle (sophomore) & Jake Richards (senior) in E-Business.

Since the Wellsville FBLA chapter was organized in 1976, Wellsville FBLA has had 43 national placers, with 42 of them obtained since 1997. Overall, Kansas FBLA members placed in 22 TOP 10 high school national FBLA events this summer, with 4 first place individuals/teams coming from Kansas.

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**REQUEST AND RECOMMENDATION FOR BOARD ACTION****Agenda Number: 9****Staff Initiating:**

Tate Toedman

**Director:**

Bert Moore

**Commissioner:**

Randy Watson

**Meeting Date: 9/13/2022****Item Title:**

Act on ESSER II Change Requests and ESSER III Expenditure Plans for Use of Federal COVID-19 Relief Funds

**Recommended Motion:**

It is moved that the Kansas State Board of Education accept the recommendations of the Commissioner's Task Force on ESSER distribution of money and approve the public school district for ESSER III expenditure plans and the ESSER II change requests as presented for use of federal COVID-19 relief funds.

**Explanation of Situation Requiring Action:**

Federal assistance to schools has been made available through the Elementary and Secondary School Emergency Relief (ESSER) fund. The federal law outlines allowable expenditures directly related to the COVID-19 pandemic, and to support student learning and student needs associated with the pandemic. The Commissioner's Task Force on ESSER and EANS Distribution of Money has the responsibility to: provide guidance and oversight of school districts' plans (public and private) for expenditure of those federal funds. maximize the use of federal K-12 relief funds to meet the acute needs of Kansas students in line with federal regulations and Kansas K-12 priorities. The Task Force and KSDE staff will review the applications and expenditure plans to evaluate whether the requests are tied to a pandemic-related need, are reasonable and meet the allowable uses. The information will then be presented to the State Board of Education for approval.

**Agenda Number:** 10

**Meeting Date:** 09/13/2022



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**Item Title:** Receive Proposed Graduation Requirements

**From:** Dr. Randy Watson

The Graduation Requirements Task Force was established in June 2021. The purpose of the Graduation Requirements Task Force was to examine graduation requirements in Kansas from at least three lenses:

- 1 - Identify courses to add or delete from current requirements (if any).
- 2 - Review ways to demonstrate mastery of skills and competencies.
- 3 - Study need for value-added assets in addition to a high school diploma.

During the May 2022 Board meeting, members of the Task Force provided an update of their work and covered the mastery of skills, competencies and value assets recommendations. Presented now are the proposed graduation requirements based on the Task Force's findings and subsequent recommendations. Action will be taken on these requirements at the October Board meeting.

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**Agenda Number:** 11

**Meeting Date:** 9/13/2022



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**Item Title:** Recognition of the Free State Legislature Lithograph

**From:** Nathan McAlister

Bill McFarland, Tim Rues, Tim Nedeau, and Paul BahnMaier will present the history of the Free State Legislature print, how it was discovered, and some of the interesting individuals.

Also, they will be presented a certificate of recognition for their efforts to preserve Kansas History.

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## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 12

Staff Initiating:

Jay Scott

Director:

Commissioner:

Randy Watson

Meeting Date: 9/13/2022

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### **Item Title:**

Act on KESA Recommendations Received in August

### **Recommended Motion:**

It is moved that the Kansas State Board of Education accept the recommendations of the Accreditation Review Council and award the status of accredited to USD 260 Derby, Z0029-1444 Sacred Heart Elementary (Emporia) and redeterminations of accredited to USD 381 Spearville, USD 456 Marias Des Cygnes Valley.

### **Explanation of Situation Requiring Action:**

In accordance with the Kansas Educational Systems Accreditation (KESA) process, systems reviewed by the Accreditation Review Council (ARC) for an accreditation status recommendation, are forwarded to the State Board of Education one month prior to the board acting. Last month, two (2) systems were forwarded to the State Board of Education for their review of an accredited status recommendation.

The following systems are once again being presented for action on an accreditation status:

This school year (2021-2022) there are 95 public and private systems scheduled for review by the ARC to provide an accreditation status recommendation. Staff will be available for any questions.

USD 260 Derby

Z0029-144 Sacred Heart Elementary (Emporia)

Redetermination:

USD 381 Spearville

USD 456 Marais Des Cygnes Valley

**Agenda Number:** 13

**Meeting Date:** 9/13/2022



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**Item Title:** Proposed Purple Star School Designation

**From:** Sherry Root

Overview of proposed Kansas Purple Star School Designation to recognize military-friendly schools that meet specific criteria and demonstrate a commitment to serving students and families connected to our nation's armed forces.

Presented by: Craig Neuenswander and supported by superintendents of USD 475 Geary Co., USD 207 Ft Leavenworth and USD 260 Derby.

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## KANSAS STATE DEPARTMENT OF EDUCATION

### PURPLE STAR DESIGNATION APPLICATION

The Kansas Purple Star designation is awarded to military-friendly school districts and those schools that have demonstrated a major commitment to students and families connected to our nation's military including active duty, National Guard or reserve. Schools that meet all criteria as required will receive official Purple Star recognition to display onsite and may place the recognition on their website.

A school district or individual school will be honored with the Purple Star award if it completes **all the required** activities and **one optional** activity. The Kansas Military Child Education Council (KMCEC) will review all school district applications and recommend those that meet the criteria to the Kansas State Board of Education.

#### REQUIRED DISTRICT WIDE ACTIVITIES

Purple Star schools must provide evidence that the district completed at least one of the following:

- ☐ Professional development regarding special considerations for military students and families. Evidence of this training should include the following documentation: agenda, presentation materials and names of participants.
- ☐ The school board passes a resolution publicizing the school's support for military students and families. Applicants must include a copy of the resolution and date of approval.
- ☐ The school district has an assigned central office staff member to be the contact for the school based liaison and military families.

#### WEBSITE REQUIREMENTS

The district maintains a page dedicated to military student and family support. This webpage must include the following information:

- ☐ Military Families: Planning your arrival to (Insert School Division) Information on enrollment and the registration process
- ☐ Military Families: Preparing your move from (Insert School Division) Information on educational records requests and transfers
- ☐ Academic Planning for Military Families: Information on advanced academic programs and application deadlines (Specialty Centers), graduation requirements, diploma options and home instruction
- ☐ Interstate Compact on Educational Opportunities for Military Children: Information on the compact rules and their application
- ☐ Special Needs Navigation and Parental Rights: Information on Special Education services and parental rights to include parental consent
- ☐ Extracurricular Activities: Information or links to clubs, organizations and athletic opportunities including physical information/expectations.
- ☐ School Liaison Officer: (Include local School Liaison Contact information/link to website and Military OneSource Database  
<https://www.militaryonesource.mil/education-employment/for-children-and-youth/changing-schools/school-liaisons/>)
- ☐ Other optional items to include: Virtual tours, Impact Aid, SITE Council, Parent Teacher Association (PTA) and Parent Teacher Student Association (PTSA), and local community support etc.

### REQUIRED SCHOOL WIDE ACTIVITIES

The school must designate a point of contact (POC) to work with school administration and or military program partners to conduct a schoolwide professional development session that informs staff of the unique needs of military-connected students and onsite resources available to support these students. Evidence of this training would include copies of sign-in sheets and training materials presented.

- ☐ The school maintains a student-led transition program, to include a coordinator for the student transition team. This program should provide peer support for newly enrolled and withdrawing students to include those who are military connected. Evidence could include the following: calendar of events, a narrative of activities conducted, flyers or photos of student welcoming or training materials
- ☐ The school hosts a military recognition event designed to demonstrate a military-friendly culture across the school community. In addition to the event summary, please provide copies of marketing materials, news articles or photographs. Examples include A Memorial Day Program, lunch with military parents, Veteran's Day Program or Patriot Day Program (9/11).
- ☐ The school website maintains a link to the district military student and family support webpage.
- ☐ To qualify, schools must submit the application by the deadline.

### MILITARY SUPPORT ACTIVITIES

Purple Star schools must complete at least one of the following but are strongly encouraged to do more to show their support of military families. Please mark the box next to each of the military support activities that your school has conducted and, for each item, attach examples such as pictures, videos, flyers or weblinks with your application submission.

- ☐ The school has a public military display. The display is any public demonstration of military support, such as a tribute wall for military-connected students and families, a memorial, a bulletin board, a special purple star room or other recognition of the military.
- ☐ The school hosted a military appreciation night at a sporting event.
- ☐ The school had special celebration activities for the month of the military child in April.
- ☐ The school formed a military family committee or support groups for military connected students.
- ☐ The school held fundraisers to support military veterans and active duty members.
- ☐ The school has a U.S. Army Junior Reserve Officer Training Corps (JROTC) program in place.

**Age-Appropriate Supports: Explain How The Activities You Conduct In Support Of Military Families Are Age Appropriate For The Students In Your Building. (40 Words Minimum)**

### APPLICATION PROCESS

- Please send completed applications as a fillable PDF, with examples of your military support activities, to [cneuenswander@ksde.org](mailto:cneuenswander@ksde.org).
- The deadline is **February 1**. Late or incomplete submissions will not be accepted.
- You will receive an email confirmation within one to three business days acknowledging receipt of your application. If you do not receive a confirmation email, please resubmit.
- If you have any questions, please contact Craig Neuenswander, Deputy Commissioner at Kansas State Department of Education [cneuenswander@ksde.org](mailto:cneuenswander@ksde.org) or 785-296-3871.

### DISTRICT INFORMATION

DISTRICT NAME \_\_\_\_\_ USD \_\_\_\_\_

CONTACT \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

CONTACT PHONE NUMBER \_\_\_\_\_

SUPERINTENDENT \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

### MILITARY FAMILY POINT OF CONTACT INFORMATION FOR EACH SCHOOL BUILDING

SCHOOL	CONTACT NAME	POSITION IN THE BUILDING	EMAIL ADDRESS	PHONE NUMBER	WEB PAGE (make sure this link is clickable)

### ASSURANCES

I hereby certify the above statements are unique to my school and true to the best of my knowledge. I understand that a false or inauthentic statement may disqualify my application. Please note that an electronic signature is acceptable for this application.

PRINT NAME \_\_\_\_\_ POSITION \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## INSTRUCTIONS FOR PDF APPLICATION

Application is a fillable PDF. To ensure that hyperlinks work properly, please follow the instructions below on how to create text that is a hyperlink.

If you require more space, please attach a separate page along with this application form.

To create text that is a hyperlink -

- Select the Add Text tool, draw your text bounding box in the area you want to create the hyperlink,
- Type text that you want to make the hyperlink,
- Use your cursor to select the text you've just typed then right click
- Select create link, under the Link Action are on the Create Link Window select Open a web page, hit next,
- An Edit URL window opens up, enter a URL for the link and hit OK

**REQUEST AND RECOMMENDATION FOR BOARD ACTION****Agenda Number: 14****Staff Initiating:**

Scott Gordon

**Director:**

Scott Gordon

**Commissioner:**

Randy Watson

**Meeting Date: 9/13/2022****Item Title:**

Act on the Recommendations of the Professional Practices Commission (revocation and denial)

**Recommended Motion:**

It is moved that the Kansas State Board of Education denies or revokes the licenses in the cases of 22-PPC-02, 22-PPC-09, 22-PPC-10, 22-PPC-12, 22-PPC-13, 22-PPC-15, and 22-PPC-14

**Explanation of Situation Requiring Action:****22-PPC-02**

Licensee holds a professional teaching license issued by the Kansas State Board of Education. Between 2017 and September 2021, Licensee engaged in professional misconduct by breaching his fiduciary duty to USD 473 by utilizing school district accounts to make purchases of property for his personal use and to avoid sales tax, utilizing school district credit accounts to purchase property for personal use at the district's expense, and keeping rebates earned from school district purchases rather than providing those rebates back to the district. The complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered and signed for. Applicant did not submit either a request for hearing or an answer. By a vote of 7-0, The PPC recommends revocation of 22-PPC-02's license.

**22-PPC-09**

Applicant applied to renew an emergency substitute teaching license. Applicant has been licensed since 2017. From April 22, 1994 to October, 2019, Applicant was licensed as an attorney by the Supreme Court of Missouri. On October 15, 2019, Applicant was disbarred by the Supreme Court of Missouri. Applicant signed documents on behalf of her client without her client's knowledge or permission. Applicant used client funds for personal use in several separate instances, breaching her fiduciary duty to her clients; Applicant engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation of her client. The Complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered. Applicant did not submit either a request for hearing or an Answer. By a vote of 7-0, The PPC recommends revocation of 22-PPC-09's license.

**22-PPC-10**

Applicant applied to renew an emergency substitute teaching license. Applicant was previously licensed by the Kansas State Board of Education from September 2004 to June 2005. On or about August 21, 2016, Applicant unlawfully and knowingly obstructed, resisted, or opposed a person authorized by law in the discharge of an official duty and interfered with law enforcement. On or about February 14, 2018, Applicant unlawfully and knowingly obstructed, resisted, or opposed a



person authorized by law in the discharge of an official duty and interfered with law enforcement. On March 2, 2020, Applicant was convicted of two level 9 Nonperson felonies as described in K.S.A. 21-5904(a)(3). The Complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered. Applicant did not submit either a request for hearing or an Answer. By a vote of 7-0, The PPC recommends denial of 22-PPC-10's application.

## **22-PPC-12**

Licensee holds a professional teaching license issued by the Kansas State Board of Education. Licensee has been licensed since 1997. Prior to May 31, 2022, Licensee had been employed as a teacher for the Wamego school district since 2011. Starting in December of 2019, Licensee engaged in an inappropriate relationship with an underage child ("Victim") while the child was still a student in the school where Licensee was employed. By a vote of 7-0, The PPC recommends revocation of 22-PPC-12's license.

## **22-PPC-13**

Licensee holds a professional teaching license issued by the Kansas State Board of Education. Licensee has been licensed since 1998. Prior to May 31, 2022, Licensee had been employed as a teacher for the Wamego school district since 2008. Starting in December of 2020, Licensee became aware that her husband, a licensed Kansas teacher with whom she worked in the Wamego school district, had engaged in an inappropriate relationship with an underage child ("Victim") while the child was still a student in the school where Licensee was employed. Licensee also entered into a sexual relationship with the Victim. By a vote of 7-0, The PPC recommends revocation of 22-PPC-13's license.

## **22-PPC-15**

Applicant applied for an emergency substitute license. He is not currently licensed. On August 5, 2021, Applicant was convicted of four counts of misdemeanor possession of marijuana. Applicant was placed on probation/parole for one year. On February 7, 2022, Applicant was discharged from probation. The Kansas State Department of Education mailed a letter to Applicant at his last known address asking him to participate in the Professional Practices Commission's hearing. That letter was not returned to the Department or otherwise show it was not received. By a vote of 7-0, The PPC recommends denial of 22-PPC-15's application.

## **22-PPC-14**

The Kansas State Department of Education filed a Complaint seeking revocation of Licensee's professional license. The Complaint alleged two sexual relationships with students and additional inappropriate, sexual conversations with other students while he was employed as their high school teacher. The Licensee submitted a written voluntary surrender of his license. The PPC accepted the voluntary surrender and recommends revocation of the license.

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the License of  
[REDACTED]

22-PPC-02

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon the Complaint filed by the Kansas State Department of Education seeking revocation of [REDACTED] [Licensee] professional teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through General Counsel, R. Scott Gordon. Licensee did not appear.

**FINDINGS OF FACT**

1. Licensee holds a professional teaching license issued by the Kansas State Board of Education. Licensee has been licensed since 1993.
2. Between 2017 and September 2021, Licensee engaged in professional misconduct by breaching his fiduciary duty to USD 473 in the following ways:
  - a. Licensee utilized school district accounts to make purchases of property for his personal use and to avoid sales tax;
  - b. Licensee utilized school district credit accounts to purchase property for personal use at the district's expense;
  - c. Licensee kept rebates earned from school district purchases rather than providing those rebates back to the district.
3. The Complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered and signed for. Applicant did not submit either a request for hearing or an Answer.

**CONCLUSIONS OF LAW**

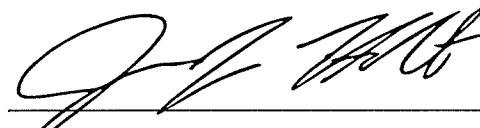
1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.

2. One of the obvious goals of education is to “instill respect for the law.” Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.
3. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
4. Licensee’s conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Licensee’s conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause to revoke license.
5. If a party fails to participate in the adjudicative process, the party may be found to have conceded to the outcome requested by the filed complaint.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7-0, that the professional teaching license of the Licensee be revoked based on his professional misconduct and failure to participate in the PPC proceedings.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairwoman

Order signed on August 3, 2022.

### NOTICE TO APPLICANT

This Order is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

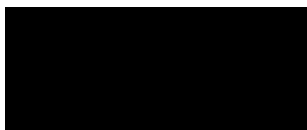
You may submit to the State Board for its consideration as part of its review of the Initial Order a written brief citing legal authority as to why the above recommendation should not be accepted. You must file the brief with the State Board Secretary at the address indicated below within ten calendar days after service of the Initial Order for transmittal to the State Board. You must also make any request for oral argument at that time.

Barbara Hughes  
Secretary, Kansas State Board of Education  
900 SW Jackson Street, Suite 600  
Topeka, KS 66612

Response briefs are due within ten calendar days after service of the legal brief upon the opposing party. Any reply brief is due five calendar days after service of any response brief upon the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

CERTIFICATE OF SERVICE

I hereby certify that on this 5<sup>th</sup> day of August, 2022, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested to:



And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

Marisa Seele

Marisa Seele  
Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the Application of

22-PPC-09

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon the Complaint filed by the Kansas State Department of Education seeking denial of [REDACTED] [Applicant] application for an emergency substitute teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through General Counsel, R. Scott Gordon. Applicant did not appear.

**FINDINGS OF FACT**

1. Applicant applied to renew an emergency substitute teaching license. Applicant has been licensed since 2017.
2. From April 22, 1994 to October, 2019, Applicant was licensed as an attorney by the Supreme Court of Missouri. As a licensed professional, Applicant was held to a high standard with fiduciary obligations to those she served as well as to the profession itself.
3. On October 15, 2019, Applicant was disbarred by the Supreme Court of Missouri. The bases for losing her professional license includes the following:
  - a. Applicant signed documents on behalf of her client without her client's knowledge or permission.
  - b. Applicant used client funds for personal use in several separate instances, breaching her fiduciary duty to her clients;
  - c. Applicant engaged in conduct involving dishonestly, fraud, deceit, and/or misrepresentation of her client.
4. The Complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered. Applicant did not submit either a request for hearing or an Answer.

**CONCLUSIONS OF LAW**

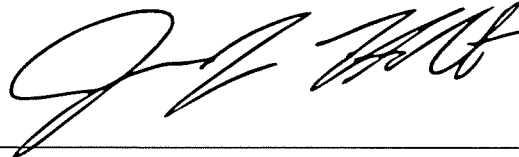
1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.

2. The State Board may deny an application for a license for misconduct or other just cause.  
K.A.R. 91-22-1a(a).
3. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred.  
K.A.R. 91-22-1a(f). The Kansas State Board of Education applies this bar to all professional licenses, not just other teaching licenses.
4. One of the obvious goals of education is to “instill respect for the law.” Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.
5. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
6. Applicant’s conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Applicant’s conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause to deny his/her license.
7. If a party fails to participate in the adjudicative process, the party may be found to have conceded to the outcome requested by the filed complaint.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7-0, that the application for an emergency substitute teaching license be denied based on her misconduct while licensed as a professional, the revocation of her professional license in another state, and for failure to participate in the PPC proceedings.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairwoman

Order signed on August 3, 2022.

### NOTICE TO APPLICANT

This Order is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

You may submit to the State Board for its consideration as part of its review of the Initial Order a written brief citing legal authority as to why the above recommendation should not be accepted. You must file the brief with the State Board Secretary at the address indicated below within ten calendar days after service of the Initial Order for transmittal to the State Board. You must also make any request for oral argument at that time.

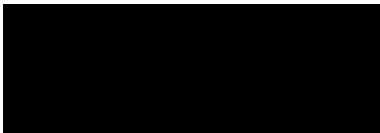
Barbara Hughes  
Secretary, Kansas State Board of Education  
900 SW Jackson Street, Suite 600  
Topeka, KS 66612

Response briefs are due within ten calendar days after service of the legal brief upon the opposing party. Any reply brief is due five calendar days after service of any response brief upon the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.



**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of August, 2022, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested to:



And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

A handwritten signature in cursive script that reads "Marisa Seele". The signature is written over a horizontal line.

Marisa Seele  
Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the Application of

22-PPC-10

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon the Complaint filed by the Kansas State Department of Education seeking denial of [redacted] [Applicant] application for an emergency substitute teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through General Counsel, R. Scott Gordon. Applicant did not appear.

**FINDINGS OF FACT**

1. Applicant applied to renew an emergency substitute teaching license. Applicant was previously licensed by the Kansas State Board of Education from September 2004 to June 2005.
2. On or about August 21, 2016, Applicant unlawfully and knowingly obstructed, resisted, or opposed a person authorized by law in the discharge of an official duty and interfered with law enforcement.
3. On or about February 14, 2018, Applicant unlawfully and knowingly obstructed, resisted, or opposed a person authorized by law in the discharge of an official duty and interfered with law enforcement.
4. On March 2, 2020, Applicant was convicted of two level 9 Nonperson felonies as described in K.S.A. 21-5904(a)(3).
5. The Complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered. Applicant did not submit either a request for hearing or an Answer.

**CONCLUSIONS OF LAW**

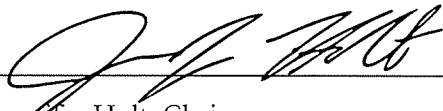
1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.

2. The State Board may deny an application for a license for misconduct or other just cause. K.A.R. 91-22-1a(a).
3. One of the obvious goals of education is to “instill respect for the law.” Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
5. Applicant’s conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Applicant’s conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause to deny his/her license.
6. If a party fails to participate in the adjudicative process, the party may be found to have conceded to the outcome requested by the filed complaint.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7-0, that the application for an emergency substitute teaching license be denied based on his felony convictions, his professional misconduct for which he was convicted, and for failure to participate in the PPC proceedings.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION

  
\_\_\_\_\_  
Jennifer Holt, Chairwoman

Order signed on August 3, 2022.

### **NOTICE TO APPLICANT**

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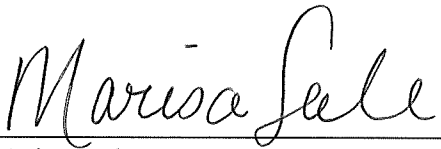
**CERTIFICATE OF SERVICE**

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And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

  
\_\_\_\_\_  
Marisa Seele  
Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the License of

22-PPC-12

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon the Complaint filed by the Kansas State Department of Education seeking revocation of [REDACTED] [Licensee] professional teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through General Counsel, R. Scott Gordon. Licensee did not appear.

**FINDINGS OF FACT**

1. Licensee holds a professional teaching license by the Kansas State Board of Education. Licensee has been licensed since 1997.
2. Prior to May 31, 2022, Licensee had been employed as a teacher for the Wamego school district since 2011.
3. Starting in December of 2019, Licensee engaged in an inappropriate relationship with an underage child ("Victim") while the child was still a student in the school where Licensee was employed. Victim was a student of the Licensee through 2020 until she graduated in May, 2021.
4. During the 2019-2020 school year, Licensee and Victim's relationship evolved from sexual texting and flirting to sexual intercourse. This relationship continued through Victim's graduation.
5. In Kansas, it is against the law for a teacher to engage in sexual intercourse, lewd fondling or touching, or sodomy with a student enrolled in the school where the teacher is employed regardless of the student's age.
6. The Complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered and signed for. Applicant did not submit either a request for hearing or an Answer.

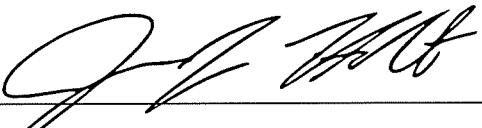
**CONCLUSIONS OF LAW**

1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. The State Board may revoke a teaching license for misconduct or other just cause including the commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation. K.A.R. 91-22-1a(a).
3. The State Board may revoke a teaching license for engaging in any sexual activity with a student. K.A.R. 91-22-1a(a)(8).
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
5. Applicant's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Applicant's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause to revoke his license.
6. If a party fails to participate in the adjudicative process, the party may be found to have conceded to the outcome requested by the filed complaint.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7-0, that the professional teaching license of the Licensee be revoked based on his sexual misconduct and failure to participate in the PPC proceedings.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION

  
\_\_\_\_\_  
Jennifer Holt, Chairwoman

Order signed on August 3, 2022.

### **NOTICE TO APPLICANT**

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Barbara Hughes  
Secretary, Kansas State Board of Education  
900 SW Jackson Street, Suite 600  
Topeka, KS 66612

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And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

A handwritten signature in cursive script that reads "Marisa Seele".

Marisa Seele  
Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the License of

22-PPC-13

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon the Complaint filed by the Kansas State Department of Education seeking revocation of [REDACTED] [Licensee] professional teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through General Counsel, R. Scott Gordon. Licensee did not appear.

**FINDINGS OF FACT**

1. Licensee holds a professional teaching license by the Kansas State Board of Education. Licensee has been licensed since 1998.
2. Prior to May 31, 2022, Licensee had been employed as a teacher for the Wamego school district since 2008.
3. Starting in December of 2020, Licensee became aware that her husband, a licensed Kansas teacher with whom she worked in the Wamego school district, had engaged in an inappropriate relationship with an underage child ("Victim") while the child was still a student in the school where Licensee was employed. Victim was a student of the Licensee through 2020 until she graduated in May, 2021. Licensee also entered into a sexual relationship with the Victim.
4. In Kansas, it is against the law for a teacher to engage in sexual intercourse, lewd fondling or touching, or sodomy with a student enrolled in the school where the teacher is employed regardless of the student's age.
5. In Kansas, teachers that have reason to suspect that a child in attendance at the school where the teacher works has been harmed as a result of physical, mental, emotional, or sexual abuse are required by law to report the suspected abuse to the Department for Children and Families ("DCF") or to law enforcement, or to both.
6. At no time did Licensee report the sexual abuse of the Victim to DCF or to law enforcement.

7. The Complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered and signed for. Applicant did not submit either a request for hearing or an Answer.

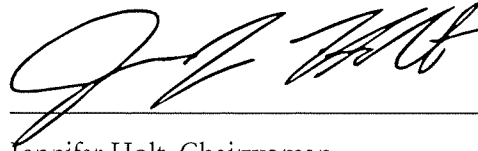
### **CONCLUSIONS OF LAW**

1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. The State Board may revoke a teaching license for misconduct or other just cause including the commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation. K.A.R. 91-22-1a(a).
3. The State Board may revoke a teaching license for engaging in any sexual activity with a student. K.A.R. 91-22-1a(a)(8).
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
5. Applicant's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Applicant's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause to revoke her license.
6. If a party fails to participate in the adjudicative process, the party may be found to have conceded to the outcome requested by the filed complaint.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7-0, that the professional teaching license of the Licensee be revoked based on her sexual misconduct, her failure to report the sexual abuse of her student, and for failure to participate in the PPC proceedings.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairwoman

Order signed on August 3, 2022.

**NOTICE TO APPLICANT**

This Order is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

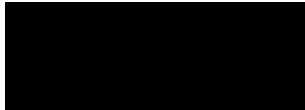
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Barbara Hughes  
Secretary, Kansas State Board of Education  
900 SW Jackson Street, Suite 600  
Topeka, KS 66612

Response briefs are due within ten calendar days after service of the legal brief upon the opposing party. Any reply brief is due five calendar days after service of any response brief upon the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of August, 2022, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested to:



And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

Marisa Seele

Marisa Seele  
Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the Application of  
[REDACTED]

22-PPC-15

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon [REDACTED] [Applicant] application for an emergency substitute teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Applicant did not appear.

**FINDINGS OF FACT**

1. Applicant applied for an emergency substitute license. He is not currently licensed.
2. On August 5, 2021, Applicant was convicted of four counts of misdemeanor possession of marijuana. Applicant was placed on probation/parole for one year.
3. On February 7, 2022, Applicant was discharged from probation.
4. The Kansas State Department of Education mailed a letter to Applicant at his last known address asking him to participate in the Professional Practices Commission's hearing. That letter was not returned to the Department or otherwise show it was not received.

**CONCLUSIONS OF LAW**

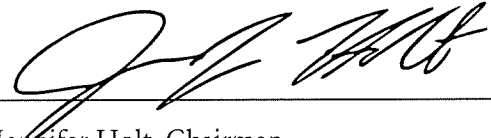
1. Applicant was not a licensed educator or employed in a position of public trust at the time of her offenses.
2. The State Board may deny a license for failure to participate in the Professional Practices Commission.
3. One of the obvious goals of education is to "instill respect for the law." Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.

5. Applicant's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession.
6. Because the Applicant did not appear before the Professional Practices Commission, they received no evidence of his rehabilitation or fitness to serve as a licensed teacher.

THEREFORE the Professional Practices Commission, by vote of 7-0, recommends the Kansas State Board of Education deny the application for an emergency substitute teaching license based on his drug convictions and failure to participate in the PPC proceedings.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION

  
\_\_\_\_\_

Jennifer Holt, Chairman

Order signed on August 3, 2022

### NOTICE TO APPLICANT

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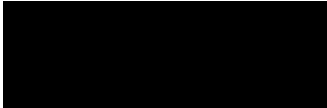
Barbara Hughes  
Secretary, Kansas State Board of Education  
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Topeka, KS 66612

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I hereby certify that on this 5<sup>th</sup> day of August, 2022, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested to:



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Marisa Seele

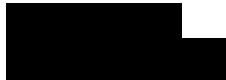
Marisa Seele

Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of

22-PPC-14



**Initial Order**

The above-captioned case is before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the Complaint filed by KSDE requesting revocation of the teaching license of [REDACTED] ("Licensee").

The Professional Practices Commission reviewed the matter during its regularly scheduled meeting on August 26, 2022. KSDE appeared by ad through its General Counsel, R. Scott Gordon. Licensee did not appear.

Findings of Fact

1. Licensee is currently licensed by the Kansas State Board of Education. Licensee has been so licensed since 1994.
2. On June 30, 2022, KSDE filed a Complaint seeking revocation of Licensee's teaching license. Within the Complaint, KSDE alleged the following:
  - a. While employed as a teacher at Pretty Prairie High School, Licensee entered into an inappropriate sexual relationship with an underage student, C.H. from 2008 through 2010.
  - b. Approximately five years ago, while employed as a teacher at Pretty Prairie High School, Licensee engaged in grooming by indicating a desire for a sexual relationship with a student, M.M. Licensee engaged in a sexual relationship with M.M. immediately after she ceased to be a student.
  - c. While employed as a teacher at Pretty Prairie High School, in particularly between 2014 and 2018, Licensee engaged in inappropriate discussions with his students regarding his private sex life and inquiring into their own personal, private lives.
3. The Complaint was mailed to Licensee's last known address, to which he submitted an Answer and a Request for a Hearing. Subsequent to filing his Answer, Licensee submitted a written Voluntary Surrender of his license. Although he did not specifically admit to each allegation as written in the Complaint, Licensee acknowledged that he'd engaged in inappropriate relationships with students while employed as their teacher. He further acknowledged and admitted that his conduct was unprofessional, inappropriate, and that he is unfit to maintain a teaching license. A copy of Licensee's Voluntary Surrender is attached as Exhibit A.
4. The Professional Practices Commission voted unanimously to accept Licensee's Voluntary Surrender.

