

## TUESDAY, MAY 14, 2019 MEETING AGENDA

- |                        |   |       |
|------------------------|---|-------|
| <b>10:00 a.m.</b>      | 1. Call to Order — Chairman Kathy Busch   |       |
|                        | 2. Roll Call  |       |
|                        | 3. Mission Statement, Moment of Silence and Pledge of Allegiance                  |       |
|                        | 4. Approval of Agenda   |       |
|                        | 5. Approval of April Minutes  | pg 5  |
| <b>10:05 a.m.</b>      | 6. Commissioner’s Report — Dr. Randy Watson                                       |       |
| <b>10:30 a.m.</b>      | 7. Citizens’ Open Forum   | pg 19 |
| <b>10:45 a.m. (IO)</b> | 8. Update on Farm to Plate in Kansas from Child Nutrition and Wellness            | pg 21 |
| <b>11:15 a.m.</b>      | Break   |       |
| <b>11:25 a.m. (IO)</b> | 9. Update on Kansas Education Systems Accreditation                               | pg 23 |
| <b>11:55 a.m.</b>      | Lunch — <i>Board members join Senate Youth Delegates and Alternates, Room 254</i> |       |
| <b>1:30 p.m. (IO)</b>  | 10. Recognition of 2019 US Senate Youth Program Delegates and Alternates          | pg 25 |
| <b>2:00 p.m. (IO)</b>  | 11. Information on student health concern: vaping/e-cigarettes in schools         | pg 27 |
| <b>3:00 p.m.</b>       | Break   |       |
| <b>3:10 p.m. (AI)</b>  | 12. Act on recommendations of the Professional Practices Commission               | pg 29 |
| <b>3:20 p.m. (IO)</b>  | 13. Update on work to strengthen the Kansas early childhood system in 2019        | pg 75 |
| <b>3:50 p.m. (IO)</b>  | 14. Legislative Matters and discussion on school breakfast program waivers        | pg 77 |

Location: Landon State Office Building at 900 SW Jackson St., Board Room Suite 102, Topeka, KS 66612

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 Peggy Hill at 785-296-3203, at least seven business days prior to a State Board meeting.

Website: Electronic versions of the agenda and meeting materials are available at [www.ksde.org/Board](http://www.ksde.org/Board). Information on live media streaming the day of the meeting is also posted there.

Next Meeting: June 11 and 12, 2019 in Topeka

4:10 p.m. (AI)

15. Consent Agenda

- a. Receive monthly personnel report pg 79
- b. Act on personnel appointments to unclassified positions pg 81
- c. Act on recommendations for licensure waivers pg 83
- d. Act on Education Flexibility Partnership (Ed-Flex) waiver request pg 85
- e. Act on recommendations of the Evaluation Review Committee for higher education program reviews pg 87
- f. Act on School Breakfast Program waivers pg 97
- g. Act on request from USD 356, Conway Springs, to hold a bond election pg 99
- h. Act on request from USD 356, Conway Springs, for capital improvement (bond and interest) state aid pg 101
- i. Act on recommendations for funding Migrant Summer Services Grants pg 103
- j. Act on request to allocate Preschool-Aged At-Risk Slots for 2019-2020 pg 105
- k. Act on Interlocal Agreement for Smoky Hill/Central KS Education Service Center pg 111
- l. Act on amendment to Kansas School for the Deaf/NEA agreement for the purpose of adding salary schedule update pg 125

4:15 p.m.

**RECESS**

## WEDNESDAY, MAY 15, 2019 MEETING AGENDA

- |                        |   |               |
|------------------------|---|---------------|
| <b>9:00 a.m.</b>       | 1. Call to Order  |               |
|                        | 2. Roll Call  |               |
|                        | 3. Approval of Agenda   |               |
| <b>9:05 a.m. (IO)</b>  | 4. Kansans Can Redesign Highlight: rural districts engaging students with business — Fredonia USD 484 and Beloit USD 273                            | <b>pg 129</b> |
| <b>10:05 a.m.</b>      | Break   |               |
| <b>10:15 a.m. (IO)</b> | 5. State Assessment Update  | <b>pg 131</b> |
| <b>10:35 a.m.</b>      | 6. Executive session for the purpose of discussing personnel matters of non-elected personnel   | <b>pg 133</b> |
| <b>10:50 a.m. (AI)</b> | 7. Possible action on personnel contract  | <b>pg 135</b> |
| <b>10:55 a.m. (IO)</b> | 8. Chairman’s Report and Future Agenda Items<br>a. Teacher Vacancy and Supply Committee<br>b. School Mental Health Advisory Council recommendations | <b>pg 137</b> |
| <b>11:35 a.m.</b>      | 9. Act on Board Travel  | <b>pg 139</b> |
| <b>11:45 a.m.</b>      | <b>ADJOURN</b>  |               |



# 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



**KANSAS STATE BOARD OF EDUCATION**

**Meeting Minutes  
April 16, 2019**

**CALL TO ORDER**

Chairman Kathy Busch called the monthly meeting of the Kansas State Board of Education to order at 10 a.m. Tuesday, April 16, 2019, in the Board Room at the Landon State Office Building, 900 S.W. Jackson St., Topeka, Kansas. She welcomed all in attendance and those listening online. She then acknowledged April as Autism Awareness Month.

**4/16/2019  
A.M. Session  
(00:00:06)**

**ROLL CALL**

All Board members were present:

Kathy Busch	Ann Mah
Jean Clifford	Jim McNiece
Michelle Dombrosky	Jim Porter
Deena Horst	Steve Roberts
Ben Jones	Janet Waugh

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

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

**APPROVAL OF AMENDED AGENDA**

Chairman Busch announced additions to the day’s agenda: separate requests from Newton USD 373 to hold a bond election and to receive capital improvement state aid on the consent agenda; an Executive Session for Attorney-Client; and possible action following the Executive Session. Dr. Horst moved to approve the April 16 agenda as amended. Mr. Porter seconded. Motion carried 10-0.

**MOTION  
(00:02:59)**

**APPROVAL OF THE MARCH MEETING MINUTES**

Mrs. Mah moved to approve the minutes of the March Board meeting. Dr. Horst seconded. Motion carried 10-0.

**MOTION  
(00:04:34)**

**COMMISSIONER’S REPORT**

Dr. Randy Watson reviewed the definition of a successful Kansas high school graduate, noting the key components as academic preparation, cognitive preparation, technical skills, employability skills and civic engagement. The Kansas Education Systems Accreditation (KESA) is the process of examining multiple measures that support student success. He explained that academic achievement by itself doesn’t present a complete picture and he cited examples. Dr. Watson then discussed the Kansans Can Recognition Program that will be implemented and the merits associated with each category. He concluded his report restating the principles of the Kansans Can School Redesign Project.

