

Kansas State Board of Education Guidelines

Approved by the Kansas State Board of Education October 11, 2022



Kansas leads the world in the success of each student.

**STATE BOARD GUIDELINES/PROCEDURES
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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 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 10th 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 15th 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 10th 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