### CONCLUSIONS OF LAW

1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. The State Board may revoke a teaching license for misconduct or other just cause including the commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation. K.A.R. 91-22-1a(a).
3. The State Board may revoke a teaching license for engaging in any sexual activity with a student. K.A.R. 91-22-1a(a)(8).
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
5. Applicant's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Applicant's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause to revoke his license.

IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education that Licensee's professional license be revoked.

This Initial Order of the Professional Practices Commission is not a final order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

This Initial Order is made and entered this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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Jennifer Holt, Chairperson  
Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the License of

22-PPC-14

**VOLUNTARY SURRENDER**

I, [REDACTED] hereby knowingly and voluntarily surrender my license to the Kansas State Board of Education ("State Board"). I am voluntarily surrendering my license as a result of inappropriate relationships with students while employed as their teacher. This surrender constitutes an admission that my conduct was unprofessional, inappropriate, and that I am unfit to maintain a teaching license.

I further acknowledge and understand that my surrender is subject to approval by the State Board, which may publicly censure, suspend, or revoke my license; and by surrendering my license, I waive any objection to or contestation of findings made by the Professional Practices Commission or the State Board. I further acknowledge and understand that notice of the censure, suspension, or revocation of my license will be provided to all local education agencies in the State of Kansas and to the agency responsible for issuing educator licenses/certificates in each of the other states.

I hereby withdraw my previously-filed Request for Hearing.

[REDACTED]

Signature

[REDACTED]

(Printed or typed name)

VERIFICATION

STATE OF Kansas

COUNTY OF Reno

ss:

BE IT REMEMBERED that on this 28<sup>th</sup> day of July, 2022,

before me, the undersigned, a notary public in and for the county and state aforesaid, came

[REDACTED], who is personally known to me to be the same person who executed the within instrument and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal the day and year last above written.

Myra G. Cole

Notary Public

My appointment expires:

4-04, 2023



**REQUEST AND RECOMMENDATION FOR BOARD ACTION****Agenda Number: 14****Staff Initiating:**

Scott Gordon

**Director:**

Scott Gordon

**Commissioner:**

Randy Watson

**Meeting Date:****9/13/2022****Item Title:**

Act on the Recommendations of the Processional Practices Commission (grant)

**Recommended Motion:**

It is moved that the Kansas State Board of Education adopt the findings of fact and conclusions of law of the Professional Practices Commission and follow all recommendations in the issuance of the license in cases of 21-PPC-25, 22-PPC-16, 22-PPC-17.

**Explanation of Situation Requiring Action:****21-PPC-25**

Applicant applied for an emergency substitute teaching license. On September 14, 2006, Applicant was convicted of two counts of Furnishing Alcoholic Liquor to a Minor in Republic County District Court case No. 06CR52. On November 15, 2012, Applicant was convicted of Theft, a level 9 felony, in Pottawatomie County District Court case No. 2012-CR-448. On June 18, 2013, Applicant was convicted of misdemeanor Possession of Marijuana in Pottawatomie County District Court case No. 2013CR67. When Applicant applied for a license in 2019, she did not disclose that she had been convicted of either a felony or of any crime involving theft, drugs, or children. When Applicant applied for a license in March, 2021, she again did not disclose any convictions for crimes involving theft, drugs, or felonies. Applicant has taken steps to rehabilitate herself and separate herself from the conduct that led to her criminal conduct. By a vote of 7-0, the PPC recommends the Applicant receive an emergency substitute license subject to KSDE receiving a letter from the administration where Applicant is employed acknowledging awareness of Applicant's past criminal conduct. That letter has been received.

**22-PPC-16**

Applicant applied for an emergency substitute teaching license. On March 18, 2004, Applicant was adjudicated as a juvenile offender and found guilty for misdemeanor theft in the Reno County District Court. On March 20, 2007, Applicant was adjudicated as a juvenile offender and found guilty for misdemeanor disorderly conduct. On October 25, 2007, Applicant was adjudicated as a juvenile offender and found guilty for misdemeanor theft. On January 27, 2010, Applicant was convicted of misdemeanor drug possession in the Wichita Municipal Court. On August 21, 2017, Applicant was convicted of misdemeanor theft of property or services in the Hutchinson Municipal Court. Applicant was not licensed by the Kanas State Board of Education or any other profession at the time of his offenses. By a vote of 7-0, The PPC recommends the Applicant receive an emergency substitute teaching license and any other licensure for which the Applicant may otherwise apply for and qualify.

**22-PPC-17**

Applicant applied for a limited apprentice license. She is not currently licensed. On May 5, 1994, Applicant was convicted of felony burglary and misdemeanor theft in the Audubon County District Court based on breaking into an ex-boyfriend's car and stealing his CB radio. On May 6, 2002, Applicant was convicted of misdemeanor possession of marijuana based on law enforcement finding it inside her house after chasing her (now ex) husband into the home. On October 21, 2002, Applicant was convicted of misdemeanor theft for knowingly writing two checks to pay her car loan from an account that did not have sufficient funds. By a vote of 6-0, the PPC recommends the Applicant receive a limited apprentice teaching license and any other licensure for which the Applicant may otherwise apply for and qualify, subject to KSDE's Office of General Counsel receiving a letter from her employing school district indicating Applicant has informed the administration about her criminal past as well as about her appearance before the Professional Practices Commission. That letter has been received.

BEFORE THE KANSAS STATE DEPARTMENT OF EDUCATION  
PROFESIONAL PRACTICES COMMISSION

In the Matter of  
the License of

[REDACTED]

OAH Case No.: 22ED0007 ED  
KSDE Case No.: 21-PPC-25

**INITIAL ORDER**

**Decision**

Having heard the testimony of the witnesses, considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) on a vote of 7 to 0 recommends to the Kansas State Board of Education (State Board) that the application by [REDACTED] for an emergency substitute teaching license and substitute teaching license be granted, subject to KSDE receiving a letter from the administration where [REDACTED] is employed acknowledging awareness of [REDACTED] past criminal conduct.

**Statement of Case**

This matter comes on for hearing before the Commission upon the request for hearing made by [REDACTED] concerning a complaint filed by the KSDE on December 14, 2021 seeking denial of [REDACTED] application for an emergency substitute teaching license.

The hearing was held on July 20, 2022. Appearing for the Commission were Chairperson, Dr. Jennifer Holt, and members Caroline Spaulding, Jamie Wetig, Darrin San Romani, Eric Filippi, Dr. Christy Ziegler, and Aaron Edwards.

[REDACTED] appeared in person without an attorney.

KSDE appeared by and through R. Scott Gordon, General Counsel.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

**Evidentiary Rulings**

KSDE offered documents marked as Exhibits A through C, E through H and K and requested they be admitted as evidence. [REDACTED] had no objection. Exhibits A through C, E through H and K were admitted.



██████████ offered documents identified as Exhibits 2 through 5 and requested they be admitted as evidence. KSDE had no objection. Exhibits 2 through 5 were admitted.

### Findings of Fact

1. ██████████ applied to KSDE for an emergency substitute teaching license. (Exhibit A). The exact date of the application is unknown to the Commission, but it is noted that KSDE suggested that the application was submitted in 2019. ██████████ was asked if she had ever been convicted of a felony crime or crime involving theft, drugs or a child, if she had ever entered into a diversion agreement, or if she had any criminal charges pending. ██████████ responded "No" to all questions.
2. A criminal background check was conducted and revealed that ██████████ had criminal convictions on two (2) counts of furnishing alcohol to minors in 2006 and one (1) count of possession of a hallucinogenic drug in 2013.
3. On December 12, 2019 KSDE requested ██████████ submit certified copies of court documents related to the convictions. (Exhibit B).
4. ██████████ 2019 application was referred to the Commission for a hearing to be conducted on January 24, 2020. (Exhibit C).
5. No license was issued as a result of ██████████ 2019 application.
6. In March of 2021 ██████████ submitted a second application to KSDE for an emergency substitute teaching license. According to KSDE's review of ██████████ second application, ██████████ failed to disclose the convictions described above.
7. On December 14, 2021 KSDE filed a complaint requesting that ██████████ application for an emergency substitute license be denied. (Exhibit E).
8. On January 26, 2022 ██████████ submitted a request for a hearing before the Commission and a response to KSDE's Complaint. ██████████ attached paperwork relating to the identified convictions. Included within the paperwork were copies of orders granting expungement of the crimes of which ██████████ had been convicted.
9. All of ██████████ convictions identified by KSDE had been expunged from her criminal record as of March 10, 2021.
10. ██████████ testified to her use of alcohol and substance abuse. ██████████ acknowledged having made a lot of mistakes, even more than appeared on the paperwork. ██████████ testified she has been sober for seven (7) years. ██████████ provided testimony concerning each of the convictions identified by KSDE.

11. [REDACTED] attended college and obtained a bachelor's degree in elementary education. [REDACTED] testified that she had a background check conducted by the university and it came back "clear" so she thought it was okay. [REDACTED] acknowledged she made a mistake answering "No" on the 2019 application. [REDACTED] testified she used her federal stimulus money to have her criminal convictions expunged and when she reapplied in March of 2021 she answered "No" because the convictions had been expunged.

12. [REDACTED] testified that she attends sobriety meetings 1-2 times per month and sees her sponsor at least one (1) time per month. [REDACTED] testified to the steps she has taken to remain sober.

### Conclusions of Law

The State Board is responsible for the general supervision of education, including the certification and licensure of teachers, in Kansas.<sup>1</sup>

"A license may be denied by the state board to any person who fails to meet the licensure requirements of the state board or for any act for which a license may be suspended or revoked pursuant to [K.A.R. 91-22-1a](a)."<sup>2</sup> Conduct for which a license may be suspended or revoked includes, but is not limited to: "(1) Conviction of any crime punishable as a felony; ... (4) conviction of any misdemeanor involving drug-related conduct."<sup>3</sup>

The Commission, in determining whether to recommend to the Board that an individual's application should be granted, is required to determine the extent of the applicant's efforts at rehabilitation as well as the fitness of the applicant to be a member of the teaching profession.<sup>4</sup>

The Commission felt it was appropriate to consider the factors set forth in K.A.R. 91-22-1a(g)(1) in determining if [REDACTED] application for an emergency substitute teaching license should be granted. The factors considered were:

- (A) The nature and seriousness of the conduct that resulted in the denial or revocation of a license;
- (B) the extent to which a license may offer an opportunity to engage in conduct of a similar type that resulted in the denial or revocation;
- (C) the present fitness of the person to be a member of the profession;
- (D) the actions of the person after the denial or revocation;
- (E) the time elapsed since the denial or revocation;

<sup>1</sup> Kan. Const., Art. VI and K.S.A. 72-255.

<sup>2</sup> K.A.R. 9122-1a(b).

<sup>3</sup> K.A.R. 91-22-1a(a).

<sup>4</sup> *Wright v. State Bd. of Educ.*, 268 P.3d 1231 (Kan.App. 2012).

- (F) the age and maturity of the person at the time of the conduct resulting in the denial or revocation;
- (G) the number of incidents of improper conduct; and
- (H) discharge from probation, pardon, or expungement.

The Commission acknowledged that the conduct was serious, including [REDACTED] failure to respond truthfully on the 2019 application. However, [REDACTED] acknowledged the wrongfulness of her criminal conduct. The conduct for which [REDACTED] was charged criminally all occurred more than nine (9) years prior to the date of the hearing, and all three incidents had since been expunged from [REDACTED]. [REDACTED] has taken steps to rehabilitate herself and separate herself from the conduct that led to her criminal conduct.

[REDACTED] has recognized the wrongfulness of her criminal conduct, taken responsibility for it and made efforts to change to avoid the same conduct in the future.

The Commission feels [REDACTED] past criminal conduct is not reflective of the person she is now. The Commission feels [REDACTED] past conduct has ceased to be a factor in her fitness for licensure and she is suitable, to be a role model for students.

On a vote of 7 in favor and 0 opposed the Commission recommends to the State Board that the emergency substitute teaching license and substitute teaching license be granted to [REDACTED] subject to KSDE receiving a letter from the administration where [REDACTED] is employed acknowledging awareness of [REDACTED] past criminal conduct. The letter must be received by KSDE prior to the matter being taken up by the State Board

**IT IS SO ORDERED.**



Jennifer Holt, Chairperson  
Professional Practices Commission

#### **Notice**

This Initial Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

You may submit to the Kansas State Board of Education for its consideration as a part of its review of the Initial Order, a written brief citing legal authority as to why the above recommendation should not be accepted. You must file the brief with the State Board Secretary at the address indicated below within **ten calendar** days after service of the Initial Order for transmittal to the State Board. You must also make any request for oral argument at that time.

Marisa Seele  
Secretary, Kansas State Board of Education  
900 SW Jackson Street,  
Topeka, Kansas 66612

Response briefs are due within **ten calendar days** after service of the legal brief upon the opposing party. Any reply brief is due **five calendar days** after service of any response brief on the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

#### Certificate of Service

On August 10, 2022, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:



and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

R. Scott Gordon, Attorney  
Kansas State Department of Education  
900 SW Jackson, Ste. 102  
Topeka, KS 66612  
Tel: (785) 296-3204

A handwritten signature in cursive script that reads "Marisa Seele".

Marisa Seele, Secretary  
Professional Practices Commission  
Kansas State Department of Education  
900 SW Jackson Street  
Topeka, KS 66612-1182

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the Application of

22-PPC-16

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon [redacted] [Applicant] application for an emergency substitute teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon [redacted] appeared on his own behalf.

**FINDINGS OF FACT**

1. Applicant applied for an emergency substitute teaching license. He is not currently licensed.
2. On March 18, 2004, Applicant was adjudicated as a juvenile offender and found guilty for misdemeanor theft in the Reno County District Court. On March 20, 2007, Applicant was adjudicated as a juvenile offender and found guilty for misdemeanor disorderly conduct. On October 25, 2007, Applicant was adjudicated as a juvenile offender and found guilty for misdemeanor theft.
3. On January 27, 2010, Applicant was convicted of misdemeanor drug possession in the Wichita Municipal Court.
4. On August 21, 2017, Applicant was convicted of misdemeanor theft of property or services in the Hutchinson Municipal Court.
5. Applicant was between the ages of 14 and 27 years old at the time of the offenses.
6. Applicant was not licensed by the Kanas State Board of Education or any other profession at the time of his offenses.

**CONCLUSIONS OF LAW**

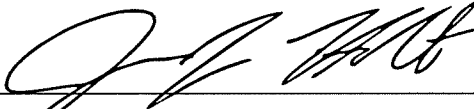
1. Applicant was not a licensed educator or employed in a position of public trust at the time of his offenses.
2. The evidence shows that Applicant did not disclose his offenses on his application, however he did provide testimony that was truthful and forthcoming and that such behavior has ceased to be a factor in his fitness for licensure.

3. The Commission finds the Applicant has clearly demonstrated a present recognition of the wrongfulness of his conduct. The Commission further finds the Applicant has provided evidence of rehabilitation since the time of the offense and that he has had no further criminal offenses.
4. The Commission find the Applicant is suitable to be placed in a position of public trust as a teacher.
5. The Commission believes that many students have a level of adversity that most cannot relate to, Applicant brings a perspective that is of value.

THEREFORE the Professional Practices Commission, by vote of 7-0, recommends the Kansas State Board of Education grant the application for an emergency substitute teaching license and any other licensure for which the Applicant may otherwise apply for and qualify.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION

  
\_\_\_\_\_  
Jennifer Holt, Chairman

Order signed on August 3, 2022

### **NOTICE TO APPLICANT**

This Order is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

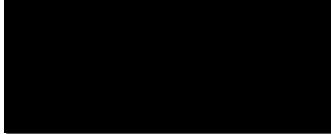
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And via interoffice mail to:

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Topeka, Kansas 66612

Marisa Seele

Marisa Seele

Secretary, Professional Practices Commission



BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION

In the Matter of  
the Application of

22-PPC-17

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon [redacted] [Applicant] application for an emergency substitute teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. [redacted] appeared on her own behalf.

FINDINGS OF FACT

1. Applicant applied for a limited apprentice license. She is not currently licensed.
2. On May 5, 1994, Applicant was convicted of felony burglary and misdemeanor theft in the Audubon County District Court based on breaking into an ex-boyfriend's car and stealing his CB radio. On May 6, 2002, Applicant was convicted of misdemeanor possession of marijuana based on law enforcement finding it inside her house after chasing her (now ex) husband into the home. On October 21, 2002, Applicant was convicted of misdemeanor theft for knowingly writing two checks to pay her car loan from an account that did not have sufficient funds.
3. Applicant did not disclose her convictions on her application.
4. The most recent offenses occurred 20 years ago.

CONCLUSIONS OF LAW

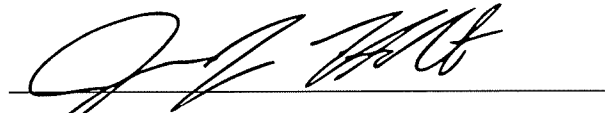
1. Applicant was not a licensed educator or employed in a position of public trust at the time of her offenses.
2. The Commission finds the Applicant was not truthful or forthcoming in failing to disclose her convictions on her application for licensure.
3. The Commission finds the Applicant has clearly demonstrated a present recognition of the wrongfulness of her conduct. The Commission further finds the Applicant has provided evidence of rehabilitation by way of her accomplishments since the time of the offenses and that she has had no misconduct in the last 20 years.

4. The Commission find the Applicant is currently in a position of public trust, and is suitable to be placed in a position of public trust as a teacher.

THEREFORE the Professional Practices Commission, by vote of 6-0, recommends the Kansas State Board of Education grant the application for a limited apprentice teaching license and any other licensure for which the Applicant may otherwise apply for and qualify, subject to KSDE's Office of General Counsel receiving a letter from her employing school district indicating Applicant has informed the administration about her criminal past as well as about her appearance before the Professional Practices Commission. This letter is to be received by the Office of General Counsel prior to the date set for review by the Kansas State Board of Education. Failure to ensure said letter may result in the Professional Practices Commission withdrawing its recommendation for licensure.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION

A handwritten signature in black ink, appearing to read "J. Holt", is written over a horizontal line.

Jennifer Holt, Chairman

Order signed on August 3, 2022

### NOTICE TO APPLICANT

This Order is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

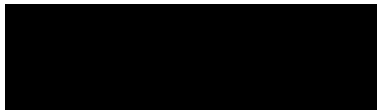
You may submit to the State Board for its consideration as part of its review of the Initial Order a written brief citing legal authority as to why the above recommendation should not be accepted. You must file the brief with the State Board Secretary at the address indicated below within ten calendar days after service of the Initial Order for transmittal to the State Board. You must also make any request for oral argument at that time.

Barbara Hughes  
Secretary, Kansas State Board of Education  
900 SW Jackson Street, Suite 600  
Topeka, KS 66612

Response briefs are due within ten calendar days after service of the legal brief upon the opposing party. Any reply brief is due five calendar days after service of any response brief upon the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

CERTIFICATE OF SERVICE

I hereby certify that on this 5<sup>th</sup> day of August, 2022, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested to:



And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

Marisa Seele

Marisa Seele

Secretary, Professional Practices Commission

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 14

Staff Initiating:

Scott Gordon

Director:

Scott Gordon

Commissioner:

Randy Watson

Meeting Date: 9/13/2022

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### **Item Title:**

Act on the Recommendations of the Professional Practices Commission (censure)

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue a Professional Teaching License, with public censure, to Applicant 22-PPC-04

### **Explanation of Situation Requiring Action:**

#### **22-PPC-04**

Applicant applied for renewal of his professional teaching license. Because his license expired prior to submitting his current application, he is not currently licensed and hasn't been since May, 2019. Applicant was licensed from 2004 to 2019. On October 18, 2018, Applicant was placed on diversion for 12 months for misdemeanor possession of marijuana and drug paraphernalia. Applicant successfully completed diversion on October 17, 2019. Applicant was a licensed educator and employed in a position of public trust at the time of his offense. By a vote of 6-0, The PPC recommends granting the professional teaching license subject to public censure.

#### **22-PPC-07**

Applicant applied for renewal of her initial teaching license. Applicant held an Initial Teaching License issued by the Kansas State Board of Education since 2011. On April 11, 2018, Applicant wrote a check or checks worth at least \$1,000 to the Von Maur Department Store knowing there to be insufficient funds. Applicant was charged and subsequently entered into a diversion agreement for felony theft. In November, 2020, Applicant's criminal case was dismissed after successful completion of her diversion. KSDE filed a Complaint seeking denial of the pending application, but negotiated an agreed-upon order whereby both parties agree to recommend Applicant receive her license subject to public censure. The PPC voted unanimously to recommend the same.

BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION

In the Matter of  
the Application of  
[REDACTED]

22-PPC-04

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon [REDACTED] [Applicant] application for a professional teaching license.

The hearing on this matter was held on July 20, 2022. The Kansas State Department of Education appeared by and through its attorney, General Counsel, R. Scott Gordon. [REDACTED] [REDACTED] appeared by and through attorney Christopher Coleman.

**FINDINGS OF FACT**

1. Applicant applied for renewal of his professional teaching license. Because his license expired prior to submitting his current application, he is not currently licensed and hasn't been since May, 2019. Applicant was licensed from 2004 to 2019.
2. On October 18, 2018, Applicant was placed on diversion for 12 months for misdemeanor possession of marijuana and drug paraphernalia.
3. Applicant successfully completed diversion on October 17, 2019.
4. Applicant was 37 years old at the time of the offense.
5. Applicant testified that he was driving home from a camping trip with family members when he was stopped by law enforcement for a traffic violation. Applicant further testified that law enforcement saw his marijuana, grinder, and small glass pipe in his vehicle and arrested him for the same.
6. Applicant testified that he occasionally smoked marijuana prior to his arrest, approximately once a month. Applicant testified that although he stopped smoking as much, he admitted to last smoking marijuana in January, 2022.

**CONCLUSIONS OF LAW**

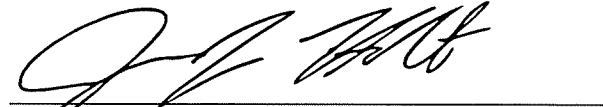
1. Applicant was a licensed educator and employed in a position of public trust at the time of his offense.

2. The Commission finds the Applicant was truthful and forthcoming in disclosing his conviction on his application for licensure.
3. The Commission believes the Applicant has clearly demonstrated a present recognition of the wrongfulness of his conduct. The Applicant has expressed remorse for the conduct.
4. The Commission find the Applicant is suitable to be placed in a position of public trust as a teacher.
5. The Commission finds the Applicant is a suitable role model for students. Applicant would like to figure out how to use this experience to teach others.

THEREFORE the Professional Practices Commission, by vote of 6-0, recommends the Kansas State Board of Education grant the application for a professional teaching license subject to public censure by the Kansas State Board of Education in recognition that Applicant engaged in professional misconduct but not of a serious enough nature to remove him from the classroom.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairman

Order signed on August 3, 2022

### **NOTICE TO APPLICANT**

This Order is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

You may submit to the State Board for its consideration as part of its review of the Initial Order a written brief citing legal authority as to why the above recommendation should not be accepted. You must file the brief with the State Board Secretary at the address indicated below within ten calendar days after service of the Initial Order for transmittal to the State Board. You must also make any request for oral argument at that time.


Barbara Hughes  
Secretary, Kansas State Board of Education  
900 SW Jackson Street, Suite 600  
Topeka, KS 66612

Response briefs are due within ten calendar days after service of the legal brief upon the opposing party. Any reply brief is due five calendar days after service of any response brief upon the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.




**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of August, 2022, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested to:

  
c/o Christopher Coleman  
Staff Attorney  
KNEA Legal Services  
715 SW 10<sup>th</sup> Ave  
Topeka, Kansas 66612

And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612



Marisa Seele

Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the License of  
[REDACTED]

22-PPC-07

**Initial Order based upon  
Stipulated Findings of Fact and  
Conclusions of Law**

The above-captioned case is before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the Complaint filed by KSDE regarding the pending application for licensure submitted by [REDACTED] (Applicant). This matter convened on August 26, 2022, on stipulated Findings of Fact and Conclusions of Law. KSDE appeared by and through its attorney, R. Scott Gordon. Applicant did not appear but has been represented through counsel Danielle R. Sanger.

Findings of Fact

1. Applicant has held an Initial Teaching License issued by the Kansas State Board of Education since 2011. Prior to 2011, Applicant was licensed as an emergency substitute in 2009. Applicant has applied to renew her Initial Teaching License.
2. On or about April 11, 2018, Applicant wrote a check or checks worth at least one thousand dollars (\$1,000.00) to the Von Maur Department Store knowing there to be insufficient funds to cover the cost of the check or checks with the intent to deceive the store into believing payment had been made.
3. Subsequent to April 11, 2018, Applicant entered into a criminal diversion agreement with the Johnson County. On November 14, 2020, Applicant's criminal case was dismissed after successful completion of her diversion.
4. For purposes of these proceedings only, both parties agree and stipulate that substantial, competent evidence exists to support a finding that Applicant engaged in misconduct sufficient to warrant censure by the Kansas State Board of Education.
5. Both parties agree to not ask the Commission or the Kansas State Board of Education for any outcome other than that recommended in this Initial Order.

Conclusions of Law

1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.

2. The State Board may deny an application for a license for misconduct or other just cause such as entering into a diversion agreement after being charged with any felony crime or any crime involving theft. K.A.R. 91-22-1a(a).
3. By order of the State Board, the Commission shall investigate and conduct hearings pertaining to allegations of misconduct.
4. The Commission finds that substantial, competent evidence supports a finding that Applicant engaged in misconduct while licensed by the State Board.
5. The Commission further finds that Applicant should be allowed to remain within the teaching profession and to be issued a renewed teaching license.
6. The Commission recommends the Kansas State Board of Education issue the applied-for license for the Applicant subject to public censure.

IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education that [REDACTED] receive the license for which she has applied subject to public censure.

This Initial Order of the Professional Practices Commission is not a final order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

This Initial Order is made and entered this 26 day of August, 2022

  
\_\_\_\_\_  
Jennifer Holt, Chairperson  
Professional Practices Commission

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Danielle Sanger*

Danielle Sanger (Aug 23, 2022 15:48 CDT)

[REDACTED]

[dsanger@sangerlawoffice.com](mailto:dsanger@sangerlawoffice.com)

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Danielle Sanger  
Attorney for Meghan A. Miller

[REDACTED]

*Scott Gordon*

Scott Gordon (Aug 23, 2022 15:50 CDT)

[REDACTED]

[sgordon@ksde.org](mailto:sgordon@ksde.org)

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R. Scott Gordon  
General Counsel  
Kansas State Department of Education

**Agenda Number:** 15

**Meeting Date:** 09/13/2022



900 S.W. Jackson Street, Suite 102  
Topeka, Kansas 66612-1212  
(785) 296-3201  
[www.ksde.org](http://www.ksde.org)

**Item Title:** Receive Recommendations Amending the Kansas State Board of Education Guidelines and Policies

**From:** KSBOE Policy Committee

The Policy Committee of the Kansas Board of Education is charged with reviewing Board policies at least every two years and may suggest to the Board any changes deemed necessary.

Review of the current Policies and Guidelines began in 2021. Recommendations for amendment are ready for presentation to the Board and for approval at the October Board Meeting.

*Kansas leads the world in the success of each student.*

# Kansas State Board of Education Guidelines



*Kansas leads the world in the success of each student.*

## **STATE BOARD GUIDELINES/PROCEDURES INDEX**

- Guideline I: Approval of Meeting Attendance (Board Member Travel)
- Guideline II: Access to Communication Equipment by State Board Members
- Guideline III: Discussing and Addressing Issues
- Guideline IV: Hearing Officer Recommendations
- Guideline V: Land Transfers
- Guideline VI: Participation in Interscholastic Athletics
- Guideline VII: Issuance of a Visiting Scholar License
- Guideline VIII: Application for Approval to Hold an Election on Issuing Bonds
- Guideline IX: Application for Capital Improvement State Aid (Bond and Interest)
- Guideline X: Charter School Procedure
- Procedure A: New Board Member Orientation
- Procedure B: Conducting Annual Evaluations

**GUIDELINE I**  
**APPROVAL OF MEETING ATTENDANCE**  
**(BOARD MEMBER TRAVEL)**

A. Legal Basis

1. K.S.A. 72-253 provides that State Board members are to get the same compensation, travel expenses and subsistence allowance as provided in K.S.A. 75-3212 for members of the legislature when members attend a meeting, which has been approved by the State Board.
2. K.S.A. 75-3212 says members of the legislature are entitled to:
  - (a) the amount of compensation and subsistence allowance prescribed in K.S.A. 46-137a for actual attendance at in-state meetings;
  - (b) the subsistence allowance incurred in going to and returning from in-state meetings on days other than days of meetings, if the legislator lives more than 100 miles from the location of the meeting; and
  - (c) the mileage rate authorized by K.S.A. 75-3203a for each mile actually traveled by the usual route in going to and returning from authorized in-state meetings. The Commissioner will inform the Board annually of the current rate.
3. K.S.A. 46-137a provides for the amount of compensation (salary) and the rate of subsistence allowance (per diem). KSDE staff will inform the Board annually of the current rates.
4. Any member of the State Board may waive payments of compensation, subsistence allowance, or mileage to which the member is entitled.

B. Preapproved Attendance

The State Board grants approval to each member of the Board as follows:

1. Attendance at regular or special meetings of the State Board.
2. Attendance at any meeting at which the member is attending as the designated



representative of the State Board. Any time a Board member is appointed by the chair, the Commissioner, or the Governor, to participate on a committee, work group, study group, task force, council or other group for a state or national educational organization, the Board shall vote to authorize travel/salary expenses for such participation.

3. To comply with State ethics laws, the Board must vote to approve a Board member's travel **even when the travel expenses are paid by a third party.**

#### C. Discretionary Attendance

1. (a) Each Board member shall have discretion in attending any meeting not specified in section B of these Guidelines. However, the receipt of state allowances is subject to approval of such attendance by the State Board.  
  
(b) When approving travel by Board members, the State Board will consider the balance of the allotment available to each Board member under section D.
2. The State Board will not grant approval for attendance at any partisan, political activity or event.
3. To comply with State ethics laws, the Board must vote to approve a Board member's travel even when the travel expenses are paid by a third party.

#### D. Annual Allocation for Board Member Travel

In July of each year, KSDE fiscal services staff shall calculate the amount of funds available to each Board member based upon the following formula:

1. From the total amount appropriated for the State Board's budget, subtract an amount sufficient to pay for each Board member's attendance at monthly State Board meetings.
2. Divide the amount determined by step 1 by 14.5. The resulting amount shall be termed "a share."
3. Allocate to each Board member one share as derived from Step 2.

4. Allocate one additional share to each of the following Board members:
  - a. Chair
  - b. Vice Chair
  - c. District 5 Member
5. Allocate three-quarters of an additional share after January 1 to each of the two Legislative Liaisons.

The amounts so determined shall be available for State Board member travel from July 1 to June 30.

The formula set forth in this Guideline may be waived by an affirmative vote of the State Board.

#### E. Definitions

The following definitions shall apply to this Guideline:

- a. Discretionary attendance means attendance at any meeting in which the Board member is not participating as a designated representative of the State Board.
- b. Designated representative means a Board member appointed by the chair or the Commissioner or elected by the Board to serve on a national or statewide committee on behalf of the Board.

Adopted: March 10, 1998

Amended: September 14, 1999; December 12, 2001; November 12, 2002; November 14, 2007; November 10, 2009; September 8, 2015; March 11, 2020

**GUIDELINE II**  
**ACCESS TO COMMUNICATION EQUIPMENT BY STATE BOARD MEMBERS**

During the term of office of each State Board member, the member can request access to a laptop computer. The device will be encrypted and will be provided at public expense for the purpose of allowing the Board member to carry out his or her public duties. The laptop will be returned to the State Board office within 15 days of the conclusion of the Board member's service. No state funds or equipment shall be used for any partisan, political activity or event.