**(00:04:51)**

**CITIZENS’ OPEN FORUM**

Chairman Busch declared the Citizens’ Forum open at 10:30 a.m. There were no speakers for public comment this month .

**OVERVIEW OF SUCCESSFUL KANSAS HIGH SCHOOL GRADUATE: ACADEMIC ACHIEVEMENT**

Dr. Scott Smith from KSDE and Mark Tallman from the Kansas Association of School Boards presented information on the various measures used to gauge academic achievement as one component of how a successful Kansas high school graduate is defined. Dr. Smith shared historical data and explained how the four levels in the new Kansas Assessment Program compare to the five levels in the former

**(00:24:52)**

assessments. He also commented on contrasting research studies, the lack of a universal definition of “proficient” when referring to assessment data, and scoring through ACT and NAEP. Mr. Tallman shared numbers regarding high school completion, four-year degree completion, trends for 18-24 year olds and national averages. KASB tracks a multitude of school data, including the correlation between educational attainment and income. The presenters answered Board members’ questions.

**BREAK**

There was a break from 11:20 to 11:30 a.m.

**ACTION ON KANSAS MODEL STANDARDS FOR COMPUTER SCIENCE**

(01:18:43)

Last month, Board members were presented the draft Kansas model standards for Computer Science (P-12 grades) for consideration. Dr. Stephen King, Education Program Consultant, responded to concerns expressed last month over screen time, particularly at the K-5 grade level. He shared the committee response and gave examples of standards-driven computer science education implementation without screen time. He talked about the implementation plan and agreed to provide updates on progress. There was discussion about the beginning grade level for the standards, desire for a user friendly format and professional development for teachers. Mr. Porter moved to adopt the Kansas Model Standards for Computer Science as recommended by the Kansas Computer Science Model Standards review team. Dr. Horst seconded. Motion carried 8-2 with Mr. Roberts and Mrs. Dombrosky in opposition.

**MOTION**

(01:40:14)

**LUNCH**

Chairman Busch recessed the meeting for lunch at 11:55 a.m. The State Board’s Policy Committee met during the break.

**ANNOUNCEMENT OF APOLLO PARTICIPANTS IN KANSANS CAN SCHOOL REDESIGN**

**P.M. SESSION**

(01:44:18)

Nineteen schools have been selected for the Apollo phase of the Kansans Can School Redesign Project. The announcement was made by School Redesign Specialists Jay Scott (secondary) and Tammy Mitchell (elementary). Redesign schools have voluntarily agreed to concentrate on the five outcomes established by the State Board of Education, the five elements identified as defining a successful Kansas high school graduate, and what Kansans said they want from their school system. Apollo applicants had to have support of their faculty, school board and local KNEA or other professional organization. The first phase in the redesign project was Mercury 7, followed by Gemini I and II.

The Apollo schools and districts are: Ewalt Elementary, Lincoln Elementary, Robinson Elementary, Garfield Elementary (Augusta USD 402); Medicine Lodge Grade School, Medicine Lodge Junior/Senior High (Barber County North USD 254); Columbus Unified High School (Columbus USD 493); Deerfield Elementary, Deerfield Middle, Deerfield High (Deerfield USD 216); Pleasant Ridge Elementary (Easton USD 449); Ell-Saline Elementary, Ell-Saline Middle/High (Ell-Saline USD 307); Frank Layden Elementary, Frontenac Junior High (Frontenac USD 249); West Elementary, North Elementary, Goodland Junior/Senior High (Goodland USD 352); Herington Elementary, Herington Middle/High (Herington USD 487); Holton Middle, Holton High (Holton USD 336); Wiley Elementary, Hutchinson STEM Magnet (Hutchinson USD 308); St. Mary’s Grade, Rossville Grade, St. Mary’s Junior/Senior High, Rossville Junior/Senior High (Kaw Valley USD 321); Broken Arrow Elementary, Deerfield Elementary, Hillcrest Elementary, Free State High (Lawrence USD 497); Northeast High (Northeast USD 246); Oberlin Elementary, Decatur Community High (Oberlin USD 294); Perry-Lecompton Middle, Perry-Lecompton High (Perry-Lecompton USD 343); Uniontown Junior/Senior High (Uniontown USD 235); Maple Hill Elementary (Wabaunsee USD 329); Washington County Elementary, Washington County Junior/Senior High (Washington County USD 108).

**UPDATE ON KANSAS EDUCATIONAL LEADERSHIP INSTITUTE PROGRAM**

(01:57:30)

Dr. Rick Doll, Executive Director of the Kansas Educational Leadership Institute (KELI), described the partnerships that enable the organization to provide professional learning and mentoring services for

new school leaders. Since its establishment in 2011, KELI has expanded its scope, now serving new superintendents, assistant superintendents, building level leaders and special education administrators. Dr. Doll talked about mentor training, professional learning, administrators who serve in dual roles and challenges schools face.

**RECOGNITION OF THE 2018 NATIONAL BLUE RIBBON SCHOOLS**

Six schools in Kansas were named National Blue Ribbon Schools for 2018. The Blue Ribbon Schools program honors elementary and secondary schools that have made significant progress in closing the achievement gap. Principals in attendance described unique aspects of school improvement in their buildings. Schools recognized were:

- Hillcrest Elementary School, Lawrence USD 497, Principal Tammy Becker
- Lee Elementary School, Manhattan-Ogden USD 383, Principal Mindy Sanders
- Marion Elementary School, Marion USD 408, Principal Justin Wasmuth
- Valley Heights Elementary School, Valley Heights USD 498, Principal Robert Green
- Sterling Grade School, Sterling USD 376, Principal Brennan Riffel (unable to attend)
- Magdalen Catholic School, Wichita, Principal Kristin Schmitz (unable to attend)

Board members took a break for photos, returning at 2:55 p.m.

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

Linda Sieck, Chair of the Professional Practices Commission, was remotely connected to the meeting and available to answer questions about the recommendations brought forth on eight cases. Mrs. Waugh moved to adopt the findings of the PPC and its recommendation for the issuance of licenses for Ernest Dooley and Katie Milburn. Mr. Roberts seconded. Motion carried 10-0.