Adopted:        March 10, 1998  
Amended:       September 8, 2015

### **GUIDELINE III**

#### **DISCUSSING AND ADDRESSING ISSUES**

- A. If the State Board determines to address an issue, the Board shall decide the process for meaningful discussion about the issue and the strategy for addressing it.
- B. The process for meaningful discussion may include, but is not limited to, the following:
  - 1. receiving information, reports and options from staff of the Department or persons selected by the Department;
  - 2. receiving information, reports and options from individuals selected by the State Board;
  - 3. gathering and review of information by a subcommittee of the Board selected by the State Board or by an external committee appointed by the State Board;
  - 4. the holding of public hearings to receive information from the general public in regard to the issue;
  - 5. work sessions or retreats by the State Board to focus on the particular issue;
  - 6. discussion of the issue by the full Board at one or more meetings, with action taken after full discussion of the issue; and
  - 7. any other procedure agreed to by the State Board.
- C. The purpose of Board member reports is to allow members to report on meetings of boards, commissions or organizations to which they have been assigned to represent the Board. It is also an opportunity to report on meetings or conferences attended. During the time provided for Board member reports, it is inappropriate to use it as an opportunity to present one's views on issues not currently being addressed by the Board or to bring up issues for debate or discussion.

Topics suggested for discussion may be requested as a future agenda item or work session. When making a request, it is inappropriate for the requestor to enter into a lengthy explanation or to engage members in a dialogue regarding the topic.

- D. All discussion shall be directed to the issue under study and not towards members of the Board or other individuals.
- E. All discussion shall adhere to the State Board's Policy on Boardsmanship Expectations (Policy 1006).

Adopted: February 9, 2000  
Amended: November 20, 2009; September 8, 2015

**GUIDELINE IV.**  
**HEARING OFFICER RECOMMENDATIONS**

At any time the Board is scheduled to act upon the recommendation of a hearing officer, any Board member wishing to propose action other than that which has been recommended may consult with the State Board attorney for purposes of complying with K.S.A. 77-526. This statute requires that all orders of a state agency shall include, separately stated, findings of fact, conclusions of law and policy reasons for the decision.

Adopted: January 12, 1994  
Affirmed: March 10, 1998

## **GUIDELINE V. LAND TRANSFERS**

### **I. Governing Law**

K.S.A. 72-532 provides that a transfer of land from one school district to another can be made only under the following conditions:

- 1) Upon the written agreement of any two local boards of education and approval by the State Board; or
- 2) Upon order of the State Board after a petition to transfer territory has been filed by a local board and a public hearing on the petition has been held by the State Board.

The Kansas Supreme Court has determined that any land transfer must be consistent with, and not in derogation of, the purposes and provisions of the school unification acts. In addition, K.S.A. 72-532 contains factors that must be considered by the State Board when reviewing land transfer requests.

### **II. Requests for Land Transfers Considerations**

The following considerations assist the State Board in determining whether to grant a land transfer request.

- 1) The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities.
- 2) To justify taking land, by petition, from one school district and giving it to another, a material change in circumstances of a substantial and weighty nature must exist so that a reasonable person would recognize that the educational interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred.

- 3) The type of change in circumstances that justifies a transfer of land by petition is difficult to describe in the abstract.

However, examples of a material change in circumstances that may justify a transfer of land include, but are not limited to:

- a) a recent school closing which makes it more practical for students to attend school in an adjoining district;
  - b) the establishment of a new and more distant attendance center; or
  - c) changes in natural barriers, such as lakes and rivers or construction of highways, which substantially increases the time a student must spend in traveling to and from school.
- 4) Examples of changes which do not constitute a material change in circumstances for purposes of transferring land from one district to another include, but are not limited to:
  - a) a change in a local board of education's transportation policy to prohibit buses from adjoining school districts from entering the district to transport students;
  - b) a change in school district property taxes; or
  - c) a land transfer request which is primarily to gain a financial advantage for individuals, such as, assisting in suburban land development.
- 5) The State Board's consideration of a petition to transfer land is not limited to how persons in the petitioned area will be affected. The State Board also must consider how persons outside the petitioned area and the school districts (locally and statewide) may be affected.
- 6) A transfer of land by agreement from one school district to another, generally, should be approved by the State Board absent noncompliance with state law or other compelling reasons.

Petitions to transfer land should be submitted to the Kansas State Department of Education by no later than February 15 if the transfer is to become effective the following July 1.

Adopted: May 10, 1977

Amended: February 12, 1986; March 10, 1998; November 14, 2001; September 9, 2003; April 17, 2018; March 11, 2020



**GUIDELINE VI.**  
**PARTICIPATION IN INTERSCHOLASTIC**  
**ATHLETICS UNDER S.B.R. 91-31-34**

1. No school shall allow students **below** the sixth grade to participate in interscholastic athletics.
2. No school shall allow students in **sixth** grade to participate in tackle football, wrestling or boxing, if those interscholastic athletics are offered.
3. Schools allowing sixth grade students to participate in all other interscholastic athletics shall follow the guidelines established for seventh grade students by the Kansas State High School Activities Association (KSHSAA) for each specific sport. Please note that sixth grade students participating in interscholastic athletics are not covered by KSHSAA's Liability and Catastrophe Insurance plan. The KSHSAA Rules Handbook may be obtained from the KSHSAA office, online at [www.kshsaa.org](http://www.kshsaa.org) or the Kansas State Department of Education.

Adopted: March 10, 1998

Amended: November 14, 2001; September 9, 2003; September 8, 2015; April 17, 2018

## **GUIDELINE VII**

### **ISSUANCE OF A VISITING SCHOLAR LICENSE**

To apply for Visiting Scholar License, an individual must submit:

1. a complete application, including official transcripts;
2. written verification from the hiring official of the accredited education agency that the applicant will be employed if a Visiting Scholar License is issued, including the proposed teaching schedule for the individual and a list of the subject areas and grade levels for which licensure is requested;
3. documentation that the applicant meets at least two of the three base criteria for the Visiting Scholar License which are stated on the application; and
4. the licensure fee.

The application will be reviewed by the Teacher Education and Licensure Office. An incomplete application will be returned to the applicant. If the application is complete, it will be forwarded to the Commissioner of Education for consideration. The Commissioner of Education will make a recommendation to the State Board of Education to either issue or deny the Visiting Scholar License. The State Board of Education will make the final determination regarding the issuance or denial of the Visiting Scholar License. If granted, the Visiting Scholar License is valid through June 30 of the school year in which it is issued. Complete applications need to be received by July 1 in order to be considered at the August State Board of Education meeting and result in licensure by the start of the school year.

The Visiting Scholar License is intended for those individuals who can provide unique educational experiences for the students in the classroom. This is the primary consideration in granting or denying a Visiting Scholar License. When an individual has been issued a Visiting Scholar License, that individual is eligible to renew the license, each year, by completing the application process and documenting professional learning prescribed by the district. A Visiting Scholar License may be renewed for more than one year.

Adopted: September 14, 1999  
Amended: December 10, 2003; September 8, 2015

**GUIDELINE VIII**  
**APPLICATIONS FOR APPROVAL TO HOLD AN ELECTION ON THE QUESTION OF**  
**ISSUING BONDS IN AN AMOUNT EXCEEDING THE SCHOOL DISTRICT'S GENERAL**  
**BOND DEBT LIMITATION**

**A. PROCEDURES**

1. All forms necessary for unified school districts to make application to the State Board of Education for approval to exceed the general bond debt limitation of the school district may be obtained from the Division of Fiscal and Administrative Services of the State Department of Education.
2. The notice required by K.S.A. 75-2317 of the intention to file an application for permission to exceed the general bond debt limitation must be made one time in a newspaper of general circulation in the district and the publication must be made no later than the 10<sup>th</sup> day of the month in which the application is submitted to the State Board.
3. The application for permission to hold an election, a copy of the published notice of intent to file the application, and an Affidavit of Publication must be received by the Division of Fiscal and Administrative Services by at least the 15<sup>th</sup> day of the month in which the application is submitted to the State Board.

**B. REQUIRED SUPPLEMENTAL MATERIAL TO ACCOMPANY APPLICATION WHEN EXCEEDING BOND DEBT LIMITATION**

1. A copy of the published notice of intent to file the application, together with an Affidavit of Publication, must be enclosed with the application to the State Board. (Form 7-212-108)
2. An architect's schematic floor plan (8 1/2 x 11 inches, if readable, otherwise, large enough to be discernible by members of the State Board) of the proposed facilities must be included with each application.
3. A map (8 1/2 x 11 inches, if readable, otherwise large enough to be discernible by members of the State Board) of the school district showing present facilities, proposed facilities, attendance centers, and the bordering districts by number must be included with each application.
4. Form 7-212-106, Resolution to Submit Application to State Board.
5. Form 7-212-110, Application for Permission to Vote and Issue Bonds Exceeding 14 percent.
6. Form 7-212-114, Certified Assessed Valuation of School District.
7. Form 7-212-118, Application to Exceed 14 percent of Assessed Valuation

8. Form 7-212-118(a), Application for Capital Improvement (Bond and Interest) State Aid.

C. COMMITTEE RECOMMENDATION

Upon receiving a timely and complete application in accordance with these Guidelines, a committee of staff and Board members shall review the information and make a recommendation to the State Board on whether to approve or deny the application. The recommendation shall include a statement of the facts that support the recommendation.

The aggregate amount of bonds approved in a fiscal year shall not exceed the amount of bonds retired in the prior year.

Adopted: May 10, 2000

Amended: September 9, 2003; April 17, 2018

**GUIDELINE IX**  
**APPLICATIONS FOR**  
**CAPITAL IMPROVEMENT STATE AID (BOND AND INTEREST)**

**A. PROCEDURES**

In accordance with 2016 Senate Bill 323, any school district that is eligible and desires to receive capital improvement state aid (bond and interest) must apply to the Kansas State Board of Education for such state aid.

Kansas law provides a cap on the total amount of capital improvement state aid available for elections held on or after July 1, 2016. This cap cannot exceed a six-year rolling average amount for capital improvement state aid.

The capital improvement state aid available to each school district is included on Form 241-242 provided annually in the School Finance budget packet. This amount could change on an annual basis.

Upon receipt of an application, State Department of Education staff will schedule a hearing with school district officials to review the application.

All applications must be submitted to the Division of Fiscal and Administrative Services by no later than the 10<sup>th</sup> day of the month in order for action by the State Board of Education the following month.

The areas of concern, which will be reviewed at the hearing, will be those facilities that are non-academically related.

**B. REQUIRED SUPPLEMENTAL MATERIAL TO ACCOMPANY APPLICATION FOR CAPITAL IMPROVEMENT STATE AID**

1. An architect's schematic floor plan (8 ½ x 11 inches, if readable, otherwise, large enough to be discernible by members of the State Board) of the proposed facilities must be included with each application.
2. A map (8 ½ x 11 in inches, if readable, otherwise large enough to be discernible by members of the State Board) of the school district showing present facilities, proposed facilities, attendance centers, and the bordering districts by number must be included with each application.
3. Form 7-212-104, Resolution, Stating the Purpose for which Bonds are to be issued, the Estimated Amount thereof, and the Time of Election Therefor (Bond issue **will not** exceed general bond debt limitation).
4. Form 7-212-106, Resolution, Stating the Purpose for which Bonds are to be issued, the Estimated Amount Thereof, and the Time of Election Therefor (Bond issue **will exceed** general bond debt limitation).
5. Form 7-212-114, Certified Assessed Valuation of School District.
6. Form 7-212-118(a), Questions to be completed by USDs requesting capital improvement state aid (bond and interest)

C. CRITERIA FOR DETERMINATION OF CAPITAL IMPROVEMENT STATE AID (BOND AND INTEREST)

The State Board of Education shall consider the following criteria when determining the eligibility for capital improvement state aid (bond and interest).

- Safety of the current facility and disability access to such facility as demonstrated by a State Fire Marshal Report, an inspection under the federal Americans with Disabilities Act, or other similar evaluation;
- Enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;
- Impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology;
- Energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis, or other similar evaluation; and
- High priority will be given to school districts with a lower assessed valuation per pupil (AVPP) compared to other districts that are to receive capital improvement state aid.
- No state aid may be awarded for extracurricular facilities unless documented issues with safety or disability access exist.

Adopted: April 17, 2018

**GUIDELINE X**  
**CHARTER SCHOOL PROCEDURE**  
**K.S.A. 72-1903 to 72-1911**

The Kansas Legislature has assigned to the State Board of Education the responsibility to administer the Charter School statutes, K.S.A. 72-4206 to 72-4213. To assist the State Board in fulfilling this responsibility, the staff of the Kansas State Department of Education (KSDE) shall adhere to the following procedures in submitting recommendations for approval or disapproval of initial charter school petitions under K.S.A. 72-4208.

1. The format for the petition by a school district shall include a narrative for each of the 15 areas required by law to be addressed.
2. Each district filing a petition shall be provided, upon request, technical assistance by the KSDE staff.
3. The KSDE staff shall assemble a review committee comprised of at least three, but not more than 12, people from across the state to review the petitions. Staff shall ensure that membership includes persons who currently operate charter schools.
4. The KSDE staff shall develop a scoring rubric based on the requirements of the law and provide training to the persons selected to review the petitions to ensure rater reliability.
5. The State Board shall receive the petition recommendations in one month and act on them in the following month.

In addition, KSDE staff shall adhere to the following procedures in submitting recommendations for approval or disapproval of requests for renewal of charter schools under K.S.A. 72-4209.

- In August of the school year in which each charter school's approval will expire, staff will contact the Superintendent and ask if the district intends to seek renewal of the charter school. (This early contact is because the district will have to gather and organize the information to justify its request for renewal and submit it to the State Board on or before May 1, if renewal is to be sought.)
- Staff will send to each district that chooses to renew its charter school written instructions of what is required to renew the charter school, including the deadline for submission of required information.
- Staff shall review the information submitted for each charter school and shall prepare a recommendation to the State Board on whether the charter school should be renewed. Each recommendation shall include a detailed explanation for the recommendation, including a review of the school's progress in achieving its program goals.

- Staff recommendations shall be provided to the State Board members prior to the June meeting of the State Board.

Adopted: December 10, 2003  
Amended: April 17, 2018; March 11, 2020



## PROCEDURE A: New Board Member Orientation

1. The purpose of orientation is to prepare newly elected Kansas State Board of Education members for their public office and acquaint them with the work of the Kansas State Department of Education.
2. The personalized structure and frequency of the orientation process will be determined by State Board leadership and the Commissioner of Education. Orientation will occur promptly following the General Election and conclude before newly elected members are sworn in.
3. The Board secretary shall provide each Board member-elect the following:
  - a. Board Policies and Guidelines
  - b. List of School Districts in his/her Board District
  - c. Information for School District Superintendents in his/her Board District
  - d. Calendar of upcoming year's Board meetings
  - e. Board mission and goals, roles and responsibilities
  - f. KSDE organizational chart, contact information for Commissioner and Deputy Commissioners
  - g. Kansas Open Meeting Act, Open Records Act
  - h. Roles and duties of Board secretary and Board attorney
  - i. Information as appropriate regarding payroll, benefits, travel reimbursement and tech support
  - j. Statement of Substantial Interests form from Secretary of State's Office
  - k. List of committee members of advisory groups that work with State Board and KSDE
  - l. List of legislators in Board District
  - m. Chronicle of major Board decisions for the past year
4. Details concerning the swearing-in ceremony will be provided to newly elected and re-elected Board members as soon as they are made available to the Board secretary.
5. New members will be asked for feedback about the orientation process to aid in the planning of future sessions.
6. Newly-elected Board members attending **required** orientation sessions may request mileage and per diem in accordance with State travel regulations. However, salary cannot be paid until their term of office begins. (Policy 1004)

Adopted: September 10, 2008

Amended: September 8, 2015; April 17, 2018; **October 11, 2022**

## **PROCEDURE B: Conducting Annual Evaluations of Commissioner, Board Attorney and Board Secretary**

1. At the October Board meeting, the human resource director provides evaluation forms for the Commissioner of Education, Board attorney and Board secretary to State Board members with instructions for submitting the completed forms to the Board Chair or designee. See Policy 1007 E. (1).

Enclosures: Commissioner's self-evaluation  
Commissioner's evaluation of Board secretary

2. The Board may consult with any person it considers to have relevant information regarding an evaluation. Such consultation may be in person during an Executive Session or by written report submitted to the Board Chair.
3. Each Board member must complete the evaluation form and return it to the Chair or designee by date designated by Chair, but no later than November Board meeting.
4. The Chair will compile the evaluation results based on the input received from the other Board members and any other person as requested.
5. At the November Board meeting, the entire Board will discuss the evaluation results during Executive Session.
6. After the final evaluations are approved by a majority of the Board members, the Chair will discuss the evaluation with the individual being evaluated.
7. The Commissioner will use the information to complete the State Employee Performance Review of the Board secretary. (Review window is Oct. 1 – Dec. 31)
8. The evaluation forms will be housed with the KSDE Human Resources Office.

Amended: April 17, 2018; March 11, 2020

# Kansas State Board of Education Policies



*Kansas leads the world in the success of each student.*

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## **PROVISIONS FROM THE CONSTITUTION OF THE STATE OF KANSAS**

### **ARTICLE VI**

**Section 2. State board of education.** (a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law.

**Section 3. Members of state board of education.** (a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

**Section 4. Commissioner of education.** The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer.

## STATUTES REGARDING THE STATE BOARD OF EDUCATION

**72-255 General powers of state board.** In general, but not by way of limitation, consonant with other applicable statutory provisions, the state board of education shall:

- (a) Adopt and maintain standards, criteria, guidelines or rules and regulations for the following:
  - (1) School libraries and other educational materials with the exception of textbooks;
  - (2) Course of study and curriculum;
  - (3) Accreditation of schools including elementary and secondary, public and nonpublic;
  - (4) Certification of administrators, teachers, counselors, school nurses and supervisors of school districts and of the state department of education and of teachers and administrators of nonpublic schools.
- (b) Administer the laws of this state concerning the matters named in this section and all other matters relating to the general supervision of the public schools and institutions under supervision of the state board of education.

**72-256 Rules and regulations; authorization to adopt.** The state board is hereby authorized to adopt rules and regulations not in conflict with law on any and all matters within its jurisdiction, except as is otherwise specifically provided by law.

**76-1001a. State board of education; control and supervision; rules and regulations.** The Kansas state school for the deaf is a state institution under the control and supervision of the state board of education. For such control and supervision, the state board of education may enter into contracts, adopt rules and regulations and do or perform such other acts as are authorized by law or are necessary for such purposes.

**76-1101a. State board of education; control and supervision; rules and regulations.** The Kansas state school for the blind is a state institution under the control and supervision of the state board of education. For such control and supervision, the state board of education may enter into contracts, adopt rules and regulations and do or perform such other acts as are authorized by law or are necessary for such purposes.

## **PREFACE**

### **MISSION & VISION**

The Kansas State Board of Education is charged with the general supervision of public schools and all the other educational interests of the state. While clearly acknowledging the role and importance of local control, the State Board of Education has the responsibility to provide direction and leadership for the supervision of all the state educational interests under its jurisdiction.

With this in mind, the State Board has adopted the following mission:

**To prepare Kansas students for lifelong success through rigorous, quality academic instruction, career training and character development according to each student's gifts and talents.**

In September 2015, the State Board adopted the following vision:

**Kansas leads the world in the success of each student.**

### **ESTABLISHING GOALS**

1. Towards accomplishment of its mission, the State Board shall review and establish the goals of the Board biennially.
2. The State Board shall regularly monitor its progress and performance towards accomplishment of the State Board's goals and objectives. The Board will be responsible for its performance.

### **BOARD CONTRIBUTIONS**

The work of the Board shall be to:

1. Link the State Board and the people of Kansas.
2. Develop policies that address:
  - a. Governance process (Policies 1001 et seq.) – how the Board conceives, carries out and monitors its own tasks.
  - b. Board/Commissioner relationships (Policies 2001 et seq.) – delegation authority and monitoring the authority thus delegated.
  - c. Commissioner limitations (Policies 3001 et seq.) – constraints and boundaries which define the acceptable area of executive authority.

Adopted: March 14, 2000

Amended: November 14, 2001; March 11, 2014; August 8, 2017

## GOVERNANCE PROCESS



## **POLICY REVIEW**

### **Policy Type: Governance Process**

The Policy Committee of the Board shall review Board policies at least every two years and shall suggest to the Board any changes deemed necessary.

The elected three-member Policy Committee, along with the State Board Attorney, conduct the reviews. A record of the review timelines is charted below, beginning with the 2021-22 schedule.

Review period: March 2021 – (APPROVAL DATE)

Adopted: August 9, 1989

Amended: March 10, 1998; October 11, 2022

**POLICY: GOVERNING STYLE****Policy Type: Governance Process**

The Kansas State Board of Education (also referenced in this document as the *State Board* or the *Board*) will focus on its mission and vision, and approach its task in a manner that emphasizes strategic leadership, not administrative detail. It will make a clear distinction between its role and that of the Commissioner. The Board will make decisions utilizing past results and current information to be proactive.

Accordingly, the Board will:

1. The Board will set direction for education in Kansas by focusing on the careful initiation and establishment of policies.
2. The Board will adhere to Board policies.
3. The Board will have authority only when acting as an elected body in session.
4. No member of the Board will represent a minority position as that of the full board.
5. The Board will be accountable to the public for competent, conscientious and effective accomplishment of its obligations as a board.

Adopted: August 9, 1989

Amended: March 10, 1998; March 14, 2000; March 11, 2014; August 8, 2017; **October 11, 2022**

**POLICY: STATE BOARD POLICIES, REGULATIONS  
AND GUIDELINES**

**Policy Type: Governance Process**

The State Board of Education shall adopt policies, regulations and guidelines necessary to carry out the responsibilities of the State Board and to achieve the goals of the Board.

Any proposal to adopt or to amend or suspend an existing State Board policy or guideline shall be presented in written form at a regular meeting of the Board, and be voted upon at the next regular meeting; provided that this procedure may be suspended by a vote of seven members (super majority) at any meeting. A proposal that is on the agenda for adoption may be amended and adopted at that meeting.

The State Board shall adopt rules and regulations required by law or deemed appropriate by the Board. The State Board shall adopt rules and regulations in the manner required by law.

The State Board of Education may adopt guidelines for advancing the vision or mission of the State Board. The State Board may adopt guidelines for the advancement of the educational interests of the state.

Adopted: August 9, 1989

Amended: March 10, 1998; March 14, 2000; August 8, 2017; **October 11, 2022**

**POLICY: ORIENTATION OF NEW MEMBERS****Policy Type: Governance Process**

The State Board, in cooperation with the Commissioner, shall orient new State Board members into the work of the State Board of Education and the educational programs throughout the state.

Newly elected Board members attending required orientation sessions may request mileage and per diem (subsistence) for travel incurred in accordance with State travel regulations. However, salary cannot be paid until their term of office begins.

Newly elected members shall be encouraged to attend regular meetings of the State Board of Education or to listen to the meetings on the Internet. Salary and mileage to attend meetings cannot be paid to members-elect until their term of office begins. Notice of Board meetings, agendas and all supporting materials shall be sent to newly elected Board members in the interim before taking office.

For more information see Guidelines, Procedure A, New Board Member Orientation.

Adopted: August 9, 1989

Amended: March 10, 1998; November 14, 2007; March 11, 2014; **October 11, 2022**

**POLICY: BOARD MEMBER DEVELOPMENT****Policy Type: Governance Process**

The State Board of Education is responsible for its own professional development as a Board.

This professional development may take place in part through membership in national and state educational organizations.

Individual members of the Board are encouraged to participate fully in educational meetings to the extent funds are available.

The appointment of a State Board member to represent the Board on a national association, committee or position shall be by vote of the State Board. Appointment to a subcommittee, task force or other similar group of a national association or committee shall also be approved by vote of the Board if State Board funds will be utilized.

The State Board of Education may authorize Board members to attend in-state or out-of-state meetings for participation in matters of educational interest to the state of Kansas.

For more information see Guideline I, Approval of Meeting Attendance (Board Member Travel).

Adopted: August 9, 1989

Amended: March 10, 1998; March 14, 2000; **October 11, 2022**

**POLICY: BOARDSMANSHIP EXPECTATIONS****Policy Type: Governance Process****A. Board members are expected to:**

1. maintain an open dialogue with each other;
2. listen and show courtesy and respect to each other, the public and staff;
3. respect other Board members and their opinions;
4. not make assumptions about the possible voting preferences of other members and feel free to ask for clarification of positions;
5. accept the fact that there will be differences of opinion and not take dissenting opinions personally;
6. make a good faith effort to find common ground on issues, including consideration of parts of proposals;
7. earn trust from one another;
8. not represent or imply an individual or minority position on issues as that of the full Board; and
9. hold all executive session discussions in complete confidence and not discuss executive session issues or conversations outside of executive session; and
10. protect the integrity of the Board, and not misrepresent the Board's official position on issues to the press or in social media.

**B. Perceived Violations of Boardsmanship Expectations**

1. Any perceived violation of boardsmanship expectations can be voiced to the chair by any Board member.

2. The chair shall rule on the alleged violation.
  3. If any member is dissatisfied with the ruling of the chair, the member may appeal the issue to the entire Board. The majority of the Board makes the final decision.
- C. Board members also expect the chair and vice chair of the Board to work as a team with the Commissioner.

Adopted: August 9, 1989

Amended: March 10, 1998; February 9, 2000; September 15, 2005; July 15, 2009; August 8, 2017; **October 11, 2022**

## **POLICY: OFFICERS - ELECTION, TENURE, AND DUTIES**

### **Policy Type: Governance Process**

At its January meeting in odd-numbered years, the State Board shall organize by election of a chair, vice chair and appointment of an attorney for the Board and secretary to the Board. Election of officers may be by signed ballot. Each signed ballot shall be open for inspection as provided by law.

- A. The immediate past chair, if available and on the Board, shall be the temporary chair of the biennial organization meeting and preside for the following purposes:
  - 1. Call to order
  - 2. Ensure that newly elected and re-elected members are administered the oath of office.
  - 3. Roll Call
  - 4. Election of Board chair or conduct business of the Board if there is an impasse on election of a Board chair.

If the immediate past chair is not available, the immediate past vice chair, if available and on the Board, shall be the temporary chair. In the absence of the immediate past chair and vice chair, the Board member with the most seniority on the Board shall serve as temporary chair and preside for the purposes specified in paragraph A. If the temporary chair cannot be determined based on seniority because two or more Board members have the same level of seniority, the temporary chair will be determined by lot between those Board members with the most seniority.

If the Board reaches an impasse on election of a Board chair during its organizational meeting, the temporary chair, as determined herein, will preside at each subsequent meeting of the Board until a chair is elected.

- B. Chair: It shall be the duty of the chair to preside at all meetings of the State Board and perform such other duties as the Board may direct. In case the office of chair shall become vacant, the vice chair shall assume the title, duties



and responsibilities of the chair for the remainder of the term for which the chair was originally selected. The chair may serve as an ex-officio member of all State Board committees. In the absence of the Commissioner or the inability of the Commissioner to act, the chair shall appoint a Deputy Commissioner to act as Commissioner until the next regular meeting of the State Board.

- C. Vice chair: It shall be the duty of the vice chair to preside at all meetings of the State Board in the absence of the chair. In case the office of vice chair shall become vacant, the State Board shall elect a new vice chair.
- D. In the absence of the chair and the vice chair at any meeting of the Board, the Board member with the most seniority on the Board shall serve as temporary chair and preside for the purposes of calling the meeting to order, taking roll call and serving as temporary chair to conduct business at the meeting.
- E. Positions attached to the State Board

**Commissioner:** The State Board of Education shall appoint a Commissioner of Education who shall serve at the pleasure of the Board as its executive officer. (Kansas Constitution Article VI, Section 4). The Commissioner of Education implements the Kansas State Board of Education's strategic goals and objectives, and leads the Kansas State Department of Education.

**Secretary:** The secretary to the State Board of Education shall be appointed by the State Board at each organizational meeting to serve at the pleasure of the State Board. The secretary shall not be a member of the Board.  
(K.S.A. 72-250)

The secretary shall attend all meetings of the State Board and perform such other duties as assigned. The Commissioner will provide day-to-day supervision of the secretary with input from the State Board.

**Attorney:** The attorney for the State Board of Education shall be appointed by the State Board at each organizational meeting to serve at the pleasure

of the State Board. The attorney shall attend all meetings of the State Board and render any legal services which are directed by the State Board or the Commissioner. The State Board may appoint an attorney other than the State Board attorney to represent it or members in any litigation. (K.S.A. 72-254) The Board may enter into a contract for services with the State Board attorney.

F. Evaluations of positions attached to the State Board:

**Commissioner:** The Commissioner shall receive a formal, cumulative evaluation not more than six months after he/she is appointed. Thereafter, a formal, cumulative evaluation of the Commissioner shall be performed annually by the State Board.

**Board Secretary:** The secretary to the Board shall be evaluated by the Commissioner and the State Board. The first evaluation shall be within six months of hiring. Thereafter, the secretary to the Board shall be evaluated annually by the Commissioner with input from the Board.

**Board Attorney:** The Board attorney shall be evaluated annually by the Board in consultation with the Commissioner. The first evaluation shall be within six months of hiring.

**Position Descriptions:** Current position descriptions for the Commissioner of Education and the secretary to the Board are housed in the KSDE Human Resource Department. Evaluation instruments for these positions and the Board attorney are also housed there.

For Additional Information, See *Procedure B: Conducting Annual Evaluations of Commissioner, Board Attorney and Board Secretary* of the Guidelines.

Adopted: August 9, 1989  
Amended: March 10, 1998; March 14, 2000; November 14, 2001; December 10, 2002; September 9, 2003; November 14, 2007; September 10, 2008; October 17, 2012; March 11, 2014; March 11, 2020; **October 11, 2022**

**POLICY: COMMITTEE PRINCIPLES****Policy Type: Governance Process**

The Board may establish temporary committees to help carry out its responsibilities. However, the Board normally will operate as a committee of the whole and will rely sparingly on committees.

1. Any temporary committee of the State Board shall be created by vote of the State Board and shall not include more than five Board members.
2. Board committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes.
3. Board committees are to help the Board do its job, not to help the Commissioner do his/her work. Committees will assist the Board chiefly by preparing policy alternatives, including their implications, for Board deliberation. Committees are not to be created by the Board to advise the Commissioner.
4. Board committees cannot exercise authority over department staff except by working through the Commissioner and Board Chair.
5. This policy does not apply to committees established by the Commissioner. It does apply to committees that are formed by the Board, whether or not the committees include non-Board members.

Adopted: August 9, 1989

Amended: March 10, 1998; December 10, 2003; October 17, 2012; April 12, 2022; **October 11, 2022**

## **POLICY: APPOINTMENTS TO COMMITTEES AND COMMISSIONS**

### **Policy Type: Governance Process**

- A. The State Board makes appointments to the following types of committees:
  - 1. Committees created by the State Board and having State Board membership, e.g., the State Board Policy Committee and the State Board Communications Committee.
  - 2. Committees to which the State Board is required by law to appoint one or more of its members, e.g., KSHSAA's Board of Directors.
  - 3. Committees to which the State Board is required by law to appoint one or more persons who are not members of the State Board, e.g., Professional Standards Board, Special Education Advisory Council and Professional Practices Commission.
  - 4. Committees to which the State Board determines to appoint one or more of its members at the request of some organization, agency or government entity, e.g., the KSHSAA's Executive Board, Kansas Teacher of the Year and NASBE Government Affairs Committee.
- B. Appointments to Standing Committees of the State Board
  - 1. At the organizational meeting, the chair shall declare all memberships on State Board committees vacant. Then, representation of the State Board on such committees shall be determined by vote of the Board.
  - 2. There shall be a standing State Board Policy Committee which shall be elected by the State Board at its organizational meeting. Three members shall serve on this committee.
  - 3. There shall be two Legislative Liaisons who shall be elected by the State Board at its organizational meeting.