Next, Dr. Horst moved to adopt the findings of the PPC and its recommendations for the revocation or denial of licenses for Clinton Laing, Lori Lindeman, Mandi Hawkins, Richard Dove and Sarah Evans. Mrs. Dombrosky seconded. Motion carried 10-0. Lastly, Mr. Roberts moved to adopt the findings of the PPC and its recommendation for the renewal of Bret Eckert’s license with a public censure. Mr. Jones seconded. Motion carried 10-0.

**ACTION ON PETITION FOR RECONSIDERATION AND THE LICENSE OF ERIC BRINKMAN**

State Board Attorney Mark Ferguson provided background information and referenced documentation submitted regarding the license of Eric Brinkman and his Petition for Reconsideration of the Final Order. Mr. Jones moved to reject the Petition for Reconsideration submitted by Eric Brinkman and reaffirm the findings of fact and conclusions of the Board in its Final Order entered Feb. 12, 2019, which adopted the recommendation of the Professional Practices Commission after a 6-3-1 vote of the Board. Mr. McNiece seconded. Motion carried 10-0.

**ANNOUNCEMENT OF KANSAS CAREER AND TECHNICAL EDUCATION SCHOLARS FOR 2019**

The Career and Technical Education Scholar recognition program started in 2017. It is an opportunity to give state-level honors to outstanding CTE students finishing their senior year of high school. Students apply for the certificate and document completion of the criteria. CTE Scholar Coordinator Gayla Randel announced that there are 39 Kansas CTE Scholars for 2019. She reviewed the criteria, which includes workplace experience and community service, and answered questions about the program. Board members received a list of the students’ names, school of attendance, field of study and career interest.

**ACTION ON CONSENT AGENDA**

Mr. McNiece moved to approve the Consent Agenda, including the addition of USD 373 Newton’s request to hold a bond election and receive capital improvement state aid. Mr. Jones seconded.

(02:15:50)

**MOTIONS**  
(02:50:50)

(02:52:10)

(02:54:31)

**MOTION**  
(02:58:49)

(02:59:54)

**MOTION**  
(03:11:32)

Motion carried 9-1 with Mr. Roberts in opposition. In the Consent Agenda, the Board:

- received the monthly Personnel Report for March.
- accepted the following recommendations for licensure waivers valid for one school year:  
*Elementary extension of days only* — Sara Pursley, USD 497; Michelle Landes, D0607. *English as a Second Language* — Courtney Hutson, USD 259. *English Language Arts—extension on the number of days under an emergency substitute license* — Ashton Pfannenstiel, USD 418. *General Science — extension on the number of days under an emergency substitute license* — Nicholas Sterneker, USD 419; Corey Weibel, USD 500. *High Incidence Special Education* — Allison Wilkins, USD 200; Noah Fugate, USD 202; Kristan Wilson, USD 453; Cindie Franz, D0602; Kimberly Keene, D0618. *High Incidence Special Education—extension on the number of days under an emergency substitute license* — Kelli Pennington, USD 263; LaVeda Tyler, USD 453; Coral Jacobson, USD 469; Jacob Olszanski, USD 500; Jessica Coda, D0607; Erin Easum, Ladonna Worden, D0608. *Low Incidence Special Education* — Susan Morgan, USD 259.
- approved, with modifications, the in-service education plans for USD 229 Blue Valley, USD 231 Gardner-Edgerton, USD 264 Clearwater, USD 275 Triplains, USD 292 Wheatland, USD 332 Cunningham, USD 352 Goodland, USD 388 Ellis, USD 410 Durham-Hillsboro-Lehigh, USD 437 Auburn Washburn, USD 464 Tonganoxie, USD 502 Lewis.
- approved supplemental funds for the Kansas Volunteer Generation Fund subgrantees for 2019 as recommended by the Kansas Volunteer Commission — United Way of Franklin County Association and Flint Hills Volunteer Center.
- authorized USD 274, Oakley, Logan County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.
- authorized USD 274, Oakley, Logan County, to receive capital improvement (bond and interest) state aid as authorized by law.
- approved the transfer of certain territory, effective July 1, 2019, from USD 464 to USD 497 as requested by way of agreement of those two school districts.
- issued a tentative Order authorizing USD 373, Newton, Harvey County, to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.
- issued a tentative Order authorizing USD 373, Newton, Harvey County, to receive capital improvement (bond and interest) state aid as authorized by law.
- issued a Calendar Year 2019 license, from the date of approval to Dec. 31, 2019, to the recommended commercial Kansas driver training school Yost Driving School, Wichita.

*authorized the Commissioner of Education to negotiate and*

- continue a state assessment contract with the University of Kansas with the contract amount not to exceed \$6,000,000;
- enter into a contract to assist in the grant management and technical assistance of the 21st Century Community Learning Centers in an amount not to exceed \$1,500,000 effective July 1, 2019 through June 30, 2024;
- enter into an amended contract with Michelle Pyle, Computer Applications Developer, in an amount not to exceed \$175,600 and to extend the contract to Sept. 15, 2022, to develop modules per the work plans and timelines in the competitively awarded USDA FY2018 Technology Innovation Grant and the USDA FY 2019 Administrative Training Grant if awarded;
- enter into a contract with a vendor to assist KSDE with the tasks required to enhance and maximize participation of Kansas school districts in the E-Rate program from July 1, 2019-June 30, 2020, with options for three additional one-year renewals and the contract amount is not to



exceed \$40,000 per contract year (hotline telephone support—\$25,000 per year and trainings—\$15,000 per year).

Time was available during a break to act on items 19 (Board Travel) and 20 a. (KSHSAA appointment)

### **BOARD MEMBER TRAVEL**

Board members had the opportunity to make additions to the travel requests for approval. Mrs. Mah moved to approve the travel requests. Mr. Jones seconded. Motion carried 10-0.

**MOTION**  
(03:13:51)

### **ACTION ON APPOINTMENT TO KSHSAA BOARD OF DIRECTORS**

The Kansas State High School Activities Association consists of at least two directors representing the State Board of Education. Current representatives are Jim McNiece, who is fulfilling the remainder of Kathy Busch's term until June 30, 2019, and Deena Horst, whose term continues until June 30, 2020. Mrs. Dombrosky moved to appoint Mr. McNiece for a full two-year term on the KSHSAA Board of Directors, beginning July 1, 2019. Dr. Horst seconded. Motion carried 10-0.

**MOTION**  
(03:15:10)

### **LEGISLATIVE MATTERS**

Deputy Commissioner Dale Dennis reported on the conference committee report on House Substitute for Senate Bill 16. He provided information on several elements of the bill: Base Aid for Student Excellence (BASE), school finance audits, funding reports, ACT and WorkKeys assessments, and other provisions. Mr. Porter asked for a list of the 100 lowest performing accredited elementary schools, both public and private, eligible for the Tax Credit for Low Income Student Scholarships. There were other questions about the Low Income Tax Credit Scholarship Program, bond cap for capital improvement (bond and interest) state aid and unintended consequences associated with certain legislation.

(03:15:36)

### **EXECUTIVE SESSION**

Mrs. Waugh moved to recess into Executive Session to discuss the subject of potential litigation/pending litigation/legal matters with legal counsel, which is justified pursuant to the exception 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. The session would begin at 4:10 p.m. for 20 minutes and the open meeting would resume in the Board Room at 4:30 p.m. Randy Watson, Mark Ferguson, Dale Dennis and Craig Neuenswander were invited to join. Mr. Porter seconded. Motion carried 10-0.

**MOTION**  
(03:56:03)

The open meeting resumed at 4:30 p.m.

### **ACTION ON SUBMISSION OF AMICUS BRIEF IN SUPPORT OF 2019 SCHOOL FINANCE BILL**

Chairman Busch noted that the School Finance Bill was signed by the Governor and provided to the Supreme Court. There was open discussion about submitting a Amicus Brief in support of the finance portion of this particular bill. Mr. Ferguson stated the dates for briefings to be filed and schedule of oral arguments in the *Gannon v State of Kansas* case. Several members commented on the importance of acknowledging the Board of Education's statutory authority to make budget recommendations. Mrs. Waugh moved that the Kansas State Board of Education authorize the State Board Attorney to file an Amicus Brief with the Kansas Supreme Court on behalf of the State Board in support of the finance portion of Senate Bill 16, reaffirming the Board's recommendations and to satisfy the court order. Mr. McNiece seconded. Motion carried 10-0.

**MOTION**  
(04:10:26)  
**RESTATED**  
(04:12:01)

### **ACTION ON BOARD ATTORNEY CONTRACT RENEWAL**

Mr. McNiece moved to approve renewal of Contract ID 40370 with Gates Shields Ferguson Swall Hammond P.A. for providing legal services for the period July 1, 2019 through June 30, 2020 with no increase in rates. Dr. Horst seconded. Motion carried 10-0.

**MOTION**  
(04:17:30)

(04:18:01)

**COMMITTEE REPORTS, CHAIRMAN'S REPORT AND REQUESTS FOR FUTURE AGENDA ITEMS**

**Legislative Liaisons** — Mr. Porter discussed the need for the State Board to be more proactive and less reactive on topics of legislative interest.

**Policy** — Dr. Horst noted that the Policy Committee met at lunchtime and will accept recommendations for possible policy changes.

**Communications** — Mr. McNiece commented on tentative plans to observe the 50th year of the State Board under the current design.

Other committee reports included Confidence in Kansas Public Education Task Force, sponsor of the Challenge Awards (Mrs. Waugh); Kansas Prescription Drug and Opioid Advisory Committee (Dr. Horst); Kansas Learning First Alliance (Mrs. Dombrosky); Kansas Foundation for Agriculture in the Classroom and Kansas Alliance for the Arts in Education (Mr. Jones). Those wishing to provide individual Board reports did so in writing.

**Requests for Future Agenda Items** —

- Regular progress reports on the implementation of Computer Science standards, including the creation of an implementation guide
- Retreat to proactively establish positions in advance of the 2020 legislative session, including the cap on bond and interest, comprehensive plan for computer science education and financial literacy (Mr. Porter)

**Board Attorney Report** — Mark Ferguson noted the Kansas School for the Deaf-NEA is utilizing a two-year negotiated agreement. However, because there is a change in the USD 233 salary schedule, which KSD follows, there is an anticipated change to the agreement.

**Chairman's Report** — Mrs. Busch attended the Social-Emotional Learning Network meeting, along with Mr. Porter, in Washington D.C. She reported on the meeting at the Cerner Corporation on the topic of computer science education and job needs, forthcoming action steps as recommended by the School Mental Health Advisory Council, a panel discussion with teacher education programs at small colleges and the April Council of Superintendents' meeting. Commissioner Watson reminded members of the major initiatives before them and impending recommendations on bullying, dyslexia and computer science education.

**Confirmation of Graduation Delegates** — Chairman Busch confirmed that school liaisons Mrs. Dombrosky will attend the Kansas School for the Deaf graduation on May 22 and Mr. Jones will attend the Kansas State School for the Blind graduation May 16.

**RECESS**

Chairman Busch recessed the meeting at 5:30 p.m. The meeting would resume at 8:30 a.m. on Wednesday at the Kansas State School for the Blind.

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Kathy Busch, Chairman

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Peggy Hill, Secretary

**KANSAS STATE BOARD OF EDUCATION**

**Meeting Minutes  
April 17, 2019**

4/17/2019

**SCHOOL VISITS**

On Wednesday, April 17, 2019, Board members made their annual visits to the Kansas State School for the Blind (KSSB) and Kansas School for the Deaf (KSD). They also visited two of the Mercury 7 redesign schools — Santa Fe Trail Middle School and Westview Elementary, both in Olathe.

Board members present for the day were:

Kathy Busch	Ann Mah
Jean Clifford	Jim McNiece
Michelle Dombrosky	Jim Porter
Deena Horst	Steve Roberts
Ben Jones	Janet Waugh

**KANSAS STATE SCHOOL FOR THE BLIND**

KSSB Superintendent Jon Harding hosted Board members for the first of the day’s sessions. During the visit, the following topics were covered: upcoming events, student presentations, accreditation and the Outside Visitation Team’s focus, skill development through the transition program, field service resources, and personnel training to meet the demand for teachers of the visually impaired.

**SANTA FE TRAIL MIDDLE SCHOOL**

Principal J.J. Libal, staff and students led informational sessions on Santa Fe Trail’s redesign pillars. They discussed the focus on social-emotional learning, mentoring, implementation of Exploration Days, interventions such as “What I Need” time and a modified block schedule. Students with the AIM (Achieving through Individual Motivation) program led building tours.

**WESTVIEW ELEMENTARY SCHOOL**

Members of the Westview Elementary Redesign team explained about the school’s redesign plans, including blended classes for project-based learning, more inclusion of English Language Learner teachers and building-wide social-emotional learning time each day. Student panelists answered questions about their experiences. Teachers also talked about the selection of redesign pillars and implementation challenges.