C. Appointments to Temporary Committees of the State Board:

The chair and members of each temporary committee of the State Board shall be nominated by the chair or vice-chair of the State Board from a list of those Board members who have expressed an interest in serving on the committee and shall be elected by the State Board.

D. Appointments to Other Committees:

The State Board may appoint persons to committees on which State Board members do not serve in accordance with the following guidelines:

- a. Prior to making an appointment, the State Board may receive nominations from statewide organizations, individuals, or State Board members.
- b. Nominations may remain open until the time of appointment.
- c. In appointment of members, the State Board may provide representation as required by law and seek broad representation by giving consideration to various appropriate factors, including the following:
  - geographic representation;
  - representation by school district enrollment;
  - representation by school level;
  - representation by various educational stakeholders; and
  - special knowledge or expertise.

Adopted: August 9, 1989

Amended: March 13, 1990; July 10, 1991; October 13, 1992; March 10, 1998;

December 12, 2001; September 9, 2003; December 10, 2003; March 11, 2014; August 8, 2017;

January 15, 2019; March 11, 2020; April 12, 2022; **October 11, 2022**

**POLICY: OPERATION OF THE STATE BOARD OF EDUCATION****Policy Type: Governance Process**

## 1. Meetings

## A. Regular Meetings

The State Board shall hold a regular meeting each month as provided by law.

No later than January each year, the Board shall adopt by resolution specifying (1) the hour of commencement, (2) the day of the week, (3) the week of the month, and (4) locations for meetings for the entire year. (K.S.A. 72-249) This shall include meetings to be held on the campus of each state school governed by the Board.

## B. Other Meetings

The State Board may provide by resolution for (1) additional regular meetings; (2) special meetings; or (3) recessed or adjourned meetings. (K.S.A. 72-249)

Special meetings may be called by the chair or upon the request of four Board members submitted to the chair.

Telephone, remote or virtual conference meetings may be called by the chair or at the request of four Board members.

## C. Notification of Meetings

Notice of regular meetings shall be sent at least seven days in advance to members of the State Board and others who have requested notification.

When the regular meeting date, time or place is changed by resolution, or when additional regular meetings, special meetings, recessed or adjourned meetings are called, the secretary to the Board shall notify members of the Board and others who have requested notification, at least five days before such meetings.

However, when the chair deems the need for an emergency meeting, the chair may call a meeting. In such event, reasonable notice shall be given to those parties named herein.

A party receiving notice of any conference shall be advised that this will be an open meeting and the discussion and action will be livestreamed by the Kansas State Department of Education and location for access provided.

If State Board meetings are canceled due to extenuating circumstances the State Board chair or the chair's designee shall notify other members of the State Board, the news media and others who have requested such notification.

- D. All official business of the State Board shall be transacted as provided by state law.
- E. Agenda
  - (1) Construction
    - (a) A State Board meeting agenda shall be prepared by the chair of the State Board, the vice chair of the State Board and Commissioner.
    - (b) Any member of the State Board may request that an item related to State Board goals be placed on the agenda by submitting a request to the chair in advance of the agenda preparation. Any such item shall be considered for the State Board agenda.
    - (c) In addition, a member of the State Board may request that any matter be placed on a future agenda of the State Board at a regular meeting. The request shall be discussed at a meeting of the State Board.

If consensus cannot be reached, the request shall be approved or disapproved by a vote of the State Board.

- (2) Advance Delivery

The agenda for each meeting, along with complete supporting informational material and recommendations, shall be available to each member of the State Board at least seven days before such meeting.

(3) Distribution

The agenda of each meeting shall be distributed in advance to persons to appear before the State Board and others who have requested notification of meetings.

One copy of the agenda shall be available on the day of the meeting for persons attending the State Board meeting.

F. Meeting Conduct

(1) Order of Business

The order of business of all meetings may be as follows:

- (a) Call to Order
- (b) Roll Call
- (c) Moment of Silence
- (d) Pledge of Allegiance
- (e) Approval of Agenda
- (f) Approval of Minutes of the Previous Meeting
- (g) Citizens' Open Forum – (See Policy No. 1012)
- (h) Agenda Items
- (i) Consent Agenda
- (j) Recess until Day 2
- (k) Call to Order
- (l) Roll Call
- (m) Approval of Agenda
- (n) Agenda Items
- (o) Adjournment

(2) Procedure

Official action by the State Board shall be by motion duly made and seconded. Allowable motions include the principle or initial motion on a matter; a motion to amend an initial motion; a substitute motion to an initial motion; a motion to table a matter; and a motion to remove a matter from the table. Other action regarding any matter may be taken upon an affirmative vote of six members of the Board.



It shall be the practice of the Board to take action only on those items that are noted on the agenda as action items. However, the Board, upon motion duly made and seconded, and upon an affirmative vote of seven members of the Board, may take action on any matter on the Board's agenda, whether such matter is designated as an action item, receive item, discussion item or information item.

Routine, procedural or noncontroversial action items may be placed on the consent agenda.

For items that require clarification, or for which a Board member has a question, that clarification should be requested well before the Board meeting. An item should not be pulled from the consent agenda just to have a question answered. That sort of information gathering should happen before the meeting.

If there is an item about which a Board member disagrees, or believes the item requires discussion, then a request is made at the beginning of the Board meeting during the Approval of the Agenda to pull that item from the consent agenda.

**G. Records and Minutes**

- (1) The secretary to the State Board shall take minutes at each Board meeting, shall record the actions of the State Board, and shall officially certify the minutes of each meeting. (K.S.A. 72-250)
- (2) On any motion before the State Board, a recorded vote shall be taken and made a part of the public record. (K.S.A. 72-251) The name of any member voting against a motion or abstaining shall be recorded in the minutes.

- (3) Additions and/or corrections may be made to the minutes by a majority vote of the State Board.

Adopted: August 9, 1989

Amended: March 10, 1998; September 14, 1999; October 12, 1999; May 10, 2000; September 9, 2003; July 11, 2005; November 14, 2007; November 10, 2009; October 17, 2002; March 11, 2014; August 8, 2017; March 11, 2020; **October 11, 2022**

## **POLICY: BOARD MEMBER TRAVEL**

### **Policy Type: Governance Process**

The purpose of Board member travel is to accomplish the mission and goals of the Board, and to assist individual Board members in the development and improvement of boardsmanship skills.

Objectives of travel:

- (1) To participate in regular monthly and special meetings of the Board.
- (2) To travel in-district to maintain communication with constituents.
- (3) To attend in-state organization meetings; to develop and improve boardsmanship skills; to participate in assigned in-state committee meetings; and to meet with the legislature.
- (4) To attend meetings of national organizations to represent the Board, to develop and improve boardsmanship skills; and to participate in assigned national organizations' activities and/or study groups.

Pursuant to state law, each State Board member is entitled to the same compensation, travel expenses and subsistence allowance as provided for members of the legislature for attendance at meetings authorized by the State Board.

For more information see Guideline I, Approval of Meeting Attendance (Board Member Travel).

Adopted: August 9, 1989

Amended: March 13, 1990; July 10, 1991; October 13, 1992; March 10, 1998; March 11, 2014; **October 11, 2022**

**POLICY: CITIZENS' OPEN FORUM****Policy Type: Governance Process**

The Citizens' Open Forum is an opportunity for the general public to provide input on educational issues in the state of Kansas which are germane to the business of the board. Addressing the Board is a privilege and not a right. The Citizens' Open Forum may be held shortly after the meeting is called to order on the first day of each two-day meeting of the State Board of Education. Procedures for the Citizens' Open Forum are as follows:

- (1) Each speaker shall be allowed to speak for three minutes.
- (2) State Board of Education members may ask clarifying questions of the person making the presentation. The speaker will have up to one minute to respond. The presiding officer may grant additional time at his/her discretion.
- (3) By consent of the Board, the agenda time may be extended. While offering a limited public forum is important to the Board, it is also necessary to ensure that the Board allows enough time to conduct its regular business.
- (4) Information may be submitted to the Board in written form. Thirteen (13) copies should be provided.
- (5) At the discretion of the chair and with regards to the timeliness of the agenda, the Citizens' Open Forum may be closed and reopened at a later time or date to be announced.
- (6) Any person wishing to speak shall sign in prior to the commencement of the Citizens' Open Forum and shall complete a presenter's card, giving his or her name and address, the subject of the comments (which must be confined to topics which are germane to the business of the board), and the name of any group he or she is representing. Speakers shall be recognized according to the order in which they signed in.
- (7) Presentations containing information or comments related to KSDE personnel may be referred for review in executive session.

- (8) Following the Citizens' Open Forum, the Chair will acknowledge the participants and announce that the State Board will determine if any of the issues will be addressed at a future meeting.

Adopted: August 9, 1989

Amended: March 10, 1998; April 12, 2000; Nov. 14, 2001; Nov. 14, 2007; March 11, 2014;  
March 11, 2020; **October 11, 2022**

**POLICY: PUBLIC HEARINGS****Policy Type: Governance Process**

The purpose of a Public Hearing is to obtain comments from proponents and opponents on a specific topic that requires such a hearing before a decision is made. Notice of a Public Hearing must be published in advance of the hearing.

Procedures for any Public Hearing of the State Board are as follows:

- (1) Any person having an interest in the subject of the hearing shall have a right to provide oral and written testimony to the State Board on the subject of the hearing.
- (2) Any person wishing to speak at the hearing shall sign in prior to the commencement of the hearing by providing his/her name, address and identifying whether he/she represents an opinion of a group.
- (3) The presiding officer will conduct the hearing. Speakers shall be recognized according to the order in which they signed in. Statements should be limited to five minutes to encourage speakers to be focused and direct, and to permit more people to testify.
- (4) If written testimony is submitted, 13 copies should be provided.
- (5) State Board of Education members may ask clarifying questions of the person making the presentation. The speaker will have up to one minute to respond. The presiding officer may grant additional time at his/her discretion.
- (6) The Public Hearing is not a debate, but an orderly gathering of facts on a particular subject matter. The presiding officer shall rule on comments that are too lengthy. Irrelevant or repetitious testimony is discouraged.
- (7) These Public Hearing procedures shall be printed and be made available upon request.

- (8) The chair shall advise persons in attendance of these Public Hearing procedures.

Following each Public Hearing, all comments received shall be analyzed and considered.

### **COMMUNITY FORUMS**

The Board may elect to host informal community forums at locations around the state to receive public input on various education topics. Such events would be at the discretion of the Board and should not be confused with required Public Hearings. The community forum format would be established prior to the event, depending upon time, location and agenda.

Adopted: August 9, 1989

Amended: March 10, 1998; March 14, 2000; November 14, 2007; March 11, 2014

## BOARD-STAFF LINKAGE



**POLICY: DELEGATION TO THE COMMISSIONER****Policy Type: Board-Staff Linkage**

The responsibility of the Board is to establish policies, leaving implementation to the Commissioner. Board policies relating to the work of the staff on behalf of the State Board direct the Commissioner to achieve certain results or limit the Commissioner to act within acceptable boundaries. All Board authority delegated to staff is delegated through the Commissioner, so that all authority and accountability of staff can be phrased--insofar as the Board is concerned--as authority and accountability of the Commissioner.

1. The Commissioner is authorized to make all decisions, take all actions and develop all activities which are consistent with the Board's policies. The Board, by amending its policies, may expand or constrict the areas of the Commissioner's delegated authority. However, the Board will respect the Commissioner's choices so long as the delegation continues. This does not prevent the Board from obtaining information about activities in the delegated areas.
2. The Commissioner serves the State Board. Therefore, no Board member, officer or committee shall exercise authority over the Commissioner. Board members should make requests to the Commissioner through the Board Chair.
3. The Commissioner shall not perform, allow or cause to be performed any act which is unlawful, insufficient to meet commonly accepted business and professional ethics or the "prudent person" test or is contrary to explicit Board constraints on executive authority. The Commissioner may refuse requests requiring material resources.
4. The Commissioner may employ persons in agency positions subject to confirmation by the State Board.
5. Assistant commissioners (deputy commissioners) will be appointed by the State Board as required by K.S.A. 72-373.

Adopted: August 9, 1989

Amended: March 10, 1998; March 11, 2014; April 17, 2018; March 11, 2020; **October 11, 2022**

**POLICY: MONITORING AND EVALUATING  
COMMISSIONER PERFORMANCE**

**Policy Type: Board-Staff Linkage**

1. A formal, cumulative evaluation of the Commissioner shall be performed not more than six months after the Commissioner is appointed by the State Board of Education. Thereafter, a formal, cumulative evaluation of the Commissioner shall be performed annually by the State Board. Monitoring of the Commissioner's performance will focus on areas of job responsibilities, department performance in response to Board initiatives and policies, and leadership competencies as compared to Board goals and objectives and as stated in the position description for the Commissioner of Education. The purpose of monitoring is to determine the degree to which the Commissioner's performance fulfills the responsibilities for which the Commissioner is accountable. The position description for the Commissioner shall be presented biennially as part of new Board member orientation.
2. The Commissioner's performance may be monitored by the following:
  - A. Monthly observations of, and communications with, the Commissioner.
  - B. Executive reports from the Commissioner.
  - C. Board member report where a Board member, a committee of the Board or the Board as a whole reviews information, activities or circumstances to determine accomplishment of responsibilities.
3. The Board, at any time, may request a monitoring report or external audit of the Commissioner's performance.
4. To assist the State Board in performing its evaluation, the Commissioner shall:
  - A. Submit to the Board a list of performance objectives to be considered and approved by the State Board in January of each calendar year.
  - B. In October, the Commissioner shall provide to the Board a summary of progress on the Board goals. The Commissioner may also obtain feedback from KSDE staff and provide the compiled results to the State Board.

For Additional Information, See *Procedure B: Conducting Annual Evaluations of Commissioner, Board Attorney and Board Secretary* of the Guidelines.

Adopted: August 9, 1989

Amended: March 10, 1998; November 14, 2001; September 9, 2003; November 14, 2007;  
September 10, 2008; October 17, 2012; March 11, 2014; August 8, 2017; **October 11, 2022**

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## **COMMISSIONER DUTIES**

**POLICY: COMMUNICATION AND COUNSEL TO THE BOARD****Policy Type: Commissioner Duties**

The Commissioner shall not intentionally cause or allow the Board to be uninformed or misinformed. The Commissioner shall not accept, on behalf of the State Board, policy or administrative duties concerning any program which has not been assigned to the State Board by law, without the prior approval of the State Board.

The Commissioner shall inform the State Board of any program assigned by law to the State Board or to the State Department of Education and shall advise the State Board of the anticipated impact of the program's assignment to the Board or the Department.

Adopted: August 9, 1989

Amended: March 10, 1998; October 12, 1999; September 9, 2003; **October 11, 2022**

**POLICY: STAFF TREATMENT****Policy Type: Commissioner Duties**

With respect to employment and treatment of staff, the Commissioner shall allow:

1. An appropriate grievance procedure for the staff.
2. Staff to grieve to the Board when the following conditions are met:
  - a. internal grievance procedures have been exhausted; and,
  - b. the employee states reasonable grounds to believe:
    - (i) that Board policy has been violated to his/her detriment; or
    - (ii) that Board policy does not adequately protect his/her human rights.

Adopted: August 9, 1989  
Amended: March 10, 1998; September 14, 1999; July 15, 2009; March 11, 2014; August 8, 2017;  
October 11, 2022

**POLICY: FINANCIAL PLANNING AND LEGISLATIVE  
RECOMMENDATIONS**

**Policy Type: Commissioner Duties**

With respect to planning fiscal initiatives and legislative recommendations, the Commissioner may not jeopardize the integrity of the Department. Accordingly, he or she may not cause or allow:

1. Material deviation from Board-stated policies or priorities in the allocation of funds among competing budgetary needs.
2. Action contrary to the State Board's legislative recommendations.

Adopted: August 9, 1989

Amended: March 10, 1998; **October 11, 2022**

**POLICY: EMERGENCY EXECUTIVE SUCCESSION****Policy Type: Commissioner Duties**

With respect to protecting the Board from sudden loss of chief executive services, the Commissioner shall provide for executive backup. Accordingly, the Commissioner shall have no fewer than two other executives (deputy commissioners) familiar with Board and Commissioner issues and processes.

Adopted: August 9, 1989

Amended: March 10, 1998; March 11, 2020; **October 11, 2022**



**Agenda Number:** 16

**Meeting Date:** 9/13/2022



900 S.W. Jackson Street, Suite 102  
Topeka, Kansas 66612-1212  
(785) 296-3201  
[www.ksde.org](http://www.ksde.org)

**Item Title:** Update on Teacher Vacancy and Supply Committee and Professional Standards Board Substitute Teacher Working Group

**From:** Shane Carter

At the June 2022 State Board meeting, the Teacher Licensure team was tasked to coordinate with the Teacher Vacancy and Supply Committee and Professional Standards Board to identify long-term solutions to substitute teaching issues. Since June the group, has met three times to identify recommendations to provide to the State Board no later than the October board meeting. The State Board will receive an update on this work, and receive an update on other initiatives the Teacher Licensure team is working with educators in the field.

*Kansas leads the world in the success of each student.*



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 Topeka, Kansas 66612-1212  
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**Item Title:** Personnel Report

**From:** Marisa Seele, Wendy Fritz

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
<b>Total New Hires</b>	3	5										
Unclassified	3	5										
Unclassified Regular (leadership)	0	0										
<b>Total Separations</b>	4	3										
Classified	0	0										
Unclassified	3	3										
Unclassified Regular (leadership)	1	0										
<b>Recruiting (data on 1st day of month)</b>	5	4										
Unclassified	4	4										
Unclassified Regular (leadership)	1	0										

Total employees 253 as of pay period ending 8/20/2022. Count does not include Board members. It also excludes classified temporaries and agency reallocations, promotions, demotions and transfers. Includes employees terminating to go to a different state agency (which are **not** included in annual turnover rate calculations).

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 b.

**Staff Initiating:**

Marisa Seele

**Director:**

Wendy Fritz

**Commissioner:**

Randy Watson

**Meeting Date:** 9/13/2022

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**Item Title:**

Act on personnel appointments to unclassified positions

**Recommended Motion:**

It is moved that the Kansas State Board of Education confirm the personnel appointments of individual(s) to unclassified positions at the Kansas State Department of Education as presented.

**Explanation of Situation Requiring Action:**

The following personnel appointments are presented this month:

Angie Brungardt to the part-time position of Public Service Administrator on the School Finance team, effective August 7, 2022, at an annual salary of \$22,880. This position is funded by the State General Fund.

Jenni Marlatt to the position of Administrative Specialist on the Information Technology team, effective August 14, 2022, at an annual salary of \$41,600. This position is funded by the State General Fund.

Aubrey Keesee to the position of Accountant on the Fiscal Services and Operations team, effective August 15, 2022, at an annual salary of \$46,363.20. This position is funded by the Indirect Costs and State General Fund.

Ashley Niedzwiecki to the position of Attorney on the Special Education and Title Services team, effective August 15, 2022, at an annual salary of \$60,000. This position is funded by the IDEA Admin Fund.

Casey Barezinsky to the position of Sr. Administrative Assistant on the Career, Standards and Assessment Services team, effective August 15, 2022, at an annual salary of \$35,360. This position is funded the Federal Assessment Grant and the State General Fund.

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 c.

Staff Initiating:

Beth Fultz

Director:

Tierney Kirtdoll

Commissioner:

Randy Watson

Meeting Date: 9/13/2022

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### **Item Title:**

Act on request to contract with the Orion Education and Training Service Center to support Perkins V special population updates.

### **Recommended Motion:**

It is moved that the Kansas State Board of Education authorize the Commissioner of Education to contract with Orion Education and Training Service Center to support Perkins V special population updates in an amount not to exceed \$30,000.00 for the period of September 1, 2022 through June 30, 2023.

### **Explanation of Situation Requiring Action:**

Career and Technical Education (CTE) provides students with academic and technical skills to be prepared for the current and future workforce. The federal legislation that funds CTE -- Carl D. Perkins Career and Technical Education Act -- was reauthorized in 2018 and is referred to as Perkins V. States and Local Education Agencies are required to engage a broad group of stakeholders in the development of plans for implementation of Perkins V. Responsibilities for reviewing and implementing the plan include data collection/analysis, technical assistance, and a program improvement process for equity training across the state.

For this project the Orion Education and Training Service Center was selected to provide trainings relevant to the FY24 Perkins V grant application, focusing on special populations (students in poverty, migrant, English Language Learners, students of military families, etc.) as well as strategies to support access and equity to high quality CTE pathways. Orion facilitators will walk participants through a root cause analysis based upon the school district data to identify barriers to student program access and support the development of solutions.

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 d.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date:

Craig Neuenswander

Craig Neuenswander

Randy Watson

9/13/2022

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### **Item Title:**

Act on request from USD 465 Winfield, Cowley County, to hold a bond election

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue an Order authorizing USD 465 Winfield, Cowley County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

### **Explanation of Situation Requiring Action:**

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to hold an election on the question of issuing bonds in an amount which would cause the district's bonded indebtedness to exceed the district's general bond debt limitation. USD 465 Winfield, Cowley County, has made such a request. If approved, the district could hold an election on the question of whether additional bonds be issued. If the voters approve such action, the district could issue the bonds.

USD 465 will split projects into two propositions on the ballot. If passed, Prop 1 is est. \$46,000,000 and Prop 2 is est. \$8,700,000 (not to exceed \$54,700,000 total). The bond proceeds will pay costs to:

**Project 1:** Construct, furnish and equip a new elementary school; (b) improvements and additions to Irving Elementary: controlled entry and two new classrooms, an addition to Whittier Elementary: controlled entry and new cafeteria, and addition to Winfield Middle - six new classrooms, multi-purpose lab, and a storm shelter; (c) improvements and renovations to Lowell Elementary to create a new Education Support Facility, including District offices, Cowley County Special Ed Co-op, Day School, Parents as Teachers, Gifted and Homebound support facilities.

**Project 2:** (a) construct, furnish and equip a new Sports Complex for the Winfield Middle and High School, including a turf football/soccer field, 8 lane all-weather track, seating, and concessions/restroom building; and (b) replace four existing tennis courts with new courts.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 6-1.
2. The district is experiencing steady enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.

7. The age of the existing building(s) appears to justify a bond election.
8. The application indicated that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. Several buildings are being consolidated under this proposal.

# Summary of Appeal to State Board of Education to Allow Local Vote on Exceeding Debt Limit

<b>Unified School District 465 Winfield</b>	<b>County: Cowley</b>
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1. Current equalized assessed tangible valuation *	<u>\$153,681,291</u>	
2. Percentage of bond debt limit	<u>14.00%</u>	
3. Amount of bond debt limit	<u>\$21,515,381</u>	
4. State Aid Percentage	<u>17%</u>	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	<u>\$3,545,000</u>	<u>2.3%</u>
6. Amount of bond indebtedness requested	<u>\$54,700,000</u>	<u>35.6%</u>
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	<u>\$58,245,000</u>	<u>37.9%</u>
8. Estimated amount of bond indebtedness authorized without approval	<u>\$21,515,381</u>	<u>14.0%</u>
9. Amount of bond indebtedness above bond debt limit requested	<u>\$36,729,619</u>	<u>23.9%</u>

## Forms Requested

(X) 5-210-118 General Information	(X) Schematic floor plan of the proposed facilities
(X) 5-210-106 Resolution	(X) Map of the school district showing present facilities
(X) 5-210-108 Publication Notice	(X) Small map of the school district showing the adjoining school districts
(X) 5-210-110 Application	(X) Map of the school district showing proposed facilities
(X) 5-210-114 Equalized Assessed Valuation	

August 23, 2022  
Date

August 23, 2022  
Date

Dale Brungardt  
Director, School Finance

Craig Neuenswander  
Deputy Commissioner

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 e.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date:

Craig Neuenswander

Craig Neuenswander

Randy Watson

9/13/2022

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### Item Title:

Act on request from USD 465 Winfield, Cowley County, to receive Capital Improvement (Bond and Interest) State Aid

### Recommended Motion:

It is moved that the Kansas State Board of Education issue an Order authorizing USD 465 Winfield, Cowley County, to receive capital improvement (bond and interest) state aid as authorized by law.

### Explanation of Situation Requiring Action:

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to receive capital improvement (bond and interest) state aid. USD 465 Winfield, Cowley County, has made such a request. If approved, the district would receive capital improvement (bond and interest) state aid to be prorated at 100 percent as provided by law. If the request is not approved, the district will not receive any capital improvement state aid. The bond hearing for state aid will be held on August 31, 2022.

USD 465 will split projects into two propositions on the ballot. If passed, Prop 1 is est. \$46,000,000 and Prop 2 is est. \$8,700,000 (not to exceed \$54,700,000 total). The bond proceeds will pay costs to: **Project 1:** Construct, furnish and equip a new elementary school; (b) improvements and additions to Irving Elementary: controlled entry and two new classrooms, an addition to Whittier Elementary: controlled entry and new cafeteria, and addition to Winfield Middle - six new classrooms, multi-purpose lab, and a storm shelter; (c) improvements and renovations to Lowell Elementary to create a new Education Support Facility, including District offices, Cowley County Special Ed Co-op, Day School, Parents as Teachers, Gifted and Homebound support facilities.

**Project 2:** (a) construct, furnish and equip a new Sports Complex for the Winfield Middle and High School, including a turf football/soccer field, 8 lane all-weather track, seating, and concessions/restroom building; and (b) replace four existing tennis courts with new courts.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 6-1.
2. The district is experiencing steady enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.



6. An outside consultant was utilized in determining the school district needs.
7. The age of the existing building(s) appears to justify a bond election.
8. The application indicated that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. Several buildings are being consolidated under this proposal.

## Summary of Appeal to State Board of Education for Capital Improvement State Aid

<b>Unified School District</b>	<b>USD 465 Winfield</b>	<b>County: Cowley</b>
--------------------------------	-------------------------	-----------------------

1. Current equalized assessed tangible valuation *	<u>\$153,681,291</u>	
2. Percentage of bond debt limit	<u>14.00%</u>	
3. Amount of bond debt limit	<u>\$21,515,381</u>	
4. State Aid Percentage	<u>17%</u>	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	<u>\$3,545,000</u>	<u>2.3%</u>
6. Amount of bond indebtedness requested	<u>\$54,700,000</u>	<u>35.6%</u>
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	<u>\$58,245,000</u>	<u>37.9%</u>
8. Estimated amount of bond indebtedness authorized without approval	<u>\$21,515,381</u>	<u>14.0%</u>
9. Amount of bond indebtedness above bond debt limit requested	<u>\$36,729,619</u>	<u>23.9%</u>

### Forms Requested

(X) 5-210-118 General Information	(X) Schematic floor plan of the proposed facilities
(X) 5-210-106 Resolution	(X) Map of the school district showing present facilities
(X) 5-210-108 Publication Notice	(X) Small map of the school district showing the adjoining school districts
(X) 5-210-110 Application	(X) Map of the school district showing proposed facilities
(X) 5-210-114 Equalized Assessed Valuation	

August 23, 2022  
Date

August 23, 2022  
Date

Dale Brungardt  
Director, School Finance

Craig Neuenswander  
Deputy Commissioner

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 f.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date: 9/13/2022

Craig Neuenswander

Craig Neuenswander

Randy Watson

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### **Item Title:**

Act on request from USD 421 Lyndon, Osage County, to hold a bond election.

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue an Order authorizing USD 421 Lyndon, Osage County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

### **Explanation of Situation Requiring Action:**

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to hold an election on the question of issuing bonds in an amount which would cause the district's bonded indebtedness to exceed the district's general bond debt limitation. USD 421 Lyndon, Osage County, has made such a request. If approved, the district could hold an election on the question of whether additional bonds be issued. If the voters approve such action, the district could issue the bonds.

USD 421 will split projects into two propositions on the ballot. If passed, Prop 1 is est. \$4,980,000 and Prop 2 is est. \$3,700,000 (not to exceed \$8,630,000). The bond proceeds will pay costs to:

**Project 1:** a) acquire, construct, equip and install renovations and improvements to the high school, middle school and elementary school buildings, including (i) new upgrades to HVAC and boiler systems, (ii) replace windows, and (iii) electrical system upgrades, (b) construct and equip a new greenhouse.

**Project 2:** (a) construct, furnish and equip a new collaborative learning center addition at the elementary school and middle school for cafeteria, STEM lab and storm shelter, (b) construct secure entry vestibules at the south high school entrance and north elementary school and middle school entrance, (c) make parking improvements at District facilities.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 6-0.
2. The district is experiencing a growth in enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.
7. The age of the existing building(s) appears to justify a bond election.

8. The application indicated that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. No buildings are being consolidated under this proposal.

# Summary of Appeal to State Board of Education to Allow Local Vote on Exceeding Debt Limit

Unified School District 421 Lyndon	County: Osage
------------------------------------	---------------

1. Current equalized assessed tangible valuation *	\$33,369,594	
2. Percentage of bond debt limit	14.00%	
3. Amount of bond debt limit	\$4,671,743	
4. State Aid Percentage	15%	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	\$0	0.0%
6. Amount of bond indebtedness requested	\$8,630,000	25.9%
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	\$8,630,000	25.9%
8. Estimated amount of bond indebtedness authorized without approval	\$4,671,743	14.0%
9. Amount of bond indebtedness above bond debt limit requested	\$3,958,257	11.9%

Forms Requested	
(X) 5-210-118 General Information	(X) Schematic floor plan of the proposed facilities
(X) 5-210-106 Resolution	(X) Map of the school district showing present facilities
(X) 5-210-108 Publication Notice	(X) Small map of the school district showing the adjoining school districts
(X) 5-210-110 Application	(X) Map of the school district showing proposed facilities
(X) 5-210-114 Equalized Assessed Valuation	

August 23, 2022  
Date

Dale Brungardt  
Director, School Finance

August 23, 2022  
Date

Craig Neuenswander  
Deputy Commissioner

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 g.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date:

Craig Neuenswander

Craig Neuenswander

Randy Watson

9/13/2022

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### **Item Title:**

Act on request from USD 421 Lyndon, Osage County, to receive Capital Improvement (Bond and Interest) State Aid.

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue an Order authorizing USD 421 Lyndon, Osage County, to receive capital improvement (bond and interest) state aid as authorized by law.

### **Explanation of Situation Requiring Action:**

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to receive capital improvement (bond and interest) state aid. USD 421 Lyndon, Osage County, has made such a request. If approved, the district would receive capital improvement (bond and interest) state aid to be prorated at 100 percent as provided by law. If the request is not approved, the district will not receive any capital improvement state aid. The bond hearing for state aid will be held on August 31, 2022.

USD 421 will split projects into two propositions on the ballot. If passed, Prop 1 is est. \$4,980,000 and Prop 2 is est. \$3,700,000 (not to exceed \$8,630,000). The bond proceeds will pay costs to:

**Project 1:** a) acquire, construct, equip and install renovations and improvements to the high school, middle school and elementary school buildings, including (i) new upgrades to HVAC and boiler systems, (ii) replace windows, and (iii) electrical system upgrades, (b) construct and equip a new greenhouse.

**Project 2:** (a) construct, furnish and equip a new collaborative learning center addition at the elementary school and middle school for cafeteria, STEM lab and storm shelter, (b) construct secure entry vestibules at the south high school entrance and north elementary school and middle school entrance, (c) make parking improvements at District facilities.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 6-0.
2. The district is experiencing a growth in enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.