**KANSAS SCHOOL FOR THE DEAF**

At the Kansas School for the Deaf, Superintendent Luanne Barron coordinated sessions with students and parents to talk about transition to postsecondary. There were presentations on the Language Assessment Program to assess and monitor language development, online blended learning programs for students, and early interventions that serve students birth to age 3. Board members then toured the Museum of Deaf History, Arts and Culture.

**ADJOURNMENT**

The day’s activities concluded at approximately 5:40 p.m. The next meeting will be May 14 and 15, 2019 in Topeka.

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Kathy Busch, Chairman

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Peggy Hill, Secretary



**KANSAS STATE BOARD OF EDUCATION**

**Meeting Minutes**

**March 12, 2019**

**CALL TO ORDER**

Chairman Kathy Busch called the monthly meeting of the Kansas State Board of Education to order at 10 a.m. Tuesday, March 12, 2019, in the Board Room at the Landon State Office Building, 900 S.W. Jackson St., Topeka, Kansas. She welcomed all in attendance and asked guests with the USD 501 Topeka Public Schools Leadership Academy to introduce themselves.

**3/12/2019**  
**A.M. Session**  
(00:00:03)

**ROLL CALL**

The following Board members were present:

Kathy Busch	Jim McNiece
Jean Clifford	Jim Porter
Michelle Dombrosky	Steve Roberts
Deena Horst	Janet Waugh
Ben Jones	

Member Ann Mah participated by phone.

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

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

**APPROVAL OF AGENDA**

Mr. McNiece moved to approve the day’s agenda. Mr. Jones seconded. Motion carried 9-0-1 with Mr. Roberts abstaining.

**MOTION**  
(00:03:42)

**APPROVAL OF THE FEBRUARY MEETING MINUTES**

Mr. Jones moved to approve the minutes of the February Board meeting. Dr. Horst seconded. Motion carried 10-0.

**MOTION**  
(00:04:19)

**COMMISSIONER’S REPORT**

Dr. Watson began his report to the Board with an overview of school redesign, citing work by schools preparing to launch their redesign plans. He highlighted two examples from Gemini II redesign schools — Andover USD 385 where geometry instruction is blended with building construction and Clay County USD 379 where seniors developed a video about student perspectives on redesign. Dr. Watson restated the timeline for schools applying for the Apollo phase. Next, he spoke about the establishment of a volunteer Blue Ribbon Task Force on Bullying to be co-chaired by Dr. Rick Ginsberg from the University of Kansas and Superintendent James Regier from Whitewater-Remington USD 206. Mrs. Jean Clifford will represent the State Board on the Task Force. He asked each member to recommend an individual from his or her district to serve. The group will start their work in April. They will travel to hear Kansans’ testimony and report back to the State Board by the end of the year.

(00:04:41)

**CITIZENS’ OPEN FORUM**

Chairman Busch declared the Citizens’ Forum open at 10:34 a.m. There was one speaker: Dave Trabert, Kansas Policy Institute, who presented information on a A-F grading scale for Kansas schools based on test scores. Chairman Busch declared the Citizens’ Forum closed at 10:39 a.m.

(00:33:49)

- (00:41:01) **RECEIVE KANSAS MODEL STANDARDS FOR COMPUTER SCIENCE**  
Dr. Stephen King, Education Program Consultant at KSDE, joined committee members in describing creation of draft Model PreK-12 Computer Science Standards for Kansas. The document was included in the pre-meeting materials for Board members to review. During the presentation, references were made to the national standards, computational thinking, grade level application, implementation, digital citizenship and cross-cutting skills that extend beyond technology and general use of computers. A time for comments and questions followed. Topics included decision to begin at PreK, potential pathway to filling business technology needs, keyboarding, screen time and postsecondary preparation. The State Board is expected to act on the Computer Science Standards in April.
- (01:34:41) **DISCUSSION ON KANSAS CAN STATE-LEVEL OUTCOME: SOCIAL-EMOTIONAL GROWTH**  
Social-emotional growth measured locally is one of the five outcomes for measuring progress of the Kansas Can vision to lead the world in the success of each student. The following presenters shared information on the role each profession contributes to students' social-emotional growth: Dr. Ken Hughey and Dr. Judy Hughey, Kansas School Counselor Association and Kansas Association of Counselor Education and Supervision; Craig Hidy, Kansas School Social Workers Association; and Jessica Mefford, Kansas Association of School Psychologists. They provided an overview of responsibilities, services, statistics, examples of collaboration and recommendations.
- LUNCH**  
Chairman Busch recessed the meeting for lunch at 12:30 p.m.
- P.M. SESSION**
- MOTION**  
(02:27:55) **ACTION TO SUBMIT PROPOSED AMENDED EMERGENCY SAFETY INTERVENTION REGULATIONS TO DEPT. OF ADMINISTRATION AND OFFICE OF ATTORNEY GENERAL**  
Chairman Busch reconvened the meeting at 1:30 p.m. Last month, KSDE staff brought forth proposed changes to the Emergency Safety Intervention regulations. Assistant Director Laura Jurgensen identified requested language changes and an addition in the definition section made since the February meeting. Mr. McNiece moved to submit the proposed amendments to the Emergency Safety Intervention regulations to the Department of Administration and Office of the Attorney General for review. Mr. Porter seconded. Motion carried 10-0. This is the next step in the process for amending regulations.
- MOTION**  
(02:32:09) **ACTION ON RECOMMENDATIONS TO CHANGE REQUIREMENTS FOR A KANSAS PARAPROFESSIONAL TO BECOME HIGHLY QUALIFIED**  
The Elementary and Secondary Education Act (ESEA) requires Kansas to have in place requirements for paraprofessionals to be highly qualified in order to be paid with federal Title I funds. Director Colleen Riley reviewed the requirements in place and the proposed update to the WorkKeys test based on changes made by ACT. Mr. Porter moved to approve the recommended changes to the requirements for paraprofessionals to become highly qualified paraprofessionals. Mr. Jones seconded. Motion carried 10-0.
- MOTION**  
(02:34:17) **ACTION ON NEW APPOINTMENT TO THE PROFESSIONAL PRACTICES COMMISSION**  
Mr. Porter moved to appoint Stan Ruff to complete a partial term on the Professional Practices Commission representing public elementary school principals, effective March 12, 2019 to June 30, 2020. Dr. Horst seconded. Motion carried 9-1 with Mrs. Dombrosky in opposition. Mr. Ruff is a principal at Skelly Elementary in El Dorado USD 490.
- MOTION**  
(02:35:06) **ACTION ON CONSENT AGENDA**  
Mrs. Waugh moved to approve the Consent Agenda as presented. Dr. Horst seconded. Motion carried 9-1 with Mr. Roberts in opposition. In the Consent Agenda, the Board:
- received the monthly Personnel Report for February.

- confirmed the unclassified personnel appointment of Makayla Auldrige as Administrative Specialist on the Fiscal Auditing team, effective Feb. 4, 2019, at an annual salary of \$31,824.
- accepted the following recommendations for licensure waivers valid for one school year: *Early Childhood Special Education* — Elizabeth Moore, USD 253; Kelly Casey, USD 259; Erica Bunton, USD 261; Samantha Whitcomb, USD 475; Elizabeth Czamanske, Lisa O'Neill, USD 500; Jessica Rinkes, USD 512; Mindy Christensen, D0602; Deann Jones, D0613. *Early Childhood Special Education – extension on the number of days under an emergency substitute license* -- Larisa Lawrence, D0618. *Early Childhood/Pre-School* -- Krystal Elias, D0620. *Gifted* – Jillian Kay, USD 475; Rosanne Lawler, USD 500. *High Incidence Special Education* -- Julie Lueger, USD 115; Michelle Stack, USD 229; Bret Eckert, Cindi Cox, USD 259; Justin Carruthers, USD 260; Jennifer Stogsdill, USD 290; Melissa Wheeler, USD 368; Kari Karst, USD 407; John Darrow, Kaitlin Smith, USD 453; Rebecka McMillan, USD 457; Bailee Flaming, USD 475; Jennifer Mick, USD 495; Lauren Coleman, Erin Weinmaster, USD 497; Dawnyel McCollum, Kristine Klaas, Lacy Davison-Symmonds; Easton Roye, USD 500; James Dreasher, Neil Trottier, Lynne Christ, USD 501; April Farr, Emily Molstad, Erica Smith, Erica Carter, D0602; Lauren Walker, Randall Pugh, D0605; Hannah Elliott, Daniel Kliger, Joann Cline, D0613; Travis Olson, Amanda Shockley, D0614; Josh Griffis, D0638; Susan Durham, Samantha Toombs, D0700; Tammy Cline, D0707. *High Incidence Special Education—extension on the number of days under an emergency substitute license* — Janette Dillon, Shawn Stoehr, D0618; Diane Bernheimer, Nancy Johnson, USD 501; Breanna Olds, USD 385. *Library Media Specialist* -- Kristen Martin, USD 402. *Low Incidence Special Education* -- Gary Rochester, USD 259; Mary Pace, Mika Maples, USD 383; Madison Workman, USD 469; Courtney Miles, USD 497; Kathleen Lynch, Michelle Langton, USD 512; Helen White, D0618; Rebecca Haines, D0718. *Low Incidence Special Education – extension on the number of days under an emergency substitute license* -- Kirstyn Linares, D0618; Tammy Foster, USD 343; Nicolas Butler, USD 464. *Spanish – extension on the number of days under an emergency substitute license* -- Isabella Pullos, USD 497. *Speech/Speech Communications – extension on the number of days under an emergency substitute license* -- Ian Weaver, USD 497.
- accepted recommendations of the Licensure Review Committee as follows: *Approved cases* — 3250 Lyza Bowers, 3254 Michael Dickerson, 3255 LaDawn Pieczonka, 3257 Lee Fryer, 3259 Rachel Seuell.
- accepted the following recommendations of the Evaluation Review Committee for program approval: **Emporia State University** — Speech/Theatre 6-12 continuing program through Dec. 31, 2024; **Kansas Independent College Association** — High Incidence K-6, 6-12, PreK-12, new undergraduate program and High Incidence K-6, 6-12, PreK-12, new graduate program, both through June 30, 2021; **Sterling College** — Elementary K-6, Mathematics 6-12, both continuing programs through Dec. 31, 2025; **University of Saint Mary** — History Government Social Studies 6-12, continuing program through Dec. 31, 2024.
- authorized USD 286 Chautauqua County to hold an election on the question of issuing bonds in excess of the district's general bond debt limitation.
- authorized USD 286 Chautauqua County to receive capital improvement (bond and interest) state aid as authorized by law.

*authorized the Commissioner of Education to negotiate and*

- amend KSDE contract 652-15-1869 with Southwest Plains Regional Service Center to provide an additional amount of services not to exceed \$8,500,000 for Kansas Learning Network services;
- amend a contract with the University of Kansas Center for Research to extend the length of the contract from Sept. 30, 2019 to March 30, 2020 at no additional cost for use of Enhanced Learning Maps as an organizing structure for formative assessment;

- allocate Federal Title II funds, in an amount not to exceed \$180,000 for the purpose of providing project-based learning professional development to Kansans Can Redesign schools;
- enter into a contract with eScholar LLC for renewal of maintenance and support for generation and tracking Teacher IDs in an amount not to exceed \$99,000 over a three-year period (June 15, 2019—June 14, 2022)
- enter into a contract with eScholar LLC for renewal of software license, maintenance and support in an amount not to exceed \$222,000 over a three-year period (May 1, 2019—April 30, 2022)

**BREAK**

Board members took a break from 1:45 to 1:55 p.m.

**PRESENTATION ON HUMAN TRAFFICKING EDUCATION AND OUTREACH IN KANSAS**

(02:36:25)

Jennifer Montgomery, Director of Human Trafficking Education and Outreach with the Office of the Kansas Attorney General, shared information on this topic upon request of State Board members. She provided Kansas-specific statistics as well as gave a general overview describing vulnerability factors in the youth population, red flag indicators, and awareness campaigns by the A.G.'s office and other organizations. She also talked about resources and services for victims, changes in Kansas law and the Human Trafficking Advisory Board.

**BREAK**

There was a break from 2:50 to 3 p.m.

**RECOGNITION OF 2018 MILKEN EDUCATOR**

(03:27:50)

Linda Dishman, an educator at Berryton Elementary School, Shawnee Heights USD 450, is the 2018 Milken Educator Award recipient. The State Board recognized Ms. Dishman for this honor. She commented on classroom strategies she implements for fostering student achievement, such as using candy to demonstrate multiplying fractions. The Milken Family Foundation, in cooperation with the Kansas State Department of Education, sponsors the Milken Educator Award program in Kansas.