7. The age of the existing building(s) appears to justify a bond election.
8. The application indicated that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. No buildings are being consolidated under this proposal.

## Summary of Appeal to State Board of Education for Capital Improvement State Aid

<b>Unified School District 421 Lyndon</b>	<b>County: Osage</b>
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1. Current equalized assessed tangible valuation *	<u>\$33,369,594</u>	
2. Percentage of bond debt limit	<u>14.00%</u>	
3. Amount of bond debt limit	<u>\$4,671,743</u>	
4. State Aid Percentage	<u>15%</u>	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	<u>\$0</u>	<u>0.0%</u>
6. Amount of bond indebtedness requested	<u>\$8,630,000</u>	<u>25.9%</u>
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	<u>\$8,630,000</u>	<u>25.9%</u>
8. Estimated amount of bond indebtedness authorized without approval	<u>\$4,671,743</u>	<u>14.0%</u>
9. Amount of bond indebtedness above bond debt limit requested	<u>\$3,958,257</u>	<u>11.9%</u>

### Forms Requested

(X) 5-210-118 General Information	(X) Schematic floor plan of the proposed facilities
(X) 5-210-106 Resolution	(X) Map of the school district showing present facilities
(X) 5-210-108 Publication Notice	(X) Small map of the school district showing the adjoining school districts
(X) 5-210-110 Application	(X) Map of the school district showing proposed facilities
(X) 5-210-114 Equalized Assessed Valuation	

August 23, 2022  
Date

August 23, 2022  
Date

Dale Brungardt  
Director, School Finance

Craig Neuenswander  
Deputy Commissioner



## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 h.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date:

Craig Neuenswander

Craig Neuenswander

Randy Watson

9/13/2022

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### **Item Title:**

Act on request from USD 115 Nemaha Central, Nemaha County, to hold a bond election

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue an Order authorizing USD 115 Nemaha Central, Nemaha County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

### **Explanation of Situation Requiring Action:**

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to hold an election on the question of issuing bonds in an amount which would cause the district's bonded indebtedness to exceed the district's general bond debt limitation. USD 115 Nemaha Central, Nemaha County, has made such a request. If approved, the district could hold an election on the question of whether additional bonds be issued. If the voters approve such action, the district could issue the bonds.

USD 115 plans to use the bond proceeds (not to exceed \$24,220,000) to pay costs to: construct, equip and furnish improvements, repairs, renovations and additions to buildings and facilities used for District purposes including: (a) an Early Childhood Center addition and cafeteria improvements at Nemaha Central Elementary and Middle School; (b) additions, improvements and renovations, HVAC and fire sprinkler, to the existing Nemaha Central High School; (c) improvements and renovations to the existing Career and Technical Education facility.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 7-0.
2. The district is experiencing a growth in enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.
7. The age of the existing building(s) appears to justify a bond election.
8. The application indicated that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. No buildings are being consolidated under this proposal.

## Summary of Appeal to State Board of Education to Allow Local Vote on Exceeding Debt Limit

<b>Unified School District 115 Nemaha Central Schools</b>	<b>County: Nemaha</b>
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1. Current equalized assessed tangible valuation *	<u>\$112,628,507</u>	
2. Percentage of bond debt limit	<u>14.00%</u>	
3. Amount of bond debt limit	<u>\$15,767,991</u>	
4. State Aid Percentage	<u>0%</u>	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	<u>\$3,035,000</u>	<u>2.7%</u>
6. Amount of bond indebtedness requested	<u>\$24,220,000</u>	<u>21.5%</u>
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	<u>\$27,255,000</u>	<u>24.2%</u>
8. Estimated amount of bond indebtedness authorized without approval	<u>\$15,767,991</u>	<u>14.0%</u>
9. Amount of bond indebtedness above bond debt limit requested	<u>\$11,487,009</u>	<u>10.2%</u>

### Forms Requested

(X) 5-210-118 General Information	(X) Schematic floor plan of the proposed facilities
(X) 5-210-106 Resolution	(X) Map of the school district showing present facilities
(X) 5-210-108 Publication Notice	(X) Small map of the school district showing the adjoining school districts
(X) 5-210-110 Application	(X) Map of the school district showing proposed facilities
(X) 5-210-114 Equalized Assessed Valuation	

August 23, 2022  
Date

August 23, 2022  
Date

Dale Brungardt  
Director, School Finance

Craig Neuenswander  
Deputy Commissioner

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 i.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date:

Craig Neuenswander

Craig Neuenswander

Randy Watson

9/14/2021

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### **Item Title:**

Act on request from USD 115, Nemaha Central, Nemaha County, to receive Capital Improvement (Bond and Interest) State Aid

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue an Order authorizing USD 115, Nemaha Central, Nemaha County, to receive capital improvement (bond and interest) state aid as authorized by law.

### **Explanation of Situation Requiring Action:**

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to receive capital improvement (bond and interest) state aid. USD 115, Nemaha Central, Nemaha County, has made such a request. If approved, the district would receive capital improvement (bond and interest) state aid as provided by law. If the request is not approved, the district will not receive any capital improvement state aid. The bond hearing for state aid was held on August 24, 2021.

USD 115 plans to use the bond proceeds (not to exceed \$36,720,000) to pay the costs to: (a) construct, furnish and equip an addition to existing elementary school to create early childhood classrooms, expand parking and playground; (b) renovations to high school including classroom areas, locker rooms, restrooms, commons area, including conversion of gymnasium to a theatre space; (c) construct, furnish and equip additions to high school to create new classrooms, office space and entry, and P.E. spaces including a new gymnasium with locker rooms and new wrestling room; (d) upgrades and improvements to HVAC systems, parking, lighting, electrical and fire alarm systems in district buildings; and (e) construct, equip and furnish improvements, repairs, renovations and additions to buildings and facilities used for district purposes.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 6-1.
2. The district is experiencing growth in enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.
7. The age of the existing building(s) appears to justify a bond election.

8. The application indicates that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. No buildings are being consolidated under this proposal.

## Summary of Appeal to State Board of Education for Capital Improvement State Aid

<b>Unified School District 115 Nemaha Central Schools</b>	<b>County: Nemaha</b>
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1. Current equalized assessed tangible valuation *	\$112,628,507	
2. Percentage of bond debt limit	14.00%	
3. Amount of bond debt limit	\$15,767,991	
4. State Aid Percentage	0%	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	\$3,035,000	2.7%
6. Amount of bond indebtedness requested	\$24,220,000	21.5%
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	\$27,255,000	24.2%
8. Estimated amount of bond indebtedness authorized without approval	\$15,767,991	14.0%
9. Amount of bond indebtedness above bond debt limit requested	\$11,487,009	10.2%

### Forms Requested

(X) 5-210-118 General Information (X) 5-210-106 Resolution (X) 5-210-108 Publication Notice (X) 5-210-110 Application (X) 5-210-114 Equalized Assessed Valuation	(X) Schematic floor plan of the proposed facilities (X) Map of the school district showing present facilities (X) Small map of the school district showing the adjoining school districts (X) Map of the school district showing proposed facilities
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August 23, 2022  
Date

August 23, 2022  
Date

Dale Brungardt  
Director, School Finance

Craig Neuenswander  
Deputy Commissioner

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 j.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date:

Craig Neuenswander

Craig Neuenswander

Randy Watson

9/13/2022

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### **Item Title:**

Act on request from USD 329 Wabaunsee, Wabaunsee County, to hold a bond election

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue an Order authorizing USD 329 Wabaunsee, Wabaunsee County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.

### **Explanation of Situation Requiring Action:**

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to hold an election on the question of issuing bonds in an amount which would cause the district's bonded indebtedness to exceed the district's general bond debt limitation. USD 329 Wabaunsee, Wabaunsee County, has made such a request. If approved, the district could hold an election on the question of whether additional bonds be issued. If the voters approve such action, the district could issue the bonds.

USD 329 plans to use the bond proceeds (not to exceed \$17,950,000) to pay costs to: (a) construct, furnish and equip improvements and renovations to the Elementary in Alma; (b) construct, furnish and equip improvements, renovations and additions to Wabaunsee High and locker rooms at the athletic fields.

Closes Paxico Middle School and Maple Hill Elem School

Alma Elementary: Renovate elem and library; Addition 3-5 classrooms, entry, office, link, annex reroof; construct new gym

Alma High: Renovate original 3 story HS building; HS old gym reno - roof; HS kitchen to cooking kitchen; HS link fire rated hallway; district office - reno existing block garage; CTE & Woods - minor reno; Ag Shop - heavy reno; new bldg. for football locker rooms

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 6-0.
2. The district is experiencing steady enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.
7. The age of the existing building(s) appears to justify a bond election.

8. The application indicated that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. Several buildings are being consolidated under this proposal.

# Summary of Appeal to State Board of Education to Allow Local Vote on Exceeding Debt Limit

<b>Unified School District 329 Wabaunsee Co (Alma)</b>	<b>County: Wabaunsee</b>
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1. Current equalized assessed tangible valuation *	<u>\$57,174,639</u>	
2. Percentage of bond debt limit	<u>14.00%</u>	
3. Amount of bond debt limit	<u>\$8,004,449</u>	
4. State Aid Percentage	<u>0%</u>	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	<u>\$0</u>	<u>0.0%</u>
6. Amount of bond indebtedness requested	<u>\$17,950,000</u>	<u>31.4%</u>
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	<u>\$17,950,000</u>	<u>31.4%</u>
8. Estimated amount of bond indebtedness authorized without approval	<u>\$8,004,449</u>	<u>14.0%</u>
9. Amount of bond indebtedness above bond debt limit requested	<u>\$9,945,551</u>	<u>17.4%</u>

## Forms Requested

(X) 5-210-118 General Information	(X) Schematic floor plan of the proposed facilities
(X) 5-210-106 Resolution	(X) Map of the school district showing present facilities
(X) 5-210-108 Publication Notice	(X) Small map of the school district showing the adjoining school districts
(X) 5-210-110 Application	
(X) 5-210-114 Equalized Assessed Valuation	(X) Map of the school district showing proposed facilities

August 23, 2022  
Date

August 23, 2022  
Date

Dale Brungardt  
Director, School Finance

Craig Neuenswander  
Deputy Commissioner



## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 k.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date:

Craig Neuenswander

Craig Neuenswander

Randy Watson

9/13/2022

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### **Item Title:**

Act on request from USD 329 Wabaunsee, Wabaunsee County, to receive Capital Improvement (Bond and Interest) State Aid

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue an Order authorizing USD 329 Wabaunsee, Wabaunsee County, to receive capital improvement (bond and interest) state aid as authorized by law.

### **Explanation of Situation Requiring Action:**

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to receive capital improvement (bond and interest) state aid. USD 329 Wabaunsee, Wabaunsee County, has made such a request. If approved, the district would receive capital improvement (bond and interest) state aid to be prorated at 100 percent as provided by law. If the request is not approved, the district will not receive any capital improvement state aid. The bond hearing for state aid will be held on August 31, 2022.

USD 329 plans to use the bond proceeds (not to exceed \$17,950,000) to pay costs to:

(a) construct, furnish and equip improvements and renovations to the Elementary in Alma; (b) construct, furnish and equip improvements, renovations and additions to Wabaunsee High and locker rooms at the athletic fields.

Closes Paxico Middle School and Maple Hill Elem School

Alma Elementary: Renovate elementary and library; Addition 3-5 classrooms, entry, office, link, annex reroof, construct new gym

Alma High: Renovate original 3 story HS building; old gym reno - roof; kitchen to cooking kitchen; HS link - fire rated hallway; District Office - reno existing block garage; CTE & Woods - minor reno; Ag Shop - heavy reno; construct new 60x40 bldg. for football locker rooms

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 6-0.
2. The district is experiencing steady enrollment.
3. The community was involved in the process of the building proposal.
4. All required forms were properly filed with us, along with an appropriate notice for the election.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.

7. The age of the existing building(s) appears to justify a bond election.
8. The application indicated that the building(s) are in need of major repairs in order to provide the necessary student programs.
9. Several buildings are being consolidated under this proposal.

## Summary of Appeal to State Board of Education for Capital Improvement State Aid

<b>Unified School District 329 Wabaunsee Co (Alma)</b>	<b>County: Wabaunsee</b>
--	--------------------------

1. Current equalized assessed tangible valuation *	\$57,174,639	
2. Percentage of bond debt limit	14.00%	
3. Amount of bond debt limit	\$8,004,449	
4. State Aid Percentage	0%	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	\$0	0.0%
6. Amount of bond indebtedness requested	\$17,950,000	31.4%
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	\$17,950,000	31.4%
8. Estimated amount of bond indebtedness authorized without approval	\$8,004,449	14.0%
9. Amount of bond indebtedness above bond debt limit requested	\$9,945,551	17.4%

### Forms Requested

(X) 5-210-118 General Information (X) 5-210-106 Resolution (X) 5-210-108 Publication Notice (X) 5-210-110 Application (X) 5-210-114 Equalized Assessed Valuation	(X) Schematic floor plan of the proposed facilities (X) Map of the school district showing present facilities (X) Small map of the school district showing the adjoining school districts (X) Map of the school district showing proposed facilities
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August 23, 2022  
Date

August 23, 2022  
Date

Dale Brungardt  
Director, School Finance

Craig Neuenswander  
Deputy Commissioner

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 I.

**Staff Initiating:**

**Deputy Commissioner:**

**Commissioner:**

**Meeting Date:**

Craig Neuenswander

Craig Neuenswander

Randy Watson

9/13/2022

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### **Item Title:**

Act on request from USD 373 Newton, Harvey County, to receive Capital Improvement (Bond and Interest) State Aid

### **Recommended Motion:**

It is moved that the Kansas State Board of Education issue an Order authorizing USD 373 Newton, Harvey County, to receive capital improvement (bond and interest) state aid as authorized by law.

### **Explanation of Situation Requiring Action:**

Under KSA 72-5461 et seq., a school district may request that the State Board of Education authorize the district to receive capital improvement (bond and interest) state aid. USD 373 Newton, Harvey County, has made such a request. If approved, the district would receive capital improvement (bond and interest) state aid to be prorated at 100 percent as provided by law. If the request is not approved, the district will not receive any capital improvement state aid. The bond hearing for state aid will be held on August 31, 2022.

USD 373 plans to use the bond proceeds (not to exceed \$8,435,000) to pay costs to: (a) make renovations and improvements to the existing Lindley Hall facility for structural stabilization, mechanical, energy, plumbing and lighting system upgrades, gymnasium floor improvements, roofing improvements, handicap access (ADA) compliance, and safety and security system upgrades and required demolition of certain parts of the structure; (b) make needed renovations and improvements to the existing Santa Fe 5/6 Center for repair and improvements to the exterior envelope and walls, cast stone, repairs to windows and to roofs.

Based upon the following criteria, staff recommends that this bond application be approved.

1. The vote to submit the bond application by the local board of education was 5-1.
2. The district is not experiencing a decrease in enrollment.
3. The community was not involved in the process of the building proposal.
4. All required forms were properly filed with us; notice for the election was not needed.
5. The district outlined the needs for the building project by responding to all questions required by the state board of education.
6. An outside consultant was utilized in determining the school district needs.
7. The age of the existing building(s) appears to justify a bond election.
8. The application indicated that the building(s) are in need of major repairs in order to provide the necessary student programs.

## Summary of Appeal to State Board of Education for Capital Improvement State Aid

**Unified School District 373 Newton**

**County: Harvey**

1. Current equalized assessed tangible valuation *	<u>\$199,408,761</u>	
2. Percentage of bond debt limit	<u>14.00%</u>	
3. Amount of bond debt limit	<u>\$27,917,227</u>	
4. State Aid Percentage	<u>20%</u>	22-23 St Aid %

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	<u>\$18,270,000</u>	<u>9.2%</u>
6. Amount of bond indebtedness requested	<u>\$8,435,000</u>	<u>4.2%</u>
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	<u>\$26,705,000</u>	<u>13.4%</u>
8. Estimated amount of bond indebtedness authorized without approval	<u>\$27,917,227</u>	<u>14.0%</u>
9. Amount of bond indebtedness above bond debt limit requested	<u>-\$1,212,227</u>	<u>-0.6%</u>

### Forms Requested

(X) 5-210-118 General Information	( ) Schematic floor plan of the proposed facilities
(X) 5-210-106 Resolution	( ) Map of the school district showing present facilities
( ) 5-210-108 Publication Notice	(X) Small map of the school district showing the adjoining school districts
(X) 5-210-110 Application	(X) Map of the school district showing proposed facilities
(X) 5-210-114 Equalized Assessed Valuation	

August 29, 2022  
Date

August 29, 2022  
Date

Dale Brungardt  
Director, School Finance

Craig Neuenswander  
Deputy Commissioner

**REQUEST AND RECOMMENDATION FOR BOARD ACTION****Agenda Number:** 17 m.**Staff Initiating:**

Shane Carter

**Director:**

Leah Zeller

**Commissioner:**

Randy Watson

**Meeting Date:****9/13/2022****Item Title:**

Act on recommendations of the Licensure Review Committee

**Recommended Motion:**

It is moved that the Kansas State Board of Education accept the recommendations of the Licensure Review Committee as presented.

**Explanation of Situation Requiring Action:**

Recommendations of the Licensure Review Committee (LRC) need approval of the State Board of Education. Licenses will be issued to those applicants whose requests are granted. Requests and the LRC's recommendations for this month are provided below.

**Case # 3450**

Applicant requested the addition of a K-6 and 6-12 High Incidence Special Education endorsement to a valid Kansas license. Review is required due to adding the special education endorsement to the Colorado certificate based on testing only. Adding special education by testing only is not an option in Kansas. The applicant met with the Licensure Review Committee to discuss lack of accredited experience and lack of knowledge to meet High Incidence Special Education standards 1-8. The Licensure Review Committee recommends approval of the addition of the K-6 and 6-12 High Incidence Special Education endorsement based on accredited experience and knowledge of the Special Education Standards 1-8. Moved by Brittany, seconded by Anita and approved unanimously.

**Case # 3453**

Applicant requested initial Kansas licensure for K-6 and 6-12 High-Incidence Special Education. Review is required due to completion of an alternative teacher preparation program for teaching through the TeacherReady Program in Florida. Review is also required for recency. The applicant met with the Licensure Review Committee to discuss no accredited experience and lack of knowledge to High-Incidence standards 1-8. The Licensure Review Committee recommends approval of the initial Kansas license for K-6 and 6-12 High-Incidence Special Education based on completion of an alternative program in Florida, and one year of unaccredited experience to meet recency, and knowledge of the Special Education Standards. Moved by Brittany, seconded by Anita and approved unanimously.

**Case # 3451**

Applicant requested the addition of a B-3 early childhood unified endorsement to a valid Kansas license. Review is required due to adding the early childhood unified endorsement to the Missouri certificate based on testing only. Adding early childhood unified by testing only is not an option in Kansas. The applicant met with the Licensure Review Committee discuss lack of accredited experience and lack of knowledge in early childhood B-3 standards. The Licensure Review Committee recommends denial of the addition of the B-3 Early Childhood Unified endorsement based on lack of knowledge and performance to meet the Early Childhood Unified Standards 1-8. Moved by Ashlie, seconded by Brittany and approved unanimously.

#### **Case # 3449**

Applicant requests initial Kansas licensure for 6-12 social studies comprehensive. Review for the endorsement is required due to completion of an alternative program through Arizona. The Licensure Review Committee met with the applicant to discuss lack of accredited experience and lack of knowledge to meet social studies standards 1-10.

The Licensure Review Committee recommends approval of the initial Kansas license for 6-12 social studies based on completion of an accredited teaching licensure program, completion of student teaching to address the Social Studies standards, and passing the required content exam. Moved by Dan, seconded by Anita and approved unanimously.

#### **Case #3461**

Applicant requests initial Kansas licensure for English Language Arts 6-12.

Review for the teaching license is required due to completion of an alternative teacher preparation program for teaching through the Texas Institute for Teacher Education. The Licensure Review Committee recommends approval of the initial Kansas license based on completion of an alternative program, and passing a content exam. Moved by Cody, seconded by Dan, and approved unanimously.

#### **Case #3462**

Applicant requests initial Kansas licensure for High Incidence Special Education K-12. Review for the teaching license is required due to completion of an alternative teacher preparation program through Texas Teachers of Tomorrow. The Licensure Review Committee recommends approval of the initial license for High Incidence Special Education 6-12 license based on verification of experience and completion of an alternative certification program. Moved by Brittany, seconded by

Cody, and approved unanimously.

**Case #3463**

Applicant requests initial Kansas licensure for district leadership PK-12. Review is required due to completion of minimum state requirements for district leadership. The Licensure Review Committee recommends approval of the initial Kansas license for district leadership PK-12 based on completion of an alternative certification program and five years of accredited experience as a building administrator. Moved by Cody, seconded by Ashlie, and approved unanimously.

**Case #3464**

Applicant requests initial Kansas licensure for district leadership PK-12. Review is required due to completion of an alternative program for district leadership in Texas. Licensure Review Committee recommends approval of the initial Kansas licensure for district leadership PK-12 based on completion of an alternative certification program, and three years of experience as a building principal. Moved by Ashlie, seconded by Cody, and approved unanimously.

**Case #3465**

Applicant requests initial Kansas licensure for building leadership PK-12. Review is required due to completion of an alternative program for building leadership in Georgia. The Licensure Review Committee recommends approval of an initial building leadership license based on completion of an alternative certification program and accredited experience. Moved by Brittany, seconded by Anita, and approved unanimously.

**Case #3466**

Applicant requests the addition of a K-6 and 6-12 High Incidence Special Education endorsement to a valid Kansas license. Review is required due to meeting minimum state requirements in Missouri for Special Education. The Licensure Review Committee recommends approval of the addition of the K-6 and 6-12 High Incidence Special Education endorsement based on coursework completion and accredited experience. Moved by Brittany, seconded by Anita, and approved unanimously.

**Case #3467**

Applicant requests the addition of a PK-12 gifted education endorsement to a valid Kansas license.



Review is required due to completion of an alternative teacher preparation program for gifted education in Georgia. The Licensure Review Committee recommends approval of the Provisional addition of the PK-12 gifted education endorsement contingent upon passing the content test. Moved by Ashlie, seconded by Brittany, and approved unanimously.

#### **Case #3468**

Applicant requests the addition of a K-6 and 6-12 High Incidence Special Education endorsement to a valid Kansas license. Review for the license is required due to adding the special education endorsement to a Missouri certificate by testing only. The Licensure Review Committee recommends approval of the addition of the K-6 and 6-12 High Incidence Special Education endorsement based on experience and passing content exams. Moved by Brittany, seconded by Cody, and approved unanimously.

#### **Case #3469**

Applicant requests the addition of a K-6 and 6-12 High Incidence Special Education endorsement to a valid Kansas license. Review is required due to adding the special education endorsement to a Texas certificate by testing only. The Licensure Review Committee recommends approval of the addition of the k-6 and 6-12 High Incidence Special Education endorsement based on completion of an out of state program and achieving the license in Texas. Moved by Ashlie, seconded by Cody, and approved unanimously.

#### **Case #3470**

Applicant requests initial Kansas licensure for district leadership PK-12.

Review is required due to not holding a valid out of state license for district leadership. The Licensure Review Committee recommends approval of the initial license based on completion of a program and experience of holding a license in another state and circumstances that do not allow him to renew in the other state. Moved by Ashlie, seconded by Brittany, and approved unanimously.

#### **Case #3471**

Applicant requests approval for completion of the restricted license program.

Review is required since a teacher preparation program was previously completed and a license issued with a requirement of passing a content test. The Licensure Review Committee recommends

approval of the completion of the restricted license program in social studies, based on completion of the full restricted program. Moved by Ashlie, seconded by Cody, and approved unanimously.

#### **Case #3472**

Applicant requests initial Kansas licensure for Elementary Education K-6.

Review is required due to completion of an alternative teacher preparation program for teaching through Teach for America, St. Louis. Review is also required for recency. The Licensure Review Committee recommends approval of Transitional license to meet recency. Once recency is met, applicant can upgrade to the initial license by passing the Praxis content exam and the Principles of Learning and Teaching exam. Moved by Ashlie, seconded by Brittany, and approved unanimously.

#### **Case #3473**

Applicant requests initial Kansas licensure for physical education and health PK-12. Review for the teaching license is required due to completion of an alternative teacher preparation program for teaching through the state of Oklahoma. Review is also required for recency. The Licensure Review Committee recommends approval of the initial license based on completion of an alternative certificate program, degree, and content exams in Oklahoma, and holding licensure in Oklahoma. Moved by Ashlie, seconded by Anita, and approved unanimously.

#### **Case #3474**

Applicant requests initial Kansas licensure for elementary education K-6. Review for the teaching license is required due to completion of an alternative teacher preparation program for teaching through the A+ Texas Teachers. The Licensure Review Committee recommends approval of the initial license based on completion of an alternative certificate program, holding a valid out of state license, and accredited experience. Moved by Ashlie, seconded by Anita, and approved unanimously.

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 n.

Staff Initiating:

Shane Carter

Director:

Commissioner:

Randy Watson

Meeting Date: 9/13/2022

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### **Item Title:**

Act on recommendations for licensure waivers.

### **Recommended Motion:**

It is moved that the Kansas State Board of Education accept the attached recommendations for licensure waivers.

### **Explanation of Situation Requiring Action:**

SBR 91-31-42 allows any school district to request a waiver from one or more of their accreditation requirements imposed by the State Board. Requests by schools to waive school accreditation regulation SBR 91-31-34 (appropriate certification/licensure of staff) are reviewed by the staff of Teacher Licensure and Accreditation. The district(s) must submit an application verifying that the individual teacher for whom they are requesting the waiver is currently working toward achieving the appropriate endorsement on his/her license. A review of the waiver application is completed before the waiver is recommended for approval.

The attached requests have been reviewed by the Teacher Licensure and Accreditation staff and are being forwarded to the State Board of Education for action. If approved, school districts will be able to use the individuals in an area outside the endorsement on their license, and in the area for which they have submitted an approved plan of study. The waiver is valid for one school year.

\*First Renewal

\*\*Final Renewal.

org no	org name	enrollment	first name	last name	subject	recommendation
D0203	Piper-Kansas City	0	Jordyn	Green	High Incidence Special Education	Approved*
D0203	Piper-Kansas City	0	Megan	Riggs	Library Media Specialist	Approved*
D0207	Fort Leavenworth	0	Mary	Morgan	Gifted	Approved
D0230	Spring Hill	0	Stephanie	Ferguson	Low Incidence Special Education	Approved
D0232	De Soto	0	Savannah	Steinmetz	Low Incidence Special Education	Approved
D0232	De Soto	0	Ashley	Agre	Library Media Specialist	Approved
D0232	De Soto	0	Kali	Mooney	Low Incidence Special Education	Approved*
D0457	Garden City	0	Madison	Thompson	Early Childhood Special Education	Approved**
D0457	Garden City	0	Theresia	Woods	High Incidence Special Education	Approved**
D0457	Garden City	0	Morgan	Luna	High Incidence Special Education	Approved
D0457	Garden City	0	Natalie	Crook	High Incidence Special Education	Approved**
D0469	Lansing	0	Leigh Ann	Johnson	High Incidence Special Education	Approved
D0616	Doniphan Co Education Coop	0	Laura	Benitz	High Incidence Special Education	Approved
D0616	Doniphan Co Education Coop	0	Emily	Purdy	High Incidence Special Education	Approved
D0637	Southeast Kansas Special Education Interlocal	0	Amy	Valenti	High Incidence Special Education	Approved
D0637	Southeast Kansas Special Education Interlocal	0	Makalah	Siu	High Incidence Special Education	Approved
D0637	Southeast Kansas Special Education Interlocal	0	Makayla	Walton	High Incidence Special Education	Approved
D0637	Southeast Kansas Special Education Interlocal	0	Shelly	Maas	Low Incidence Special Education	Approved

D0637	Southeast Kansas Special Education Interlocal	0	Richard	Murray	Low Incidence Special Education	Approved
D0637	Southeast Kansas Special Education Interlocal	0	Amy	Haney	High Incidence Special Education	Approved
D0637	Southeast Kansas Special Education Interlocal	0	Sydnee	Donaldson	High Incidence Special Education	Approved
X0758	Heartspring	0	Crystal	Pritchett	Low Incidence Special Education	Approved

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 o.

Staff Initiating:

Shane Carter

Director:

Leah Zeller

Commissioner:

Randy Watson

Meeting Date:

9/13/2022

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### Item Title:

Act on recommendation for Visiting Scholar Licenses.

### Recommended Motion:

It is moved that the Kansas State Board of Education accept the recommendations of Randy Watson, Commissioner of Education regarding a Visiting Scholar license.

### Explanation of Situation Requiring Action:

His talents and distinctions in the field of art are demonstrated by his exhibitions and displays, especially the commissioned bronze pieces on permanent display around the state. He has demonstrated his success in teaching both traditional and non-traditional students as an adjunct art instructor and in other teaching opportunities. He meets the criteria of significant experiences as an artist and outstanding talent and distinction in the field of art. I recommend that the request for renewal of a Visiting Scholar license valid for the 2022-23 school year for Carson Norton be approved, based on meeting two of the three established criteria, and completion of appropriate professional learning.

Criteria for a Visiting Scholar license:

Advanced course of study or extensive training in the area of licensure requested

Outstanding distinction or exceptional talent in the field

Significant recent occupational experience which is related to the field

#### **Stanton County School District, USD 452 and Gholamhossien Erjaee.**

The Stanton County School District requests that Gholamhossien Erjaee be granted a Visiting Scholar license valid for the 2022-23 school year. The district will assign Mr. Erjaee to teach a full schedule of Mathematics courses.

Gholamhossien Erjaee earned a bachelor's degree from the Tehran Teachers Training University with a major of teaching secondary Mathematics in 1977. He earned a master's of science degree from the North Carolina Agriculture and Technical State University in 1988. He earned a PhD in Mathematics from Kansas State University in 1993. Mr. Erjaee served as a professor at Shiraz University in the Secondary Mathematics educator preparation program from September 1994 until August 2002. From August 2002 thru August 2009, he served as the Professor of Teaching and Research Fellow, Mathematic Department at Qatar University. He served as a Professor of Mathematics at Shiraz University from August 2009 thru August 2017. Form August 2017 thru January 2018, he served in a visiting position with Kansas State University's Mathematics department. He has served as a Lecturer for the University of California, Irvine since January 2018.

Mr. Erjaee has published two books, and 29 scholarly journal articles, and presented at multiple professional conferences.

Mr. Erjaee meets the criteria of an advanced degree in the subject and related experience teaching the subject area. I recommend a Visiting Scholar license valid for the 2022-2023 school year for Gholamhossien Erjaee be approved, based on meeting two of the established criteria for Visiting Scholar.

### **Wichita County, USD 467 and Carson Norton**

The Wichita County school district requests that Carson Norton be granted renewal of a Visiting Scholar license valid for the 2022-23 school year. The district will assign Mr. Norton to teach a full schedule of Art (grades 7-12) at the Junior Senior High School. He completed appropriate professional learning activities during his last three years as a Visiting Scholar.

Carson Norton's artistic abilities and professional work experiences allow him to provide a unique learning experience to the middle and high school art students in Wichita County schools. His talents and distinctions in the field of art are demonstrated by his exhibitions and displays, especially the commissioned bronze pieces on permanent display around the state. He has demonstrated his success in teaching both traditional and non-traditional students as an adjunct art instructor and in other teaching opportunities. He meets the criteria of significant experiences as an artist and outstanding talent and distinction in the field of art. I recommend that the request for renewal of a Visiting Scholar license valid for the 2022-23 school year for Carson Norton be approved, based on meeting two of the three established criteria, and completion of appropriate professional learning.