**UPDATE ON FEDERAL STRENGTHENING CAREER AND TECHNICAL EDUCATION ACT (PERKINS V) TRANSITION PLAN WITH KANSAS BOARD OF REGENTS**

(03:42:28)

The Federal Strengthening Career and Technical Education Act, referred to as Perkins V, supports state efforts for approved pathways in career and technical education. Assistant Director Stacy Smith led the presentation to explain highlights of Perkins gained through reauthorization. Together KSDE and the Kansas Board of Regents developed a transition plan to be implemented in the 2019-20 school year creating seamless pathways for workplace learning. KBOR's Connie Beene, Senior Director of Adult CTE, co-presented and helped answer questions. The transition plan precedes the new state plan which goes into effect in fiscal year 2020. Regional meetings will be conducted to help explain elements of the transition plan.

**CHAIRMAN'S REPORT AND REQUESTS FOR FUTURE AGENDA ITEMS**

(04:09:44)

**Legislative Liaisons** — Mr. Porter announced details for the March 19 Vision presentation and luncheon with Freshman Legislators; Dr. Horst provided a written update on legislative matters.

**DELAY IN MEETING**

The meeting was interrupted from 3:55 to 4:10 p.m. while the Landon building was evacuated for a fire alarm. Upon return to the Board Room, Committee Reports continued.

**Communications** — Mr. McNiece talked about work to schedule a Board member visit to several schools and cities in western Kansas, and about the State Board of Education's 50-year anniversary under current constitutional design.

**Policy** — Dr. Horst noted that the State Board's Policy Committee would plan to meet in April.



Committee Reports included announcements of the Governor’s Scholars Award luncheon and ceremony on May 5, identification of schools to receive Challenge Awards, Kansas Foundation for Agriculture in the Classroom meeting, plans for a Kansas Volunteer Commission tour through the state; and latest efforts of the Transition Work Group.

Those wishing to provide individual Board reports did so in writing.

Board Attorney Mark Ferguson briefed members on options available under law upon receipt of a Petition for Reconsideration. In February, the State Board acted on the Professional Practices Commission’s recommendations in the licensure case of Eric Brinkman. Mr. Jones moved to accept the Petition for Reconsideration from Eric Brinkman to be reviewed in April. Mrs. Dombrosky seconded. Motion carried 8-2 with Mr. McNiece and Mr. Roberts in opposition.

**MOTION**  
(04:37:35)

**Requests for Future Agenda Items —**

- Kansas music merchants industry partnership with schools and students (Mr. Jones)
- Concerns for vaping in schools (Mrs. Dombrosky)
- Addressing student transfers within a school district (Mr. Roberts)
- Coronado Middle School (USD 500) students’ spaceflight experiment selected for Mission 13 to the International Space Station (Mrs. Waugh from written Board report)
- Revisit State Board of Education mission statement and relook at balance of Board goals with vision outcomes (Mrs. Busch)

During the Chairman’s Report, Mrs. Busch provided information on topics considered by the Teacher Vacancy and Supply Committee, including a survey on science licensure needs. She also reported on the School Mental Health Advisory Council recommendations and action steps. Finally, she reminded members of the next day’s retreat at KSHSAA offices and the April 17 tour of schools in Kansas City and Olathe.

**Committee Assignment —** Dr. Horst was appointed to represent the State Board on the Public Education Positions committee for the National Association of State Boards of Education.

**LEGISLATIVE MATTERS**

Deputy Commissioner Dale Dennis provided an update on education bills still alive following turn-around day. He reviewed the legislative calendar, including recess dates. Mr. Dennis highlighted specifics of several House and Senate bills and their current status. A time for questions and answers was provided.

(04:52:15)

**BOARD MEMBER TRAVEL**

Board members had the opportunity to make additions to the travel requests for approval. Mrs. Dombrosky moved to approve the travel requests and changes. Mr. Porter seconded. Motion carried 10-0.

**MOTION**  
(05:26:02)

**RECESS**

Chairman Busch recessed the meeting at 5:22 p.m. The meeting would resume at 9 a.m. on Wednesday at KSHSAA offices for a Board retreat.

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Kathy Busch, Chairman

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Peggy Hill, Secretary

**KANSAS STATE BOARD OF EDUCATION**

**Meeting Minutes**

**March 13, 2019**

**BOARD RETREAT**

A retreat for State Board of Education members was conducted on Wednesday, March 13, 2019, at offices of the Kansas State High School Activities Association, 601 SW Commerce Place, Topeka.

**3/13/2019**  
**A.M. Session**  
(Not recorded)

**ROLL CALL**

The following Board members were present:

Kathy Busch	Jim McNiece
Jean Clifford	Jim Porter
Michelle Dombrosky	Steve Roberts
Deena Horst	Janet Waugh
Ben Jones	

Member Ann Mah was absent.

**RETREAT TOPIC: KANSANS CAN VISION PROGRESS TO DATE AND DIRECTION FOR 2019**

Commissioner Randy Watson facilitated the retreat, beginning with a review of activities leading to the October 2015 Kansans Can vision announcement. He directed exercises illustrating change and change over time. He reviewed considerations discussed during the development of the definition of a successful Kansas high school graduate and the outcomes for measuring progress of the Kansans Can vision — Kansas leads the world in the success of each student. Other areas of discussion were:

- Family engagement as a key to redesigning schools
- Take-home lessons during community and business conversations
- Pillars of school redesign
- Collaboration with business and industry
- Kansas Education Systems Accreditation

**ADJOURNMENT**

The retreat concluded at approximately 12:10 p.m. The next State Board meeting is April 16 in Topeka and April 17 in Kansas City and Olathe for visits to the School for the Blind, School for the Deaf and two of the Mercury 7 redesign schools.

\_\_\_\_\_  
Kathy Busch, Chairman

\_\_\_\_\_  
Peggy Hill, Secretary

**Subject:** 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.





## Kansas State Department of Education

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Landon State Office Building  
900 SW Jackson Street, Suite 307  
Topeka, Kansas 66612-1212

(785) 296-3201  
(785) 296-6659 - fax

[www.ksde.org](http://www.ksde.org)

**To:** Randy Watson  
**From:** Cheryl Johnson  
**Subject:** Update on Farm to Plate in Kansas from Child Nutrition and Wellness

The Farm to School initiative is an effort to connect K-12 schools with regional or local farms in order to serve healthy meals using local foods. Farm to School enriches the connection communities have with fresh, healthy food and local food producers by changing food purchasing and education practices at schools and early care and education sites. Students gain access to healthy, local foods as well as education opportunities such as school gardens, cooking lessons and farm field trips. Farm to School/Farm to Plate empowers children and their families to make informed food choices while strengthening the local economy and contributing to vibrant communities.