**REQUEST AND RECOMMENDATION FOR BOARD ACTION****Agenda Number:** 17 p.**Staff Initiating:**

Kerry Haag

**Director:**

Bert Moore

**Commissioner:**

Randy Watson

**Meeting Date:****9/13/2022****Item Title:**

Act to extend the Special Education and Title Services contracts for the State Personnel Development Grant plan (SPDG).

**Recommended Motion:**

It is moved the Kansas State Board of Education approve the extension of the contracts for the SPDG contracts listed below to September 30, 2023.

**Explanation of Situation Requiring Action:**

In October of 2017 the KSBE approved SETS entering into agreements with Keystone Learning Services for school mental health professional development and coaching services and 2) with University of Kansas Center for Research on Learning for project evaluation services. The agreements were necessary to achieve the terms of a competitive federal grant awarded to KSDE called the State Personnel Development Grant under Individuals with Disabilities Education Act CFDA #84.323A.

Approval will ensure the School Mental Health Initiative state training team members are able to support local implementation by building and assisting district community leadership team members without interruption. The approval of no-cost time extensions is necessary to prevent disruption of services between competitive federal five-year federal grant award cycles. Each Kansas system and patrons have access to the SMHI evidence-based tools, resources, webinars online at: <https://www.ksdetasn.org/smhi>.



## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 q.

**Staff Initiating:**

Sarah Thompson

**Director:**

Sarah Thompson

**Commissioner:**

Randy Watson

**Meeting Date:** 9/13/2022

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**Item Title:**

Approve the Emergency Safety Intervention Packet for the Kansas School for the Deaf

**Recommended Motion:**

It is moved that the Kansas State Board of Education authorize the Kansas School for the Deaf (KSSD) to publish the Emergency Safety Intervention packet.

**Explanation of Situation Requiring Action:**

The requirement for the Kansas School for the Deaf to publish the school policy use of Emergency Safety Intervention including Local Dispute Resolution Process.

# EMERGENCY SAFETY INTERVENTION FORM



## Documentation of a Known Medical Condition

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**DIRECTIONS:** This form is being provided to you for documentation of a known medical condition that could put the student named below in mental or physical danger as a result of using an emergency safety intervention. This form satisfies the requirement in K.S.A. 2016 Supp. 72-89d03(b), but does not include any required releases necessary to share or release information to the school. Please attach copies of any releases to this form. Additional information is provided on the back of this form.

STUDENT'S NAME: \_\_\_\_\_

STUDENT'S KIDS ID NUMBER (to be filled in by school staff): \_\_\_\_\_

STUDENT'S DIAGNOSIS: \_\_\_\_\_

EXPLANATION OF THE DIAGNOSIS and REASONS WHY AN EMERGENCY SAFETY INTERVENTION WOULD PUT THE STUDENT IN MENTAL OR PHYSICAL DANGER (attach additional sheets if necessary):

SUGGESTED ALTERNATIVES TO THE USE OF EMERGENCY SAFETY INTERVENTIONS (attach additional sheets if necessary):

**REGULATORY REQUIREMENTS FOR THE USE OF EMERGENCY SAFETY INTERVENTIONS**  
**K.S.A. 2016 Supp. 72-89d01 through 72-89d08; and K.A.R. 91-42-1 through 91-42-7 (2016)**

*The following information concerning the use of emergency safety interventions is being made available for your convenience and is meant to be used only as a reference. While every effort has been made to accurately reproduce this information, it is not the official statutes and regulations of the State. The Kansas Statutes Annotated (K.S.A.), published by the Revisor of Kansas Statutes, [http://www.kslegislature.org/li\\_2016/b2015\\_16/statute/](http://www.kslegislature.org/li_2016/b2015_16/statute/), and the Kansas Administrative Regulations (K.A.R.), published by the Secretary of State, [http://kssos.org/pubs/pubs\\_kar.aspx](http://kssos.org/pubs/pubs_kar.aspx), should be consulted for the text of the official statutes and administrative regulations of the State.*

An emergency safety intervention means the use of seclusion or physical restraint only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm.

“Physical restraint” means bodily force used to substantially limit a student’s movement, except that consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint. Other forms of restraint are prohibited such as prone and supine restraint, or mechanical restraint except protective or stabilizing devices or devices used by law enforcement personnel. “Seclusion” means placement of a student in a location where all the following conditions are met: (1) The student is placed in an enclosed area by school personnel; (2) the student is purposefully isolated from adults and peers; and (3) the student is prevented from leaving, or the student reasonably believes that such student will be prevented from leaving, the enclosed area. Less restrictive alternatives to emergency safety interventions, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student’s behavior prior to the use of any emergency safety intervention. The use of an emergency safety intervention shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an emergency safety intervention. Use of an emergency safety intervention for purposes of discipline, punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

A school may not use an emergency safety intervention, seclusion or physical restraint, with a student if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention. The existence of such medical condition must be indicated in a written statement from the student’s licensed health care provider, a copy of which shall be provided to the school and placed in the student’s file. The written statement shall include an explanation of the student’s diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions. However, a student may be subjected to an emergency safety intervention, if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others. K.S.A. 2016 Supp. 72-89d03(b). For example, a student with a documented medical condition who attempts to run out into a busy street may be restrained for safety.



## **Emergency Safety Intervention Parent Information Packet**

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If an emergency safety intervention occurs, parents are strongly encouraged to schedule a meeting to: 1) discuss the incident and 2) discuss prevention of future use of emergency safety interventions. The contact listed below is available to assist in scheduling this meeting. This meeting will be scheduled no later than ten (10) school days from when the parent makes the request unless the parent cannot meet within that time frame.

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**Kansas School for the Deaf**  
**[www.ksdeaf.org](http://www.ksdeaf.org)**  
**Luanne Barron, Superintendent**  
**Tel: 913-210-8111**  
**[lbarron@kssdb.org](mailto:lbarron@kssdb.org)**

# **Documents Included in this Packet**

Letter to Parents from the Superintendent

Local Dispute Resolution Process

Standards for the Use of Emergency Safety Interventions

A Family Guide to the Use of Emergency Safety Interventions and  
Parental Rights: Seclusion and Restraint in Kansas  
(English or Spanish depending on Parents' preferred language)

Local Dispute Resolution Guide for Parents

State Board Administrative Review Process

State Administrative Review Guide for Parents

State and Community Resources



**KANSAS SCHOOL FOR THE DEAF**  
Leading Deaf Education in the 21<sup>st</sup> Century  
[www.ksdeaf.org](http://www.ksdeaf.org)  
450 East Park St.  
Olathe, KS 66061-5497  
Phone: 913-210-8200 Fax: 913-324-0601

August 2022

Dear Parents or Guardians:

Kansas School for the Deaf (KSD) serves students with varying needs. It is possible that at some point, any student could exhibit behavioral problems during school or while staying in the dormitory. Our primary concern here at KSD is to create a safe environment for all of our students. While we use best practice strategies, prevention and de-escalation to address most behaviors without incident, on rare occasions a student's actions may cause possible harm to themselves or others. While we make every effort to avoid the need for Emergency Safety Interventions - ESI (seclusion and restraint), there may come a time when we need to use it to protect a student or students. In 2015, we had not used seclusion at KSD, but in June of that year, the Kansas Legislature passed statutes on ESI requiring schools to put into effect procedures to address the use of ESI for all students.

The packet of information in which this letter is contained is designed to provide parents or guardians with the information necessary to understand what ESI is used for and how it will be applied, if used, here at KSD, our local dispute resolution process so parents or guardians know who to contact and what to do if they object to the use of ESI on their child or ward. It is also for parents and guardians so they know who to contact and what to do if they are not satisfied with answers provided at the local level and wish to submit a complaint through the State Board of Education's review process and how to negotiate that process.

Please review the information contained in this packet and we encourage you to keep it in a safe place in case there are other incidents or you have questions about the process in the future.

If you are concerned about the use of Emergency Safety Interventions, please call your child's head teacher or if the incident happened while your child was staying in the dormitory, the Dean of Student Life. You ultimately have the right to file a formal complaint with the Superintendent and, if not satisfied, the Kansas Board of Education, about your concerns.

Sincerely, yours,

Luanne Barron  
Superintendent



**Equal Employment/Education Opportunity Schools**

# Local Dispute Resolution Process

Kansas School for the Deaf (KSD) serves students with a variety of needs. Regardless, any student at some point in time could have problem behaviors. Creating a safe environment for all our students is our primary concern. Through the use of best practices, prevention and de-escalation strategies, most behaviors are addressed without incident. However, on extremely rare occasions, a student's actions may possibly cause harm to others. We make every effort to address the behavioral needs of a student to prevent the need for Emergency Safety Interventions – ESI (seclusion and restraint).

Effective April of 2013, Kansas law (K.A.R. 91-42-1 and K.A.R. 91-42-2) requires that schools have procedures for the use of ESI for all students. Seclusion was not used at this school in 2015, but the Kansas Legislature passed statutes on ESI, which became law on June 4, 2015. The only time physical restraint is permitted at KSD is when a student presents an immediate danger to himself or others, or destroys property. The use of ESI is discontinued the moment immediate danger has passed.

KSD trains school employees in the Crisis Prevention and Intervention (CPI) program. We have two certified CPI trainers who are available to train school employees annually.

Physical restraint means bodily force used to substantially limit a student's movements. The use of prone (face down) or supine (face up) restraint, or any physical restraint that impacts a student's primary mode of communication is PROHIBITED. Chemical restraint and mechanical restraint are PROHIBITED at KSD (except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation). Physical restraints are never used for discipline or punishment.

Physical restraint does not include physical escort (temporarily holding the hand, wrist, arm, shoulder, or back of a student who is acting out, for the purpose of inducing the student to walk to a safe location).

Time-out is not seclusion. Time out is defined in the regulations as a behavioral intervention in which the student is temporarily removed from a learning activity without being confined.

In-school suspension is not seclusion because the student is not isolated from adults and peers.

If an ESI is used with a student, it must be documented, reviewed by school administration, and reported to the Department of Education. School personnel will notify you about the use of ESI on the same day when ESI is used with your child.

Go to our website ([ksdeaf.org/resources/parents/](http://ksdeaf.org/resources/parents/)) and find the ESI policy. Please visit <http://ksdetasn.org/> to access the ESI law, guidance documents, webinars, and handouts.

If you are concerned about the use of Emergency Safety Interventions, please call your child's head teacher or, if the incident happened while your child was staying in the dormitory, the Dean of Student Life. You ultimately have the right to file a formal complaint with the Superintendent about your concerns.



# Standards for the use of Emergency Safety Interventions

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Emergency safety interventions law sets forth standards for the use of restraint and seclusion to ensure that all Kansas students and staff have a safe learning environment. The standards found in the emergency safety intervention statutes and regulations are required to be followed in all Kansas public school districts and accredited private schools.

An emergency safety intervention is the use of seclusion or physical restraint. The use of an emergency safety intervention shall **cease as soon as the immediate danger of physical harm and violent action ceases to exist.**

Before using an emergency safety intervention, a school employee witnessing the student's behavior must have determined that **less restrictive alternatives** to emergency safety interventions, such as positive behavior interventions support, were inappropriate or ineffective under the circumstances.

An emergency safety intervention shall be used **only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm.** Violent action that is destructive of property may necessitate the use of an emergency safety intervention if there is a reasonable and immediate danger of physical harm. An emergency safety intervention may not be used for purposes of discipline, punishment, or for the convenience of a school employee.

**Physical restraint** means bodily force used to substantially limit a student's movement. Physical restraint is **NOT**:

- Consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction;
- physical escort;
- prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments;
- protective or stabilizing devices either ordered by an appropriately licensed professional or required by law;
- any device used by a law enforcement officer in carrying out law enforcement duties; and
- seatbelts and any other safety equipment when used to secure students during transportation.

**Prohibited** types of restraints:

- **Prone**, or face-down, physical restraint;
- **supine**, or face-up, physical restraint;
- any physical restraint that **obstructs the airway** of a student;
- any physical restraint that **impacts a student's primary mode of communication**;
- **chemical** restraint ("chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.); and
- **mechanical** restraint ("mechanical restraint" means any device or object used to limit a student's movement).

**Seclusion** means placement of a student in a location where:

- The student is placed in an **enclosed area** by school personnel;
- the student is **purposefully isolated** from adults and peers; and
- the student is **prevented from leaving**, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

An emergency safety intervention may not be used with a student if the student is known to have a **medical condition** that could put the student in mental or physical danger as a result of the use of an emergency safety intervention unless not using an emergency safety intervention would result in significant physical harm to the student or others. The medical condition must be indicated in a written statement from the student's licensed health care provider, and a copy of which shall be provided to the school and placed in the student's file.

When a student is placed in seclusion, a school employee shall be able to **see and hear the student** at all times.

If a seclusion room has a locking door it must be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

A seclusion room must be a **safe place**. The room must have good ventilation and lighting, and be free of any condition that could be a danger to the student. The room must also be similar to other rooms where students frequent.

Seclusion is **not time-out**, which is a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

Where can I find out more  
information about  
**Emergency Safety Interventions  
(Seclusion and Restraint)?**



**Families Together, Inc.**  
[www.familiestogetherinc.org](http://www.familiestogetherinc.org)

Topeka Parent Center  
1-800-264-6343  
[topeka@familiestogetherinc.org](mailto:topeka@familiestogetherinc.org)

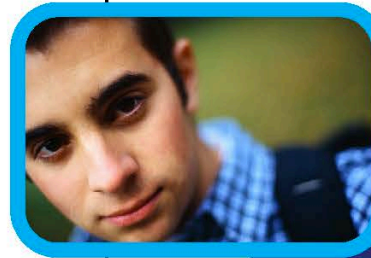
Wichita Parent Center  
1-888-815-6364  
[wichita@familiestogetherinc.org](mailto:wichita@familiestogetherinc.org)

Garden City Parent Center  
1-888-820-6364  
[gardencity@familiestogetherinc.org](mailto:gardencity@familiestogetherinc.org)

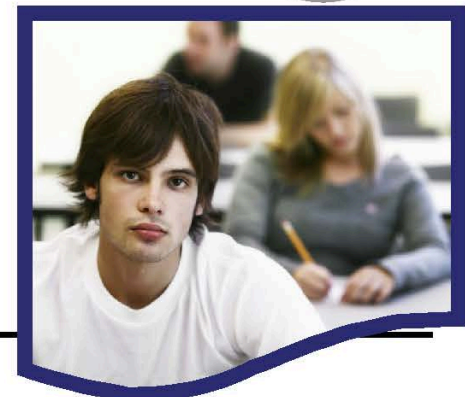


**Kansas Parent Information  
Resource Center (KPIRC)**  
1-866-711-6711  
[www.kpirc.org](http://www.kpirc.org)

**Kansas State Department  
of Education (KSDE)**  
1-800-203-9462  
[www.ksde.org](http://www.ksde.org)  
[www.ksdetasn.org](http://www.ksdetasn.org)



**A Family Guide  
to the Use of  
Emergency Safety  
Interventions and  
Parental Rights:  
Seclusion and  
Restraint in  
Kansas**



## What are Emergency Safety Interventions?

Emergency Safety Interventions (ESI) are seclusion and restraint that are used when the student presents a reasonable and immediate danger of physical harm to self or others.

## What is Seclusion?

Seclusion means placement of a student in a location where all the following conditions are met:

1. the student is **placed** in an enclosed area by school personnel;
2. the student is purposefully **isolated** from other adults and peers; and,
3. the student is prevented from leaving, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

Time-out is not the same as seclusion. Time-out is when a student is temporarily removed from the learning activity, but is not confined.

## What is Restraint?

Restraint can take form in different ways. The definition of **physical restraint** is bodily force used to substantially limit a student's movement. The use of prone physical restraint (face-down) and supine physical restraint (face-up) are prohibited. Physical restraint may not obstruct the airway of the student or impact the student's primary mode of communication.

**Mechanical restraint** is defined as any device or object used to limit a person's movement. The use of mechanical restraint is prohibited in Kansas except those protective or stabilizing devices ordered by a person appropriately licensed to issue the order for the device. Mechanical restraint used by a law enforcement officer in carrying out law enforcement duties is allowed. Seatbelts and/or other safety equipment when used to secure students during transportation are also allowed.

**Chemical restraint** is prohibited in Kansas. A student may take prescribed treatments for a medical or psychiatric condition when they are prescribed by a person who is properly licensed to prescribe medication.

Consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction is not physical restraint.

## A Focus on Prevention

### Replacement Behaviors

A replacement behavior is when a student replaces an inappropriate behavior with an appropriate one that continues to serve the same function for the student. When selecting replacement behaviors, the team should address the following questions:

- Does the replacement behavior work as well as the challenging behavior in meeting the student's needs?
- Will it be an acceptable alternative to the challenging behavior?
- Will the replacement behavior be something the student will choose to do and that his or her family and teachers support?
- Will the replacement behavior help build a positive reputation for the student?



Students should be recognized and rewarded for choosing to utilize replacement behaviors to be most effective.

### The Kansas State Department of Education

- does not promote the use of emergency safety intervention with any student;
- recommends a focus on prevention;
- stresses that emergency safety intervention is not part of a tiered intervention system or student behavior plan – it is only to be used in an emergency and that
- emergency safety interventions are reactive strategies and do not decrease the likelihood of a behavior from occurring.

**Tip!**

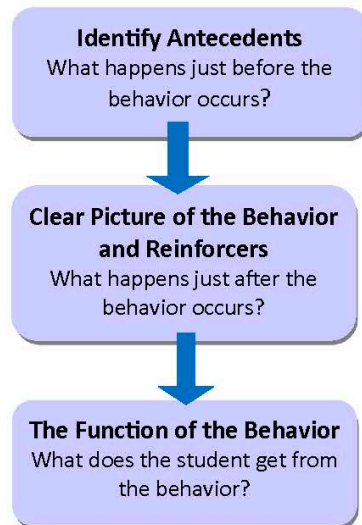
An FBA can be conducted at any time for a student who does not respond to school-wide behavioral interventions. Following the assessment, a behavior intervention plan may be developed. As a parent, you have the right to request an FBA.



## A Focus on Prevention

### Functional Behavioral Assessments

All behaviors are functional and are maintained in environments that support them. If your child's behavior impedes the learning of self or others, you can request a functional behavioral assessment (FBA). An FBA can help teams determine the when, where, how and why problematic behavior occurs. A comprehensive FBA includes interviews, record reviews, observation and data collection, graphing data collected, testing hypotheses, curriculum analysis, implementation of interventions and evaluation of effectiveness of the plan. FBAs should identify antecedents (what happens just before the behavior occurs), a clearly defined picture of the behavior that is occurring, and the reinforcers (what happens just after the behavior occurs). Teams need to determine what the function of the behavior is so that they may provide successful interventions or teach replacement behaviors that meet the same function for the student.



### Behavior Intervention Plans

Behavior Intervention Plans (BIP) should focus on proactive strategies to support students, including positive behavior interventions and supports. BIPs should be positive and instructive and based upon a functional behavioral assessment. A BIP should address:

- The function of the behavior
- Effective teaching of the expected behavior
- Rewards and consequences that are meaningful to the student
- Opportunities to self-manage behaviors
- Teach appropriate replacement behaviors

### When May Emergency Safety Intervention be Used?

- May only be used when a student presents a reasonable and immediate danger of physical harm to self or others with the present ability to cause physical harm.
- Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any ESIs.
- The use of ESI must stop as soon as the immediate danger of physical harm ends.
- ESI cannot be used for purposes of discipline, punishment, or for the convenience of a school employee.



#### Students with a known medical condition.

- An emergency safety intervention may not be used with a student if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention.
- The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file.
- The written statement must include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions.
- An emergency safety intervention may still be used if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

Parents should be proactive and provide the district with written documentation from their child's licensed health care provider outlining any medical condition that could put the student in mental or physical danger as a result of the ESI. You may use this form if you wish, <http://ksdetasn.org/resources/843>.

## What are the Requirements for Seclusion?



When a student is placed in seclusion, a school employee must be able to see and hear the student at all times.

All seclusion rooms that have a locking door must be designed to make sure that the lock automatically disengages when the school employee watching the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

A seclusion room must be a safe place with proportional and similar characteristics as other rooms where students frequent. A seclusion room must be free of anything that could be a danger to the student and must be well-ventilated and sufficiently lighted.

## What Can I Do if I Feel that ESI has been Used Inappropriately with My Child?

If a parent believes that ESIs have been used that violate the ESI statute, ESI regulations, or the district's ESI policy, then the parent may file a complaint through the local dispute resolution process within 30 days of the use of ESI.

A parent may file a complaint through the Kansas State Board of Education's complaint process within 30 days from the date that a parent receives a final decision through the local dispute resolution process or after 30 days have passed since the parent filed a complaint through the local dispute resolution process, if the parent has not received the local board's final decision. The Administrative Review Request Form can be found at [www.ksde.org/Default.aspx?tabid=524](http://www.ksde.org/Default.aspx?tabid=524).



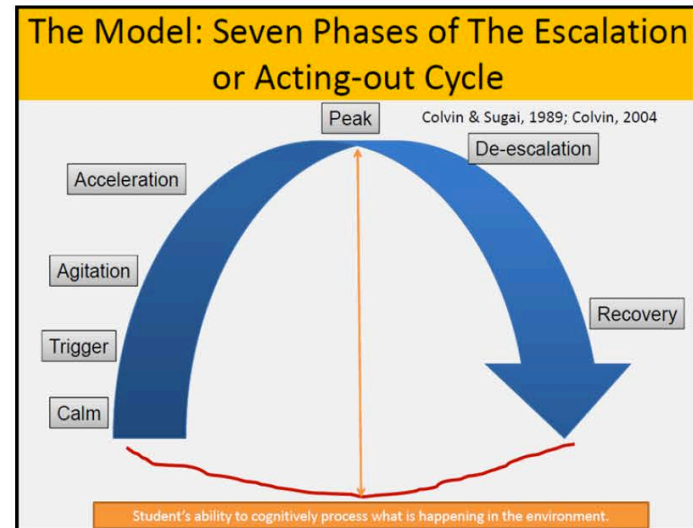
**Tip!**

If your child has a history of seclusion and restraint or challenging behavior, he or she could be eligible for additional supports and interventions. Parents are welcome to contact Families Together, Inc. to discuss possible options.

## A Focus on Prevention

### Why focus on Positive Interventions?

Positive Interventions help build positive relationships and encourage new behaviors. Positive interventions also reinforce new skills and increase self-satisfaction and optimism among students, parents and teachers. All students need to be recognized and rewarded when they are meeting the expectations that have been established. Current research suggests positive recognition (rewards, reinforcements, praise) must occur more frequently than negative recognition. A well-developed behavior intervention plan should include many positive interventions in order to effectively change behavior. The first consideration should be the appropriateness of the interventions. The team should select interventions that are based upon the student's developmental level, motor ability, communication mode and other factors relevant to the student and the disability. Environmental and context related factors should also be considered. These might include things such as classroom seating, noise levels, peer issues, instruction that is too hard or too easy, transitions, and changes in the setting.

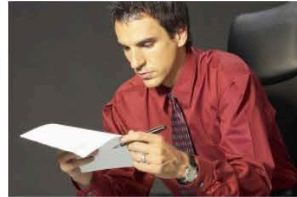


De-escalation is helpful to begin to identify acting out behavior early and use proactive strategies to decrease the use of seclusion and restraint.



## When Must a Parent be Notified an ESI has been Used?

- The school must notify the parent the same day the ESI was used. If the school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact.
- Written documentation of the ESI used must be completed and provided to the parent the same day the ESI was used. Written documentation must include:
  - The events leading up to the incident;
  - student behaviors necessitating the ESI
  - steps taken to transition the student back into the educational setting
  - the date and time the incident occurred, the type of ESI used, the duration of the ESI and the school personnel who used or supervised the ESI
  - space or an additional form for parents to provide feedback or comments to the school regarding the incident
  - a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of ESIs
  - School email and phone contact for the parent to schedule the ESI meeting.
- The parent must be provided with the following information in writing or, upon the parent's written request, by email, after the first ESI incident in a school year and provided with this information after subsequent ESI incidents through a web address:
  - A copy of the standards of when ESI can be used;
  - A flyer on the parent's rights under ESI law;
  - Information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the Kansas State Board of Education; and
  - Information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas.



## Are There Requirements for Meetings Following an Emergency Safety Intervention?

The written documentation of an emergency safety intervention incident must contain:

- a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and
- email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting.

After an emergency safety intervention incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. The focus of any meeting convened shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

If a parent requests a meeting the meeting must be called within 10 school days. The time for calling this meeting shall be extended beyond the 10 school day limit if the parent is unable to attend within that time period.



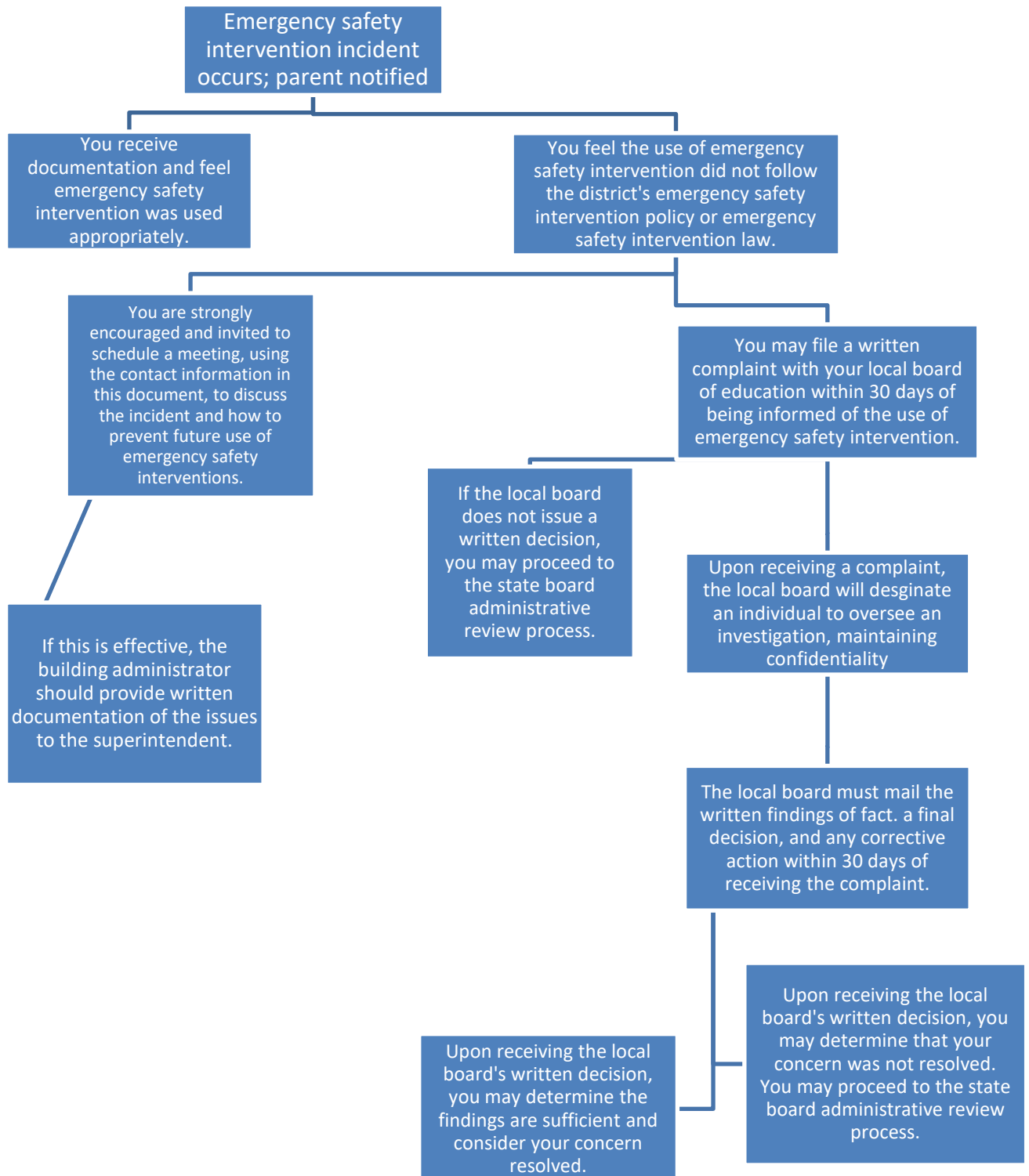
## What are the Emergency Safety Intervention Meeting Requirements for Students Parentally Placed in Private Schools?

For students who have an individualized education program (IEP) and are placed in a private school by a parent, a meeting called by the parent must include the parent and the private school, who shall consider whether the parent should request an IEP team meeting. If the parent requests an IEP team meeting, the private school must help facilitate such meeting.

## Are Students Required to Attend the Meeting?

The parent shall determine whether the student shall be invited to any meeting.

## Local Dispute Resolution Guide for Parents





## **State Board Administrative Review Process**

**Refer to K.A.R. 91-42-5 for complete information. The following provides a summary of the regulations regarding an administrative review initiated with the Kansas State Board of Education (State Board).**

- If a parent believes an emergency safety intervention was used in violation of K.S.A. 2016 Supp. 72-89d01 through -89d09 or K.A.R. 91-42-1 through -7 and the parent filed a written complaint with their local board of education, then this parent may request an administrative review of the local board's decision from the State Board.
  - The request for administrative review must include the following information:
    - Name of the student and contact information;
    - Names and contact information for all involved parties (teachers, aides, administrators, and district staff), to the extent known;
    - A detailed statement of the reason for requesting an administrative review;
    - Any supporting facts and documentation; and
    - A copy of the complaint filed with the local board, the local board's final decision (if issued).
    - The written request for administrative review must be typed or legibly written and signed by the parent.
    - Relevant documents must be attached or, if unavailable, the documents must be referenced in the request for administrative review.
    - Written consent to disclose any personally identifiable information from the student's education records necessary to conduct an investigation
- The request for administrative review must be filed with the Commissioner of Education within 30 days of the local board issuing its final decision OR within 60 days from the date the parent filed a complaint with the local board, if the local board did not issue a final decision. You may mail this request to the Kansas State Department of Education, Landon State Office Building, 900 SW Jackson Street, Office of General Counsel, Room 102, Topeka, Kansas 66612. KSDE has provided a form for you to use, if you wish, and you can find it on the Emergency Safety Interventions page of the KSDE website, [www.ksde.org/Default.aspx?tabid=524](http://www.ksde.org/Default.aspx?tabid=524).
- A Hearing Officer will be designated by the State Board. The Hearing Officer must send a copy of the request for administrative review to the local board.

- The Hearing Officer will consider the local board's final decision and may initiate an investigation that could include:
  - A discussion with the parent, during which additional information may be gathered;
  - Contact with the local board or other district staff to allow the local board to respond to the request with information supporting its final decision; and
  - An on-site investigation by Kansas State Department of Education staff.
- If new information is discovered that was not made available to both the parent and the local board during the dispute resolution process, the Hearing Officer may send the issue back to the local board.
  - If sent back to the local board, the Hearing Officer's case will be closed and the local board has 30 days to issue a written amended final decision.
  - If the parent feels the local board's amended final decision does not adequately address the issue, the parent may file a new request for administrative review with the commissioner by following the above process for requesting administrative review. This must be done within 30 days of the local board issuing its amended final decision. If the local board does not issue an amended final decision within 30 days, then the parent has 30 days from the date the Hearing Officer sent the issue back to the local board to file a request for administrative review with the commissioner.
- Within 60 days of receiving the request for administrative review, the Hearing Officer will, in writing, inform the parents, school administrator, district superintendent, local board clerk, and the state board of the results of the review. This time frame may be extended for good cause upon approval of the commissioner.
- The results of the administrative review will contain findings of fact, conclusions of law, and any suggested corrective actions. The Hearing Officer's determination will include one of the following:
  - The local board appropriately resolved the complaint.
  - The local board should re-evaluate the complaint with suggested findings of fact.
  - The Hearing Officer's suggested corrective action is necessary to ensure that local board policies meet legal requirements.

# State Administrative Review Guide for Parents

Written request must include:

- Name and contact information of student that emergency safety intervention was used with
- Name and contact information for all people involved
- Statement describing the basis for the review with all supporting facts and documentation
- The local board's final decision, if one was issued
- Type or legibly write the complaint and sign it
- Written consent to disclose any personally identifiable information

You may use the form on the KSDE website,  
[www.ksde.org/Default.aspx?tabid=524](http://www.ksde.org/Default.aspx?tabid=524).

You filed a complaint with the local board and you are not satisfied with the final decision about the use of an emergency safety intervention (ESI).

File a request for administrative review with the Kansas State Board of Education. You must do this within 30 days of the local board's final decision or, if the local board failed to issue a final decision, within 60 days of the date you filed a complaint with the local board.

The Kansas State Board of Education will designate a Hearing Officer to conduct a review of the local board's final decision.

Investigation results will be provided to the parents, school administrator, district superintendent, local board, and state board within 60 days of the commissioner's receipt of the request for administrative review.

The Hearing Officer may initiate a separate investigation that may include:

- A discussion with the parent;
- Contacting the local board or other staff involved; and
- An on-site investigation.

If the Hearing Officer finds new information, they may send the issue back to the local board. If you are not satisfied with the local board's amended decision the right to request administrative review begins again.

A request for an administrative review may include, but is not limited to, the following allegations:

- An emergency safety intervention was used with your child when your child did not present a reasonable and immediate danger of physical harm to themselves or others with the present ability to effect such physical harm.
- The district used a form of banned restraint including prone, supine, physical restraint that obstructs the airway of your child, physical restraint that impacts your child's primary mode of communication, chemical or mechanical restraint that does not meet an exception.
- Less restrictive alternatives to emergency safety intervention were not deemed inappropriate or ineffective before emergency safety intervention was used.
- The use of emergency safety intervention with your child did not stop as soon as the immediate danger of physical harm stopped.
- emergency safety intervention was used with your child for discipline, punishment, or convenience.
- Emergency safety intervention was used with your child and you have provided school staff with documentation from your child's licensed health care provider that seclusion could put your child in mental or physical danger.
- Seclusion was used with your child and school staff could not see and hear your child at all times.
- Your child was put in a seclusion room with a locking door that does not automatically disengage when school staff walk away or in an emergency.
- Your child was put in a seclusion room that was unsafe, not well-ventilated, or not sufficiently lighted.

# State and Community Resources

## **Local**

### **Superintendent Contact for Emergency Safety Intervention Questions**

Luanne Barron  
Superintendent  
Tel: 913-210-8111  
Email: [lbarron@kssdb.org](mailto:lbarron@kssdb.org)

### **School Administrator Contact for Emergency Safety Intervention Questions or to Schedule a Meeting to Discuss the Use of Emergency Safety Intervention**

<u>Secondary:</u>	<u>Elementary:</u>	<u>Dorm:</u>
Bryce Hendricks	Molly Rothwell	Mary Hughes
Secondary Principal	Elementary Principal	Dean of Student Life
VP: 913-324-5818	VP: 913-324-5848	VP: 913-324-5837
Tel: 913-210-8132	Tel: 913-210-8129	Tel: 913-210-8146
Email: <a href="mailto:bhendricks@kssdb.org">bhendricks@kssdb.org</a>	Email: <a href="mailto:mrothwell@kssdb.org">mrothwell@kssdb.org</a>	Email: <a href="mailto:mhughes@kssdb.org">mhughes@kssdb.org</a>

## **State**

### **General Emergency Safety Intervention Information:**

[www.ksdetasn.org](http://www.ksdetasn.org)  
[www.ksde.org/Default.aspx?tabid=524](http://www.ksde.org/Default.aspx?tabid=524)

### **Emergency Safety Intervention Questions:**

Shanna Bigler  
Kansas State Department of Education  
[sbigler@ksde.org](mailto:sbigler@ksde.org)  
785-296-4941

### **Parent Training and Information Center:**

Families Together  
<http://familiestogetherinc.org/>  
888-815-6364

### **Protection and Advocacy System:**

Disability Rights Center of Kansas  
<http://www.drckansas.org/>  
877-776-1541 or 785-273-9661



**A Family Guide to  
the Use of  
Emergency Safety  
Interventions  
(Seclusion and  
Restraint) in Kansas**



## What are Emergency Safety Interventions?

Emergency Safety Interventions (ESI) are seclusion and restraint that are used when the student presents a reasonable and immediate danger of physical harm to self or others.

### What is Seclusion?

Seclusion means placement of a student in a location where all the following conditions are met:

1. the student is **placed** in an enclosed area by school personnel;
2. the student is purposefully **isolated** from other adults and peers; and,
3. the student is prevented from leaving, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

Time-out is not the same as seclusion. Time-out is when a student is temporarily removed from the learning activity, but is not confined.

### What is Restraint?

Restraint can take form in different ways. The definition of **physical restraint** is bodily force used to substantially limit a student's movement. The use of prone physical restraint (face-down) and supine physical restraint (face-up) are prohibited. Physical restraint may not obstruct the airway of the student or impact the student's primary mode of communication.

**Mechanical restraint** is defined as any device or object used to limit a person's movement. The use of mechanical restraint is prohibited in Kansas except those protective or stabilizing devices ordered by a person appropriately licensed to issue the order for the device. Mechanical restraint used by a law enforcement officer in carrying out law enforcement duties is allowed. Seatbelts and/or other safety equipment when used to secure students during transportation are also allowed.

**Chemical restraint** is prohibited in Kansas. A student may take prescribed treatments for a medical or psychiatric condition when they are prescribed by a person who is properly licensed to prescribe medication.

Consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction is not physical restraint.

### When May Emergency Safety Intervention be Used?

- May only be used when a student presents a reasonable and immediate danger of physical harm to self or others with the present ability to cause physical harm.
- Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any ESIs.
- The use of ESI must stop as soon as the immediate danger of physical harm ends.
- ESI cannot be used for purposes of discipline, punishment, or for the convenience of a school employee.

#### **Students with a known medical condition.**

- An emergency safety intervention may not be used with a student if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention.
- The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file.
- The written statement must include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions.
- An emergency safety intervention may still be used if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

Parents should be proactive and provide the district with written documentation from their child's licensed health care provider outlining any medical condition that could put the student in mental or physical danger as a result of the ESI. You may use this form if you wish, <http://ksdetasn.org/resources/843>.





## When Must a Parent be Notified an ESI has been Used?

- The school must notify the parent the same day the ESI was used. If the school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact.
- Written documentation of the ESI used must be completed and provided to the parent no later than the school day following the day on which the emergency safety intervention was used. Written documentation must include:
  - The events leading up to the incident;
  - student behaviors necessitating the ESI
  - steps taken to transition the student back into the educational setting
  - the date and time the incident occurred, the type of ESI used, the duration of the ESI and the school personnel who used or supervised the ESI
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  - a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of ESIs
  - School email and phone contact for the parent to schedule the ESI meeting.
- The parent must be provided with the following information in writing or, upon the parent's written request, by email, after the first ESI incident in a school year and provided with this information after subsequent ESI incidents through a web address:
  - A copy of the standards of when ESI can be used;
  - A flyer on the parent's rights under ESI law;
  - Information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the Kansas State Board of Education; and
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## Are There Requirements for Meetings Following an Emergency Safety Intervention?

The written documentation of an emergency safety intervention incident must contain:

- a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and
- email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting.



After an emergency safety intervention incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. The focus of any meeting convened shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

If a parent requests a meeting the meeting must be called within 10 school days. The time for calling this meeting shall be extended beyond the 10 school day limit if the parent is unable to attend within that time period.

## What are the Emergency Safety Intervention Meeting Requirements for Students Parentally Placed in Private Schools?

For students who have an individualized education program (IEP) and are placed in a private school by a parent, a meeting called by the parent must include the parent and the private school, who shall consider whether the parent should request an IEP team meeting. If the parent requests an IEP team meeting, the private school must help facilitate such meeting.

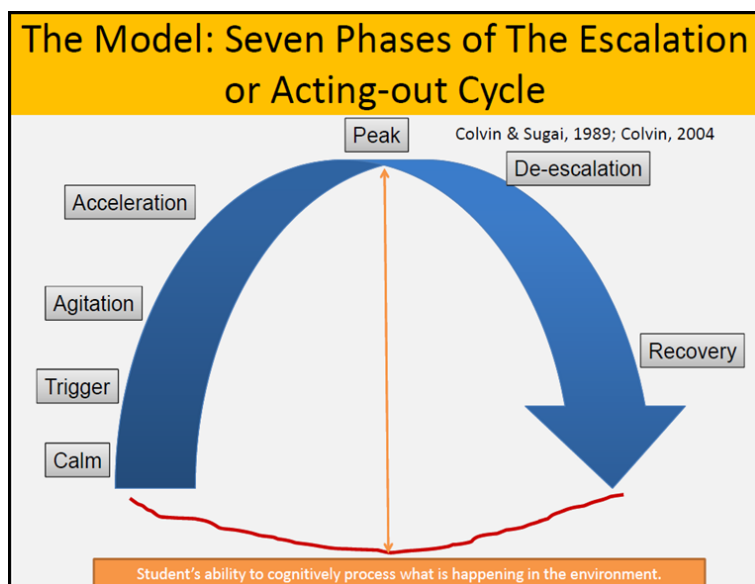
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# A Focus on Prevention

## Why focus on Positive Interventions?

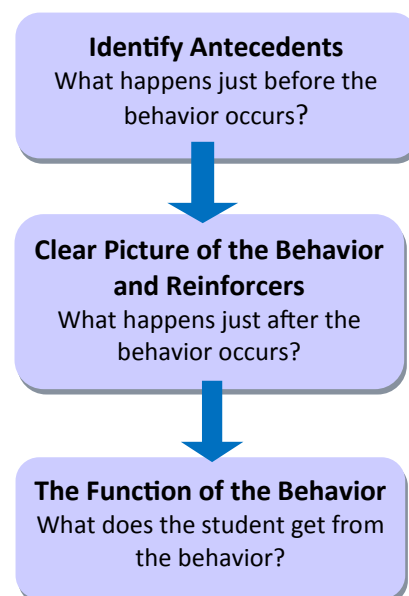
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De-escalation is helpful to begin to identify acting out behavior early and use proactive strategies to decrease the use of seclusion and restraint.

## Functional Behavioral Assessments

All behaviors are functional and are maintained in environments that support them. If your child's behavior impedes the learning of self or others, you can request a functional behavioral assessment (FBA). An FBA can help teams determine the when, where, how and why problematic behavior occurs. A comprehensive FBA includes interviews, record reviews, observation and data collection, graphing data collected, testing hypotheses, curriculum analysis, implementation of interventions and evaluation of effectiveness of the plan. FBAs should identify antecedents (what happens just before the behavior occurs), a clearly defined picture of the behavior that is occurring, and the reinforcers (what happens just after the behavior occurs). Teams need to determine what the function of the behavior is so that they may provide successful interventions or teach replacement behaviors that meet the same function for the student.



**Tip!**

An FBA can be conducted at any time for a student who does not respond to school-wide behavioral interventions. Following the assessment, a behavior intervention plan may be developed. As a parent, you have the right to request an FBA.



# A Focus on Prevention



## Behavior Intervention Plans

Behavior Intervention Plans (BIP) should focus on proactive strategies to support students, including positive behavior interventions and supports. BIPs should be positive and instructive and based upon a functional behavioral assessment. A BIP should address:

- The function of the behavior
- Effective teaching of the expected behavior
- Rewards and consequences that are meaningful to the student
- Opportunities to self-manage behaviors
- Teach appropriate replacement behaviors

## Replacement Behaviors

A replacement behavior is when a student replaces an inappropriate behavior with an appropriate one that continues to serve the same function for the student. When selecting replacement behaviors, the team should address the following questions:

- Does the replacement behavior work as well as the challenging behavior in meeting the student's needs?
- Will it be an acceptable alternative to the challenging behavior?
- Will the replacement behavior be something the student will choose to do and that his or her family and teachers support?
- Will the replacement behavior help build a positive reputation for the student?

Students should be recognized and rewarded for choosing to utilize replacement behaviors to be most effective.



## The Kansas State Department of Education

- does not promote the use of emergency safety intervention with any student;
- recommends a focus on prevention;
- stresses that emergency safety intervention is not part of a tiered intervention system or student behavior plan – it is only to be used in an emergency and that
- emergency safety interventions are reactive strategies and do not decrease the likelihood of a behavior from occurring.

**Tip!**

If your child has a history of seclusion and restraint or challenging behavior, he or she could be eligible for additional supports and interventions. Parents are welcome to contact Families Together, Inc. to discuss possible options.

**Where can I find out more information about  
Emergency Safety Interventions  
(Seclusion and Restraint)?**



**Families Together, Inc.**

[www.familiestogetherinc.org](http://www.familiestogetherinc.org)

**Topeka Parent Center**

1-800-264-6343

[topeka@familiestogetherinc.org](mailto:topeka@familiestogetherinc.org)

**Wichita Parent Center**

1-888-815-6364

[wichita@familiestogetherinc.org](mailto:wichita@familiestogetherinc.org)

**Garden City Parent Center**

1-888-820-6364

[gardencity@familiestogetherinc.org](mailto:gardencity@familiestogetherinc.org)



**Kansas Parent Information  
Resource Center (KPIRC)**

1-866-711-6711

[www.kpirc.org](http://www.kpirc.org)

**Kansas State Department  
of Education (KSDE)**

1-800-203-9462

[www.ksde.org](http://www.ksde.org)

[www.ksdetasn.org](http://www.ksdetasn.org)



## ¿Donde puedo encontrar más información sobre las Intervenciones de Emergencia de Seguridad (Aislamiento y Restricción)?



### Families Together, Inc.

Centro de Padres– Topeka- 1-800-264-6343  
topeka@familiestogetherinc.org

Centro de Padres– Wichita- 1-888-815-6364  
wichita@familiestogetherinc.org

Centro de Padres Garden City- 1-888-820-6364  
gardencity@familiestogetherinc.org



### Kansas Centro de Recursos e Información para los Padres de Kansas (KPIRC)

Parent  
Information  
Resource  
Center

1-866-711-6711  
www.kpirc.org

### Departamento de Educación del Estado de Kansas (KSDE)

1-800-203-9462  
www.ksde.org  
www.ksdetasn.org



## Guía para la Familia en el Uso de las Intervenciones de Emergencia de Seguridad (Aislamiento y Restricción) en Kansas



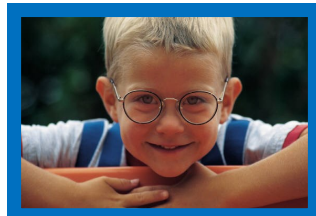
## ¿Qué son las Intervenciones de Emergencia de Seguridad?

Intervenciones de Emergencia de Seguridad (ESI siglas en Inglés) es el aislamiento y restricción utilizado cuando un estudiante presenta un peligro inmediato para sí mismo o para otros.

### ¿Que es Aislamiento?

Aislamiento significa cuando un estudiante es puesto en una localidad y se cumple las siguientes condiciones:

1. El niño/a es **colocado** en una área cerrada por el personal escolar;
2. El niño/a esta siendo **aislado** a propósito de otros adultos y compañeros, y
3. Se le **impide** al niño/a salir, o el estudiante cree que se le impedirá salir de la área cerrada.



Tiempo fuera (time-out) no es lo mismo que el aislamiento. Tiempo fuera es cuando se remueve al estudiante temporalmente de la actividad de aprendizaje, pero no esta confinado .

### ¿Que es Restricción?

Hay diferentes formas de restricción. **Restricción Mecánica** se define como cualquier dispositivo u objeto utilizado para limitar el movimiento del alumno. El uso de la restricción mecánica esta prohibido en Kansas excepto los dispositivos de protección o estabilización ordenados por una persona debidamente autorizada para emitir el uso del dispositivo. Se permite el uso de restricción mecánica por un agente de la ley en el desempeño de funciones policiales. El uso de cinturones de seguridad y/o cualquier otro equipo de seguridad es permitido cuando es utilizado para proteger a los estudiantes durante el transporte.

La definición de **restricción física** es el uso de fuerza corporal para limitar el movimiento del alumno. El uso de restringir un estudiante boca abajo (prone physical restraint en ingles) o restringir el estudiante boca arriba (supine physical restraint en ingles) son prohibidos. La restricción física no puede obstruir las vías respiratorias del alumno o afectar el modo principal de comunicación del estudiante.

**Restricción química** esta prohibido en Kansas. Un estudiante puede recibir tratamientos por tener una condición medica o psiquiátrica cuando son prescritos por una persona debidamente autorizada.

Consensual, solicitado o contacto no intencional y contacto para proporcionar ayuda o instrucción no es restricción física.

## ¿Por qué enfocarse en Intervenciones Positivas?

Intervenciones positivas ayudan a construir relaciones positivas y animar nuevas conductas. Las intervenciones positivas fortalecen nuevas habilidades y aumentan satisfacción propia y optimismo entre los jóvenes, padres y maestros. Todos los alumnos deben ser reconocidos y premiados cuando están cumpliendo con las expectativas que se han establecido. Las investigaciones actuales sugieren un reconocimiento positivo (premios, refuerzos, elogios) deben ocurrir mas frecuente que el reconocimiento negativo. Un plan de intervención de conducta bien desarrollado debe incluir muchas intervenciones positivas para cambiar la conducta efectivamente. La primera consideración debe ser una intervención apropiada. El equipo debe seleccionar intervenciones que se basan en el nivel de desarrollo del alumno, capacidad motora, modo de comunicación y otros factores pertinentes a el alumno y la discapacidad. Factores relacionados al contexto y al ambiente también deben ser considerados. Estos pueden incluir el asiento en el salón de clase, nivel de ruido, problemas con los compañeros, instrucción demasiado difícil o muy fácil, transiciones y cambios en el salón de clase.

Estrategias de conducta, particularmente cuando son implementados como un programa positivo para toda la escuela, puede ser usado para dirigirse a las causas peligrosas de conductas y reducir el uso de aislamiento y restricción.

*Departamento de  
Educación de los Estados  
Unidos Aislamiento y  
Restricción: Documento de  
Recursos*

### Conductas de Reemplazo

Una conducta de reemplazo es cuando un alumno sustituye una conducta inapropiada con una apropiada que continua sirviendo la misma función para el alumno. Al seleccionar conductas de reemplazo, el equipo debe enfocarse en las siguientes preguntas:

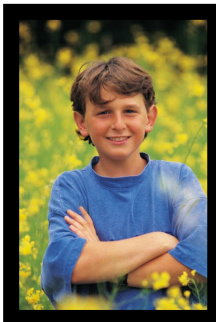
- ¿La conducta de reemplazo trabaja como la conducta desafiante satisfaciendo las necesidades del estudiante?
- ¿Sera una alternativa aceptable a la conducta desafiante?
- ¿La conducta de reemplazo será algo que el estudiante escogerá hacer y que su familia y maestros apoyaran?
- ¿La conducta de reemplazo ayudara a construir una reputación positive para el estudiante?

Estudiantes deben ser reconocidos y premiados por haber elegido utilizar conductas de reemplazo efectivos.



## Evaluaciones de Conducta Funcional

Todas las conductas tienen una función y se mantienen en ambientes que las apoyan. Si la conducta de su niño/a impide el aprendizaje de sí mismo o de otros, usted puede considerar solicitar una evaluación de conducta funcional.



Una evaluación de conducta funcional (siglas en inglés FBA) puede ayudar al equipo determinar cuándo, dónde, cómo y por qué ocurre la conducta problemática. Una evaluación comprensiva incluye entrevistas, revisión de expedientes, observaciones, recolección de datos, representación grafica de los datos, probando la hipótesis, análisis del currículo, implementación de intervenciones y evaluar la efectividad del plan. Las evaluaciones deben identificar antecedentes (lo que

sucede antes de que ocurra el comportamiento), una imagen clara y definida de la conducta que está ocurriendo, y los reforzadores (lo que ocurre después de la conducta). Si la conducta cumple una función para el estudiante, el comportamiento continuará. Los equipos necesitan determinar cuál es la función de la conducta para que ellos puedan proveer intervenciones exitosas o enseñar conductas de reemplazo que cumplan la misma función para el estudiante.

## Planes de Intervención de Conducta (siglas en inglés BIP)

Planes de Intervención del Comportamiento (BIP) deben ser positivas e instructiva, y basado en una evaluación de conducta funcional. Un BIP debe enfocarse en:

- La función del comportamiento
- Enseñar efectivamente la conducta esperada
- Premios y consecuencias que tienen sentido para el alumno
- Oportunidades para manejar su propia conducta

### Consejo

**Una evaluación funcional de conducta se puede realizar en cualquier momento para un alumno que no responde a las intervenciones de conducta para toda la escuela. Después de la evaluación, un plan de intervención de conducta puede ser desarrollado. Como padre, usted tiene el derecho de solicitar una evaluación de conducta funcional. Comuníquese con Familias Unidas para mas información.**

## Cuando pueden ser utilizados las Intervenciones de Emergencia de Seguridad?

- Pueden ser usadas solamente cuando el estudiante presenta peligro físico inmediato a sí mismo o a otro estudiante.
- Alternativas menos restrictivas, como apoyo de intervenciones de conducta positivas. Estas deben ser consideradas inapropiadas o no efectivas por un empleado de la escuela que es testigo de la conducta del estudiante antes del uso de las intervenciones de ESI.
- El uso de ESI debe parar tan pronto que el peligro inmediato o daño físico termine.
- ESI no puede ser utilizado como disciplina, castigo o la conveniencia de un empleado escolar.
- Un estudiante no puede ser sujeto del aislamiento si tiene una condición medica que pueda causarle peligro mental o físico por causa del aislamiento. La existencia de esta condición debe estar por escrita por el medico del estudiante y es proporcionado a la escuela y colocado en el expediente del estudiante. Nota esta condición no se aplica a restringir un estudiante.
- La destrucción violenta de propiedad también puede llevar al uso de ESI.



## Cuales son los Requisitos para el Aislamiento?



Cuando un estudiante es puesto en aislamiento, un empleado escolar tiene que ver y escuchar al estudiante en todo tiempo.

Todos los salones de aislamiento que tienen una puerta con cerradura deben estar diseñados para que la cerradura de la puerta se destranque cuando el empleado escolar que esta mirando al estudiante se retire del cuarto, o en caso de emergencia como fuego o condiciones del tiempo severa.

Un cuarto de aislamiento debe ser un lugar seguro con características similares a los otros salones donde los estudiante frecuentan. Los cuartos de aislamiento deben estar libre de cualquier cosa que puedan causar peligro al estudiante y debe estar ventilado y tener suficiente luz.

### Cuándo deben ser Notificados los Padres que ESI ha Sido Usado?

- La escuela debe notificar al padre el mismo día que ESI fue usado. Si el padre no puede ser notificado, la escuela debe notificarle al contacto de emergencia.
- Documentación del uso de ESI debe estar terminado y entregado al padre el día siguiente de haber usado ESI.
- Se le tiene que entregar al padre la siguiente información por escrito después del primer incidente de ESI del año y los siguientes incidentes de ESI a una dirección del internet que contiene la siguiente información:
  - Una copia de los estándares de ESI cuando pueden ser usados;
  - Una copia de los derechos de los padres bajo la ley de ESI;
  - Información de los derechos de los padres para levantar una queja a través del proceso de resolución local y el proceso de queja del Departamento de Educación de Kansas; y
  - Información que va ayudar al padre navegar el proceso de quejas, incluyendo información de contacto de Familias Unidas y el Centro de Discapacidad de Kansas.



### Requisitos si hay un tercer incidente de ESI con un estudiante dentro del año escolar

Si hay un tercer incidente de ESI en un año escolar con un estudiante que tiene un IEP o un plan Sección 504, entonces el equipo de IEP o Sección 504 tiene que reunirse dentro de 10 días después del incidente para hablar sobre el asunto y considerar la necesidad de realizar un análisis de conducta funcional (FBA siglas en Inglés), desarrollar un plan de intervención de conducta o corregir el plan de intervención de conducta si ya tiene uno. Estos requisitos deben cumplirse al no ser que el equipo de IEP o Sección 504 deciden algo diferente.



Si hay un tercer incidente de ESI durante un año escolar con un estudiante que no tiene un IEP o plan Sección 504, los padres del estudiante y empleados de la escuela deben reunirse dentro de 10 días después del incidente para hablar sobre el incidente y considerar si es apropiado referir el estudiante a una evaluación de educación especial o la necesidad de un FBA o BIP. Los siguientes empleados deben estar presentes en la reunión un administrador de la escuela, uno de los maestros del estudiante, un empleado escolar involucrado en el incidente, y cualquier otro empleado escolar designado por el administrador escolar que sea apropiado para asistir la reunión.

El estudiante debe ser invitado a cualquiera de las reuniones referidas anteriormente en esta sección.

Las reuniones referidas en esta sección pueden ser extendidas mas de 10-días si los padres del estudiante no puede asistir durante ese tiempo.

### Qué puedo hacer si siento que ESI ha sido usado inapropiadamente con mi hijo/a?

Si un padre cree que ESI ha sido usado violando los estatutos de ESI, regulaciones de ESI o las pólizas del distrito de ESI, el padre puede depositar una queja por medio del proceso de disputa local dentro de los 30 días del uso de ESI.

Un padre puede depositar una queja con el Departamento de Educación de Kansas dentro de 30 días del día que el padre recibe una decisión final a través del proceso de disputa local o cuando 30 días ha pasado desde cuando el padre inicio una queja por medio del proceso de disputa local y no ha recibido la decisión final del consejo.

### Consejo

**Si su hijo/a tiene una historia de restricción y aislamiento o conducta desafiante, el o ella puede ser elegible para apoyo adicional e intervenciones. Padres pueden comunicarse con Familias Unidas, Inc. para hablar sobre posibles opciones.**



Kansas State Department of Education  
Early Childhood, Special Education, and Title Services  
Landon State Office Building  
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The following copy of selected statutes and regulations\* is made available by the Kansas State Department of Education for the convenience of the public and is meant to be used only as a reference. While the Kansas State Department of Education has made every effort to accurately reproduce these statutes and regulations, they are not the official statutes and regulations of the State. The Kansas Statutes Annotated (K.S.A.), published by the Kansas Office of Revisor of Statutes, and the Kansas Administrative Regulations (K.A.R.), published by the Office of the Kansas Secretary of State should be consulted for the text of the official statutes and regulations of the State.

*\*Please note: For your information, these statutes took effect July 1, 2016, and supersede any conflicting requirements in the regulations. KSDE used strike type font to denote any portions of the regulations that conflict with the statutes and are now void as a result. However, there are times when the statutes expanded or added to the requirements contained in the regulations therefor a careful reading of the statutes is necessary to understand all of the requirements governing the use of emergency safety interventions. A summary of the changes and additional resources can be found at [www.ksdetasn.org](http://www.ksdetasn.org).*

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### **Kansas Emergency Safety Interventions Law Kansas Statutes Annotated**

**K.S.A. 2016 Supp. 72-89d01.** Sections 1 through 8, and amendments thereto, shall be known and may be cited as the freedom from unsafe restraint and seclusion act.

**K.S.A. 2016 Supp. 72-89d02.** As used in K.S.A. 2016 Supp. 72-89d01 through 72-89d07, and amendments thereto:

- (a) "Appointing authority" means a group of persons empowered by statute to make human resource decisions that affect the employment of officers.
- (b) "Campus police officer" means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments thereto.
- (c) "Chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.
- (d) "Commissioner" means the commissioner of education.
- (e) "Complaint" means a written document that a parent files with a local board as provided for in this act.
- (f) "Department" means the state department of education.
- (g) "Emergency safety intervention" means the use of seclusion or physical restraint, but does not include the use of time-out.
- (h) "Hearing officer" means the state department employee designated to conduct an administrative review.



- (i) "Incident" means each occurrence of the use of an emergency safety intervention.
- (j) "Law enforcement officer" and "police officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.
- (k) "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.
- (l) "Local board" means the board of education of a district or the governing body of any accredited nonpublic school.
- (m) "Mechanical restraint" means any device or object used to limit a student's movement.
- (n) "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.
- (o) "Physical escort" means the temporary touching or holding the hand, wrist, arm, shoulder or back of a student who is acting out for the purpose of inducing the student to walk to a safe location. Physical escort shall not be considered an emergency safety intervention.
- (p) "Physical restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.
- (q) "School" means any learning environment, including any nonprofit institutional day or residential school or accredited nonpublic school, that receives public funding or which is subject to the regulatory authority of the state board of education.
- (r) "School resource officer" means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.
- (s) "School security officer" means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.
- (t) "Seclusion" means placement of a student in a location where all the following conditions are met:
  - (1) The student is placed in an enclosed area by school personnel;
  - (2) the student is purposefully isolated from adults and peers; and
  - (3) the student is prevented from leaving, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.
- (u) "State board" means the Kansas state board of education.
- (v) "Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded.

**K.S.A. 2016 Supp. 72-89d03.** (a) Emergency safety interventions shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm. Less restrictive alternatives to emergency safety interventions, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any emergency safety interventions. The use of an emergency safety intervention shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an emergency safety intervention. Use of an emergency safety



intervention for purposes of discipline, punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

(b) A student shall not be subjected to an emergency safety intervention if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention. The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file. Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions. Notwithstanding the provisions of this subsection, a student may be subjected to an emergency safety intervention, if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

(c) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.

(d) All seclusion rooms equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

(e) A seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such room shall be free of any condition that could be a danger to the student, and shall be well-ventilated and sufficiently lighted.

(f) The following types of restraint shall be prohibited:

(1) Prone, or face-down, physical restraint; supine, or face-up physical restraint; physical restraint that obstructs the airway of a student; or any physical restraint that impacts a student's primary mode of communication;

(2) chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue such treatments; and

(3) mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a certified law enforcement officer in carrying out law enforcement duties, seatbelts and any other safety equipment when used to secure students during transportation.

(g) Each local board shall develop and implement written policies to govern the use of emergency safety interventions in schools. At a minimum, written district policies shall conform to the standards, definitions and requirements of this act.

Such written policies shall include that:

(1) (A) School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions;

(B) training shall address prevention techniques, de-escalation techniques and positive behavioral intervention strategies;

(C) training shall be consistent with nationally recognized training programs; and

(D) schools shall maintain written or electronic documentation on training provided and lists of participants in each training for inspection by the Kansas state board of education;

(2) a local dispute resolution process shall be developed, which shall include the following:

(A) A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used on the parent's child in violation of the act, rules and regulations or the local board's emergency safety intervention policy, the parent may file a complaint

within 30 days of the date on which the parent was informed of the use of the emergency safety intervention;

(B) a procedure for complaint investigation;

(C) a procedure to implement a dispute-resolution final decision. The local board's decision shall be in writing and shall include findings of fact and any corrective action required by the school if the local board deems such action necessary. The local board's final decision shall be mailed to the parent and the department within 30 days of the local board's receipt of the complaint; and

(D) a procedure setting out the parent's right to request an administrative review by the state board, including information as to the deadline by which the parent must submit the request to the state board;

(3) a system for the collection and maintenance of documentation for each use of an emergency safety intervention as set forth in K.S.A. 2015 Supp. 72-89d04, and amendments thereto;

(4) a procedure for the periodic review of the use of emergency safety interventions at each school, which shall be compiled and submitted at least biannually to the superintendent or the superintendent's designee; and

(5) a schedule for when and how parents are provided with notice of the local board's written policies on the use of emergency safety interventions.

(h) Written policies developed pursuant to this act shall be accessible on each school's website and shall be included in each school's code of conduct, school safety plan or student handbook.

(i) (1) Campus police officers and school resource officers shall be exempt from the requirements of this act when engaged in an activity that has a legitimate law enforcement purpose.

(2) School security officers shall not be exempt from the requirements of this act.

**K.S.A. 2016 Supp. 72-89d04.** (a)(1) When a student is subjected to an emergency safety intervention, the school shall notify the parent on the same day the emergency safety intervention was used. If the school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contact. A parent may designate a preferred method of contact to receive the same-day notification required by this subsection. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day. Written documentation of the use of an emergency safety intervention shall be completed and provided to the parent no later than the school day following the day on which the emergency safety intervention was used. Such written documentation shall include:

(A) The events leading up to the incident;

(B) student behaviors that necessitated the emergency safety intervention;

(C) steps taken to transition the student back into the educational setting;

(D) the date and time the incident occurred, the type of emergency safety intervention used, the duration of the emergency safety intervention and the school personnel who used or supervised the emergency safety intervention;

(E) space or an additional form for parents to provide feedback or comments to the school regarding the incident;

(F) a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and

(G) email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting. Schools may group incidents together when documenting the items in

subparagraphs (A), (B) and (C) if the triggering issue necessitating the emergency safety interventions is the same.

(2) The parent shall be provided the following information after the first incident in which an emergency safety intervention is used during the school year, and may be provided such information after each subsequent incident that occurs during the school year:

(A) A copy of the standards of when emergency safety interventions can be used;

(B) a flyer on the parent's rights;

(C) information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and

(D) information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system. Upon the first occurrence of an incident involving the use of emergency safety interventions, the parent shall be provided the foregoing information in printed form or, upon the parent's written request, by email. Upon occurrence of a second or subsequent incident the parent shall be provided with a full and direct website address containing such information.

(b) If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the school shall notify the parent the same day using the parent's preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth in subsection (a)(1) regarding law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

(c) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department website, and to the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The data governance board of the department shall use the actual data value when providing statewide aggregate data for such reports. The department's reported results shall include, but shall not be limited to, the following information:

(1) The number of incidents in which emergency safety interventions were used on students who have an individualized education program;

(2) the number of incidents in which emergency safety interventions were used on students who have a section 504 plan;

(3) the number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;

(4) the total number of incidents in which emergency safety interventions were used on students;

(5) the total number of students with behavior intervention plans subjected to an emergency safety intervention;

(6) the number of students physically restrained;

(7) the number of students placed in seclusion;

(8) the maximum and median number of minutes a student was placed in seclusion;

(9) the maximum number of incidents in which emergency safety interventions were used on a student;

(10) the information reported under subsection (c)(1) through (c)(3) by the school to the extent possible;

(11) the information reported under subsections (c)(1) through (c)(9) aggregated by age, ethnicity, gender and eligibility for free and reduced lunch of the students on a statewide basis; and

(12) such other information as the department deems necessary to report.

**K.S.A. 2016 Supp. 72-89d05.** (a) After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any meeting convened under this subsection shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

(1) For a student who has an individualized education program or a section 504 plan, such student's individualized education program team or section 504 plan team shall discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence. For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

(2) For a student who does not have an individualized education program or section 504 plan, the parent and school shall discuss the incident and consider the appropriateness of a referral for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto, the need for a functional behavioral analysis or the need for a behavior intervention plan. Any meeting called pursuant to this subsection shall include the student's parent, a school administrator for the school where the student attends, one of the student's teachers, a school employee involved in the incident and such other school employees designated by the school administrator as appropriate for such meeting.

(b) The parent shall determine whether the student shall be invited to any meeting called pursuant to this section.

(c) The time for calling a meeting pursuant to this section shall be extended beyond the 10-school-day limit if the parent of the student is unable to attend within that time period.

(d) Nothing in this section shall be construed to prohibit the development and implementation of a functional behavioral analysis or a behavior intervention plan for any student if such student may benefit from such measures.

**K.S.A. 2016 Supp. 72-89d06.** The state board of education shall adopt rules and regulations as necessary to implement the provisions of this act on or before March 1, 2016. Such rules and regulations shall include, but not be limited to, the standards for the use and reporting of emergency safety interventions as provided in sections 2 through 5, and amendments thereto.

**K.S.A. 2016 Supp. 72-89d07.** (a) There is hereby established the emergency safety intervention task force. The task force shall consist of the 17 members appointed as follows:

(1) Two members shall be appointed by the state board of education, one of which shall be a member of the state board of education and one of which shall be an attorney for the department;

(2) two members shall be appointed by the disability rights center of Kansas;

(3) two members shall be appointed by families together inc., one of which shall be a parent of a child with a disability;

(4) two members shall be appointed by keys for networking, inc., one of which shall be a parent of a child with a disability;

(5) two members shall be appointed by the special education advisory council;



- (6) two members shall be appointed by the Kansas association of special education administrators;
  - (7) two members shall be appointed by the executive director of the Kansas council on developmental disabilities, one of which shall be a parent of a child with a disability;
  - (8) two members shall be appointed by the Kansas association of school boards, one of which shall be an attorney for the association; and
  - (9) one member shall be appointed by the center for child health and development of the university of Kansas medical center, who shall be a person licensed to practice medicine and surgery in Kansas who is a practicing physician with experience treating and diagnosing individuals with disabilities, but who is not a staff member of the center for child health and development of the university of Kansas medical center.
- (b) The emergency safety intervention task force shall study and review the use of emergency safety interventions and prepare a report on its findings and recommendations concerning the use of such interventions. The task force's report shall be submitted to the governor and the legislature on or before January 20, 2016.
- (c) The member of the task force who is also a member of the state board of education shall call an organizational meeting of the task force on or before August 1, 2015. At such organizational meeting the members shall elect a chairperson and vice-chairperson from the membership of the task force. The task force also shall consider dates for future meetings, the agenda for such meetings and the need for electing a facilitator to assist in discussions among the members of the task force.
- (d) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be eight members. All actions of the task force shall be by motion adopted by a majority of those members present when there is a quorum.
- (e) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

**K.S.A. 2016 Supp. 72-89d08.** The provisions of K.S.A. 2015 Supp. 72-89d01 through 72-89d08, and amendments thereto, shall expire on June 30, 2020.

### **Kansas Administrative Regulations**

#### **Article 42. EMERGENCY SAFETY INTERVENTIONS**

- 91-42-1. Definitions.** As used in this article, each of the following terms shall have the meaning specified in this regulation: (a) "Administrative review" means review by the state board upon request of a parent.
- (b) "Chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.
- (c) "Commissioner" means commissioner of education.
- (d) "Complaint" means a written document that a parent files with a local board as provided for in this article.
- (e) "Department" means the state department of education.
- (f) "District" means a school district organized under the laws of this state that is maintaining a public school for a school term pursuant to K.S.A. 72-1106, and amendments thereto. This term shall include the governing body of any accredited nonpublic school.
- (g) "Emergency safety intervention" means the use of seclusion or physical restraint.

- (h) "Hearing officer" means the state board's designee to conduct an administrative review as specified in K.A.R. 91-42-5. The officer shall be an officer or employee of the department.
- (i) "Local board" means the board of education of a district or the governing body of any accredited nonpublic school.
- (j) "Mechanical restraint" means any device or object used to limit a student's movement.
- (k) "Parent" means any of the following:
- (1) A natural parent;
  - (2) an adoptive parent;
  - (3) a person acting as a parent, as defined in K.S.A. 72-1046 and amendments thereto;
  - (4) a legal guardian;
  - (5) an education advocate for a student with an exceptionality;
  - (6) a foster parent, unless the foster parent's child is a student with an exceptionality; or
  - (7) a student who has reached the age of majority or is an emancipated minor.
- (l) "Physical escort" means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out, for the purpose of inducing the student to walk to a safe location.
- (m) "Physical restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.
- (n) "School" means any learning environment, including any nonprofit institutional day or residential school or accredited nonpublic school, that receives public funding or which is subject to the regulatory authority of the state board.
- (o) "Seclusion" means placement of a student in a location where all the following conditions are met:
- (1) The student is placed in an enclosed area by school personnel.
  - (2) The student is purposefully isolated from adults and peers.
  - (3) The student is prevented from leaving, or the student reasonably believes that the student will be prevented from leaving, the enclosed area.
- (p) "State board" means Kansas state board of education.
- (q) "Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective April 19, 2013; amended, T-91-2-17-16, Feb. 17, 2016; amended, June 10, 2016.)

**91-42-2. Standards for the use of emergency safety interventions.** (a) An emergency safety intervention shall be used only when a student presents a reasonable and immediate danger of physical harm to the student or others with the present ability to effect such physical harm. Less restrictive alternatives to emergency safety interventions, including positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior before the use of any emergency safety interventions. The use of emergency safety interventions shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an emergency safety intervention.

(b) Use of an emergency safety intervention for purposes of discipline or punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

(c) A student shall not be subjected to seclusion if the student is known to have a medical condition that could put the student in mental or physical danger as a result of seclusion. The existence of the medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file.



- (d) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.
- (e) Each seclusion room equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, including fire or severe weather.
- (f) Each seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Each room shall be free of any condition that could be a danger to the student and shall be well-ventilated and sufficiently lighted.
- (g) The following types of restraint shall be prohibited:
  - (1) Prone, or face-down, physical restraint;
  - (2) supine, or face-up, physical restraint;
  - (3) any restraint that obstructs the airway of a student;
  - (4) any restraint that impacts a student's primary mode of communication;
  - (ii)(5) chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments; and
  - (iii)(6) the use of mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation.
- (h) The following shall not be deemed an emergency safety intervention:
  - (1) physical escort; and
  - (2) time-out. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective April 19, 2013; amended, T-91-2-17-16, Feb. 17, 2016; amended, June 10, 2016.)

**91-42-3. District policy, training, and local board dispute resolution.** (a) Each district shall develop and implement written policies to govern the use of emergency safety interventions over all schools. At a minimum, written district policies shall conform to the standards, definitions, and requirements of this article. The written policies shall also include the following:

- (1) (A) School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for emergency safety interventions;
- (B) training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies;
- (C) any training on the use of emergency safety interventions by the district shall be consistent with nationally recognized training programs; and
- (D) schools and programs shall maintain written or electronic documentation on training provided and lists of participants in each training; and
- (2) a local dispute resolution process, which shall include the following:
  - (A) A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used with the parent's child in violation of this article or the district's emergency safety intervention policy, the parent may file a complaint with the local board. The complaint shall be filed within 30 days of the date on which the parent was informed of the use of that emergency safety intervention;
  - (B) a complaint investigation procedure;
  - (C) a dispute resolution final decision. The local board's final decision shall be in writing and shall include findings of fact and any corrective action required by the district if the local board deems these actions

necessary. The local board's final decision shall be mailed to the parent and the department within 30 days of the local board's receipt of the complaint; and

(D) a statement of the parent's right to request an administrative review by the state board as specified in K.A.R. 91-42-5, including information as to the deadline by which the parent must submit the request to the state board.

(3) a system for the collection and maintenance of documentation for each use of an emergency safety intervention, which shall include the following:

(A) the date and time of the emergency safety intervention;

(B) the type of emergency safety intervention;

(C) the length of time the emergency safety intervention was used;

(D) the school personnel who participated in or supervised the emergency safety intervention;

(E) whether the student had an individualized education program at the time of the incident;

(F) whether the student had a section 504 plan at the time of the incident; and

(G) whether the student had a behavior intervention plan at the time of the incident;

(4) procedures for the periodic review of the use of emergency safety intervention at each school, which shall be compiled and submitted at least biannually to the district superintendent or district designee; and

(5) a schedule for when and how parents are provided with notice of the written policies on the use of emergency safety interventions.

(b) written policies developed pursuant to this article shall be accessible on each school's web site and shall be included in each school's code of conduct, school safety plan, or student handbook. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-91-2-17-16, Feb. 17, 2016; effective, June 10, 2016.)

**91-42-4. Parent notification, required meeting, and filing a complaint.** (a) When an emergency safety intervention is used with a student, the school shall notify the parent the same day the emergency safety intervention was used. ~~If the parent cannot be notified, the school shall notify the emergency contact person for the student.~~

(b) The school shall provide documentation of the emergency safety intervention used to the parent no later than the school day following the day on which the emergency safety intervention was used. This documentation shall include the date and time of the intervention, the type of intervention, the length of time the intervention was used, and the school personnel who participated in or supervised the intervention.

(c) In addition to the documentation required by subsection (b) the school shall provide the parent additional information.

(1) After the first incident in which an emergency safety intervention is used with a student during the school year, the school shall provide the following information in printed form to the parent:

(A) A copy of the standards of when emergency safety interventions can be used;

(B) a flyer on the parent's rights;

(C) information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and

(D) information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system.

(2) After subsequent incidents in which an emergency safety intervention is used with a student during the school year, the school shall provide a full website address containing the information the information in paragraph (b)(1).



~~(d)(1) If there is a third incident involving the use of emergency safety interventions within a school year on a student who has an individualized education program or a section 504 plan, then the student's individualized education program team or section 504 plan team shall meet within 10 days after the third incident to discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence, unless the individualized education program team or the section 504 plan team has agreed on a different process.~~

~~(2) If there is a third incident involving the use of emergency safety interventions within a school year on a student who is not described in paragraph (d)(1), then a meeting between the student's parent and school employees shall be conducted within 10 days after the third incident to discuss the incident and consider the appropriateness of a referral for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq., and amendments thereto, the need for a functional behavioral analysis, or the need for a behavior intervention plan. Each meeting called pursuant to this subsection shall include the student's parent, a school administrator for the school where the student attends, one of the student's teachers, a school employee involved in the incident and any other school employees designated by the school administrator as appropriate for the meeting.~~

~~(3) The student shall be invited to any meeting called pursuant to this section.~~

~~(4) The time for calling a meeting pursuant to this subsection shall be extended beyond the 10-day limit if the parent of the student is unable to attend within that time period.~~

~~(5) Nothing in this subsection shall be construed to prohibit the development and implementation of a functional behavioral analysis or a behavior intervention plan for any student if the student could benefit from such measures but has had fewer than three incidents involving emergency safety interventions within a school year.~~

(e) If a parent believes emergency safety interventions have been used in violation of this article or policies of the school district, then within 30 days from being informed of the use of emergency safety intervention, the parent may file a complaint through the local dispute resolution process. A parent may request an administrative review by the state board within 30 days from the date the final decision was issued pursuant to the local dispute resolution process. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-91-2-17-16, Feb. 17, 2016; effective, June 10, 2016.)

**91-42-5. Administrative review.** (a) Any parent who filed a written complaint with a local board regarding the use of emergency safety intervention may request an administrative review by the state board of the local board's final decision.

(b) Each parent seeking administrative review shall provide the following information in the request:

(1) The name of the student and the student's contact information;

(2) the name and contact information, to the extent known, for all involved parties, including teachers, aides, administrators, and district staff;

(3) a detailed statement of the basis for seeking administrative review, with all supporting facts and documentation. The documentation shall include a copy of the complaint filed with the local board and shall include the local board's final decision, if issued. The request shall be legibly written or typed and shall be signed by the parent. Relevant written instruments or documents in the possession of the parent shall be attached as exhibits or, if unavailable, referenced in the request for administrative review; and

(4) written consent to disclose any personally identifiable information from the student's education records necessary to conduct an investigation pursuant to this regulation.



(c)(1) Each request for administrative review shall be filed with the commissioner within 30 days from the date a final decision is issued pursuant to the local dispute resolution process or, if a final decision is not issued, within 60 days from the date a written complaint was filed with the local board.

(2) The hearing officer shall forward a copy of the request for administrative review to the clerk of the local board from whom the administrative review is sought.

(d) Upon receipt of each request for administrative review, the hearing officer shall consider the local board's final decision and may initiate its own investigation of the complaint. Any investigation may include the following:

(1) A discussion with the parent, during which additional information may be gathered and specific allegations identified, verified, and recorded;

(2) contact with the local board or other district staff against which the request for administrative review is filed to allow the local board to respond to the request with facts and information supporting the local board's final decision; and

(3) an on-site investigation by department officers or employees.

(e) If the hearing officer receives information that the hearing officer determines was not previously made available to both parties during the local board dispute resolution process, the hearing officer may remand the issue back to the local board. The local board then has 30 days to issue a written amended final decision.

Upon remand, the hearing officer's case will be closed. All rights to and responsibilities of an administrative review shall begin again when the local board's amended final decision is issued or upon 30 days from when the hearing officer's remand is issued, whichever occurs first.

(f) Within 60 days of the commissioner's receipt of the request for administrative review, the hearing officer shall inform the parent, the school's head administrator, the district superintendent, the local board clerk, and the state board in writing of the results of the administrative review. This time frame may be extended for good cause upon approval of the commissioner.

(g) The results of the administrative review shall contain findings of fact, conclusions of law, and, if needed, suggested corrective action. The hearing officer shall determine whether the district is in violation of this article based solely on the information obtained by the hearing officer during the course of the investigation and the administrative review process. This determination shall include one of the following:

(1) The local board appropriately resolved the complaint pursuant to its dispute resolution process.

(2) The local board should reevaluate the complaint pursuant to its dispute resolution process with suggested findings of fact.

(3) The hearing officer's suggested corrective action is necessary to ensure that local board policies meet the requirements of law.

(h) Nothing in this regulation shall require exhaustion of remedies under this regulation before using procedures or seeking remedies that are otherwise available. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-91-2-17-16, Feb. 17, 2016; effective, June 10, 2016.)

**91-42-6. Exemptions.** (a) As used in this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Appointing authority" means a person or group of persons empowered by statute to make human resource decisions that affect the employment of officers.

(2) "Campus police officer" means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments thereto.

(3) “Law enforcement officer,” and “police officer” mean a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic laws of this state or of any Kansas municipality. This term shall include “campus police officer.”

(4) “Legitimate law enforcement purpose” means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer’s appointing authority.

(5) “School resource officer” means a law enforcement officer or a police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

(6) “School security officer” means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

(b) Campus police officers and school resource officers shall be exempt from the requirements of this article when engaged in an activity that has a legitimate law enforcement purpose.

(c) School security officers shall not be exempt from the requirements of this article.

(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-91-2-17-16, Feb. 17, 2016; effective, June 10, 2016.)

**91-42-7. Reporting.** (a) Each district shall report information from all incidents of emergency safety interventions that the department deems necessary to the department by the date and in the form specified by the department.

(b) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department web site, and to the state board, the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The department’s reported results shall include but shall not be limited to the following information:

(1) The number of incidents in which emergency safety interventions were used on students who have an individualized education program;

(2) the number of incidents in which emergency safety interventions were used on students who have a section 504 plan;

(3) the number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan;

(4) the total number of incidents in which emergency safety interventions were used on students;

(5) the total number of students with behavior intervention plans subjected to an emergency safety intervention;

(6) the number of students physically restrained;

(7) the number of students placed in seclusion;

(8) the maximum and median number of minutes a student was placed in seclusion;

(9) the maximum number of incidents in which emergency safety interventions were used on a student;

(10) the information reported under paragraphs (c)(1) through (c)(3) reported by school to the extent possible;

(11) the information reported under subsections (c)(1) through (c)(9) aggregated by age and ethnicity of the students on a statewide basis; and

(12) any other information that the department deems necessary to report. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-91-2-17-16, Feb. 17, 2016; effective, June 10, 2016.)

# Parent Requests for Emergency Safety Intervention Notification



Student's Name: \_\_\_\_\_

Student's KIDS Student ID: \_\_\_\_\_

**Preferred Method of Contact for Same-Day Notification:** Emergency safety intervention law, at K.S.A. 2016 Supp. 72-89d04(a)(1), requires that when an emergency safety intervention is used with a child, the school must notify the parent on the same day the emergency safety intervention was used. The parent may designate a preferred method of contact to receive this same-day notification. Examples of methods of contact could include by phone, email, text message, or another method. Please ensure that the correct contact information for your preferred method of contact is on file in the school office. Please indicate your preferred method of contact below:

\_\_\_\_\_  
(Signature of Parent)

\_\_\_\_\_  
(Date)

**One Same-Day Notification for Multiple Incidents:** I agree to receive only one same-day notification from the school for multiple emergency safety intervention incidents occurring on the same day.

\_\_\_\_\_  
(Signature of Parent)

\_\_\_\_\_  
(Date)

**Request to Receive Parent Information by Email:** Emergency safety intervention law, at K.S.A. 2016 Supp. 72-89d04(a)(2), requires that after the first incident in which an emergency safety intervention is used during the school year the school must provide the parent with the following information in printed form:

- (1) A copy of the standards of when emergency safety interventions can be used;
- (2) A flyer on the parent's rights;
- (3) Information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the state board of education; and
- (4) Information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas.

**I request that upon the first occurrence of an emergency safety intervention incident with my child this school year that the school provide me with this required information by email. I agree to keep my current email address on file in the school office.**

\_\_\_\_\_  
(Signature of Parent)

\_\_\_\_\_  
(Date)

# Standards for the use of Emergency Safety Interventions

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Emergency safety interventions law sets forth standards for the use of restraint and seclusion to ensure that all Kansas students and staff have a safe learning environment. The standards found in the emergency safety intervention statutes and regulations are required to be followed in all Kansas public school districts and accredited private schools.

An emergency safety intervention is the use of seclusion or physical restraint. The use of an emergency safety intervention shall **cease as soon as the immediate danger of physical harm and violent action ceases to exist.**

Before using an emergency safety intervention, a school employee witnessing the student's behavior must have determined that **less restrictive alternatives** to emergency safety interventions, such as positive behavior interventions support, were inappropriate or ineffective under the circumstances.

An emergency safety intervention shall be used **only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm.** Violent action that is destructive of property may necessitate the use of an emergency safety intervention if there is a reasonable and immediate danger of physical harm. An emergency safety intervention may not be used for purposes of discipline, punishment, or for the convenience of a school employee.

**Physical restraint** means bodily force used to substantially limit a student's movement. Physical restraint is **NOT**:

- Consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction;
- physical escort;
- prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments;
- protective or stabilizing devices either ordered by an appropriately licensed professional or required by law;
- any device used by a law enforcement officer in carrying out law enforcement duties; and
- seatbelts and any other safety equipment when used to secure students during transportation.

**Prohibited** types of restraints:

- **Prone**, or face-down, physical restraint;
- **supine**, or face-up, physical restraint;
- any physical restraint that **obstructs the airway** of a student;
- any physical restraint that **impacts a student's primary mode of communication**;
- **chemical** restraint ("chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.); and
- **mechanical** restraint ("mechanical restraint" means any device or object used to limit a student's movement).

**Seclusion** means placement of a student in a location where:

- The student is placed in an **enclosed area** by school personnel;
- the student is **purposefully isolated** from adults and peers; and
- the student is **prevented from leaving**, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

An emergency safety intervention may not be used with a student if the student is known to have a **medical condition** that could put the student in mental or physical danger as a result of the use of an emergency safety intervention unless not using an emergency safety intervention would result in significant physical harm to the student or others. The medical condition must be indicated in a written statement from the student's licensed health care provider, and a copy of which shall be provided to the school and placed in the student's file.

When a student is placed in seclusion, a school employee shall be able to **see and hear the student** at all times.

If a seclusion room has a locking door it must be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

A seclusion room must be a **safe place**. The room must have good ventilation and lighting, and be free of any condition that could be a danger to the student. The room must also be similar to other rooms where students frequent.

Seclusion is **not time-out**, which is a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 r.

Staff Initiating:  
Jessica Dorsey

Director:

Commissioner:  
Randy Watson

Meeting Date: 9/13/2022

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### **Item Title:**

Act on recommendation for funding the 2022-2023 AmeriCorps Kansas Planning Grant Award

### **Recommended Motion:**

It is moved that the Kansas State Board of Education approve the 2022–2023 AmeriCorps Kansas subgrantee as recommended by the Kansas Volunteer Commission.

### **Explanation of Situation Requiring Action:**

The mission of the Kansas Volunteer Commission is to empower all Kansans to meet community needs through service. As the state service commission, the Commission directs effective national service programs, promotes volunteerism, mentoring and civic engagement and provides resources and training opportunities. The Commission also serves as the intermediary for the federal AmeriCorps agency in the state of Kansas. AmeriCorps is a competitive grant designed to expand opportunities for more Americans to serve while enhancing the capacity of nonprofits to have a sustained impact in local communities.

The Commission conducted a competitive state grant application and review process. Eligible applicants included public or private nonprofit organizations, serving the state of Kansas, including faith-based and other community organizations, public schools, institutions of higher education and government entities, labor organizations and federally recognized Indian Tribes. The Commission conducted an extensive review of all applications to evaluate the applications in terms of the program design, performance measures, cost effectiveness and budget adequacy. Staff, external reviewers and Commissioners reviewed the applications, developed clarification questions and examined the applicants' responses. The Commission considered the review committee's recommendation and subgrantees' past performance and compliance in determining the grant portfolio.

The Kansas Volunteer Commission submits the following additional recommendation for the 2022-2023 AmeriCorps Kansas subgrantees, with grant funding amount not to exceed:

Boys & Girls Club of Manhattan \$50,000

**REQUEST AND RECOMMENDATION FOR BOARD ACTION****Agenda Number: 17 s.****Staff Initiating:**

Bert Moore

**Director:**

Bert Moore

**Commissioner:**

Randy Watson

**Meeting Date:****9/13/2022****Item Title:**

Act to initiate contract bid process for equitable support of Kansas non-public schools for professional development of non-public teachers and leaders.

**Recommended Motion:**

It is moved that the Kansas State Board of Education authorize the Commissioner of Education to initiate a bid process to enter into a contract for the purpose of providing equitable support of Kansas non-public schools for professional development of non-public teachers and leaders with said contract to be for the period of January 1, 2023 through June 30, 2027, and for an amount not to exceed \$250,000 out of federal funds. Vendor to be determined.

**Explanation of Situation Requiring Action:**

Under the Every Student Succeeds Act (ESSA), Kansas retains 4.0 percent of Title II, Part A funds for state level activities described under Section 2101, including professional development of teachers and leaders. KSDE is required to support equitably the Kansas non-public schools by providing funds for professional development of non-public teachers and leaders. This request enables the State to continue to meet its obligation under ESSA to equitably support professional development for non-public teachers and leaders



## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 17 t.

Staff Initiating:

Mark Thompson

Director:

Commissioner:

Randy Watson

Meeting Date: 9/13/2022

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### **Item Title:**

Act on request to enter contract for KSDE Great Ideas in Education Conference.

### **Recommended Motion:**

It is moved that the Kansas State Board of Education authorize the Commissioner of Education to initiate the contract process for two keynote presenters at the Great Ideas in Education Conference in an amount not to exceed \$22,000.00 for the period October 19-21, 2022.

### **Explanation of Situation Requiring Action:**

Two keynote speakers will be selected for the KSDE Great Ideas in Education - The Art of Teaching Conference to be held October 19-21, 2022 in Wichita, KS.

The keynote speakers will be evaluated for their specific knowledge to align with the conference that will focus on the art of teaching this year. The requested areas of expertise include:

- \*An active/current educational practitioner.
- \*Expertise in developing a more diverse, equitable, and inclusive environment.
- \*Tools to create equitable learning spaces.
- \*Extensive experience with the use of technology and social media for communication.
- \*Nationally-recognized speaker providing instructional coaching for state, districts, school, administrator and individual educators.
- \*Passion for developing a community of leaders steeped in the culture of excellence and high standards for learning.
- \*Has served or currently serves on a state and/or nationally-recognized professional association.
- \*Inspirational and motivational speaker.
- \*Innovative, engaging and humorous presentation style.
- \*Integration of social-emotion learning into schoolwide processes.



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District 5

Dr. Deena Horst  
District 6

Ben Jones  
District 7

Betty Arnold  
District 8

Jim Porter  
District 9

Jim McNiece  
District 10

**Subject:** Chair's Report and Requests for Future Agenda Items

These updates will include:

- A. Act on National Association of State Boards of Education Delegate Assembly
- B. Act on Board Travel
- C. Legislative Liaison Report
- D. Committee Reports
- E. Board Attorney's Report
- F. Requests for Future Agenda Items

Note: Individual Board Member Reports are to be submitted in writing.



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Janet Waugh  
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Melanie Haas  
District 2

Michelle Dombrosky  
District 3

Ann E. Mah  
District 4

Jean Clifford  
District 5

Dr. Deena Horst  
District 6

Ben Jones  
District 7

Betty Arnold  
District 8

Jim Porter  
District 9

Jim McNiece  
District 10

## WEDNESDAY, SEPTEMBER 14, 2022

### MEETING AGENDA

9:00 a.m.

1. Call to Order – Chair Jim Porter

2. Roll Call

3. Approval of Agenda

9:05 a.m. (IO)

4. 2021 Milken Educator Award Recipients

9:20 a.m. (IO)

5. Sunflower Summer 2022

9:50 a.m. (AI)

6. Act on Proposed Amendment from KSHSAA to K.S.A 2014 Supp. 72-7114

10:10 a.m.

7. Executive Session for matters which would be deemed privileged in the Attorney-Client relationship under KOMA, in order to protect the privilege and the Board's communications with an attorney on legal matters.

12:00 p.m.

**ADJOURN**

**Agenda Number:** 4

**Meeting Date:** 9/14/2022



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**Item Title:** 2021 Milken Educator Awards Recipients

**From:** Denise Kahler

Recognition of 2021 Milken Educators

At its September meeting, the Kansas State Board of Education will have the opportunity to hear from Megan Morgan and Ryan Pfeifer the 2021 Milken Educator Award recipients. Ms. Morgan is a library/media specialist at Oliver Brown Elementary School, Manhattan USD 383. Mr. Pfeifer is a science teacher at Washburn Rural High School, Auburn-Washburn USD 437. They each received an unrestricted cash award of \$25,000.

Ms. Morgan and Mr. Pfeifer will share some of the innovative programs and strategies they use to foster student achievement in their schools. They will be available to respond to questions from the Board following their presentations.

The Milken Family Foundation in cooperation with the Kansas State Department of Education sponsors the awards program in Kansas, which alternates annually between elementary school educators and secondary school educators. The program recognizes, celebrates, and rewards teachers and principals who have made and continue to make significant contributions to the education of children.

NOTE: Due to the Covid-19 Pandemic no awards were presented in 2020.

*Kansas leads the world in the success of each student.*

**Agenda Number:** 5

**Meeting Date:** 09/14/2022



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**Item Title:** Sunflower Summer 2022

**From:**

Sunflower Summer is a program of the Kansas State Department of Education and is designed to provide a wide variety of ways for families to get out, explore something new, and enjoy time together. During the summer of 2022, families were able to visit museums, zoos, historic landmarks and more all for free. We know that social interaction and exposure to a variety of activities support healthy development. Sunflower Summer is an experiential approach to learning that can support the transition of school-aged children into the fall school term.

*Kansas leads the world in the success of each student.*

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 6

Staff Initiating:

Director:

Commissioner:

Randy Watson

Meeting 9/14/2022

Date:

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### **Item Title:**

Act on Proposed Amendment from KSHSAA to K.S.A. 72-7114

### **Recommended Motion:**

It is moved that the Kansas State Board of Education approve the amendment proposed by the Kansas State High School Activities Association to K.S.A. 72-7114.

### **Explanation of Situation Requiring Action:**

In August, the State Board conducted a public hearing on the proposed changes to the Kansas State High School Activities Association's Rule 5 – classification of senior high schools. The purpose of the proposed rule change is to apply an enrollment multiplier factor when determining classification numbers of private schools. Factors for determining the multiplier include school location, socio-economic status, and championship factor.