During the May State Board meeting, four school districts will provide an update on their Farm to Plate activities and initiatives:

- USD 251 North Lyon
- USD 497 Lawrence
- USD 426 Pike Valley
- USD 231 Gardner Edgerton



**Agenda Number: 9**

**Meeting Date: 5/14/2019**



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**To:** Randy Watson  
**From:** Jeannette Nobo  
**Subject:** Update on Kansas Education Systems Accreditation

State Board members will receive an update on Kansas Education Systems Accreditation (KESA) from accreditation staff. There will be current reports on work of the Accreditation Advisory Council and Accreditation Review Council. Information will also be shared about the recommendation process used by the Accreditation Review Council. No recommendations will be made as part of this month's presentation.







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**To:** Randy Watson  
**From:** Denise Kahler  
**Subject:** Recognition of 2019 US Senate Youth Program Delegates and Alternates from Kansas

The Kansas State Board of Education will have the opportunity to hear from the 2019 US Senate Youth program Kansas delegates and alternates at the May Board meeting.

### **2019 Kansas Delegates**

- Eli Blaufuss, Newton High School
- Benjamin Sawaya, Blue Valley Southwest High School

### **2019 Kansas Alternates**

- Benjamin Posch, Eudora High School
- Alejandro Rangel-Lopez, Dodge City High School

The US Senate Youth program for high school juniors and seniors was established in 1962 by a United States Senate Resolution. The Program, and its accompanying scholarships, have been made possible through annual grants from the William Randolph Hearst Foundation.

Two student delegates and two alternates are selected to represent each state. The program looks for students who are truly interested in government, history and politics. The qualified student needs to demonstrate a desire to serve others in a leadership role and have high academic achievements, high aspirations for college and career and be self-motivated.

Each delegate will receive a \$10,000 scholarship and a weeklong trip to Washington DC.



**Agenda Number: 11**

**Meeting Date: 5/14/2019**



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[www.ksde.org](http://www.ksde.org)

**To:** Randy Watson

**Subject:** Information on student health concern: vaping/e-cigarettes in schools

This presentation will address vaping (use of e-cigarettes) in Kansas schools and the development of a tool kit for schools by the Kansas Department of Health and Environment. Statistics on current use by Kansas high school students will be shared along with the perspective from a school district (USD 229 Blue Valley).

Presenters will include:

Mark Thompson, Education Program Consultant, KSDE

David Stubblefield, Executive Director of School Administration, USD 229 Blue Valley

Jordan Roberts, Youth Prevention Manager, KDHE Bureau of Health Promotion



**REQUEST AND RECOMMENDATION FOR BOARD ACTION**

Agenda Number: 12 a.

**Staff Initiating:****Director:****Commissioner:****Meeting Date: 5/14/2019**

Scott Gordon

Scott Gordon

Randy Watson

**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 adopt the findings of fact and conclusions of law of the Professional Practices Commission in the denial or revocation of the following licenses: Amanda Martindale, Bryce Sund, David Beckley, David Porter, Heather Jones, Johnna Crawford, Keaton Krell, Todd Burd and Ethan Huff.

**Explanation of Situation Requiring Action:**

The Professional Practices Commission conducted hearings on April 26, 2019. The following cases were reviewed:

**1. Amanda Martindale 19-PPC-01**

Ms. Martindale applied for an Emergency Substitute Teaching license. In 2010 she was convicted of felony theft in Collingsworth County, Texas. She stole over \$21,000.00 from her employer's business bank account over an 11-month period of time. Ms. Martindale was not licensed at the time of her offense or subsequent conviction. Ms. Martindale did not request a hearing or submit an Answer to the Complaint filed by KSDE. The PPC recommends denial of Ms. Martindale's application.

**2. Bryce Sund 19-PPC-07**

Mr. Sund is currently licensed by the Kansas State Board of Education. In 2018 he was convicted of misdemeanor possession of marijuana and misdemeanor Hiring a Person Selling Sexual Relations based on separate incidents/separate arrests. Mr. Sund did not request a hearing or submit an Answer to the Complaint filed by KSDE. The PPC recommends revocation of Mr. Sund's license.

**3. David Beckley 19-PPC-14**

Mr. Beckley applied for a Substitute Teaching license. He was previously licensed to practice chiropractic medicine by the Kansas State Board of Healing Arts. That license was suspended in 2013 for failure to appear at an administrative hearing, failure to comply with Board orders, and failure to complete a mental health evaluation. Mr. Beckley did not request a hearing or file an Answer to the Complaint filed by KSDE. The PPC recommends denial of Mr. Beckley's application.

**4. David Porter 19-PPC-09**

Mr. Porter applied for an Emergency Substitute Teaching license. From 2012 to 2013, Mr. Porter was

(continued)

on diversion after having been charged with three misdemeanor crimes involving drugs. In 2018 Mr. Porter was convicted of two more misdemeanor drug crimes. He was not licensed as a teacher at the time of any of his offenses, diversion, or convictions. Mr. Porter did not request a hearing or file an Answer to the Complaint filed by KSDE. The PPC recommends denial of Mr. Porter's application.

**5. Heather Jones 19-PPC-02**

Ms. Jones was convicted in Sedgwick County District Court on March 16, 2018 of Distribution of Cocaine. She was licensed by the Kansas State Board of Education at the time of her criminal offense and subsequent conviction. Ms. Jones did not request a hearing or file an Answer to the Complaint. The PPC recommends revocation of Ms. Jones professional license.

**6. Johnna Crawford 19-PPC-06**

Ms. Crawford applied for an Emergency Substitute Teaching license. She has been convicted of drug possession in 2004 and again in 2018. She was not licensed by the Kansas State Board of Education at the time of her offenses or her convictions. She did not request a hearing or submit an Answer to the Complaint filed by KSDE. The PPC recommends denial of her application.

**7. Keaton Krell 18-PPC-19**

Mr. Krell was convicted of three counts of felony Aggravated Battery. At sentencing, the Court made special findings regarding the relationship between Mr. Krell and the victim (teacher and student). Mr. Krell is currently serving a prison term of 26 months for his crimes. The PPC recommends revocation of his teaching license.

**8. Todd Burd 18-PPC-36**

Mr. Burd was convicted of two counts of Unlawful Sexual Relations, Person felonies, which require him to register as an offender per the Kansas Offender Registration Act. The PPC recommends revocation of his professional license.

**9. Ethan Huff 18-PPC-53**

Mr. Huff voluntarily surrendered his professional teaching license for revocation as a consequence of inappropriate contact with a student. Mr. Huff was sentenced in 17-CR-671 in Cowley County District Court of two misdemeanor charges. As a condition of his plea agreement and criminal sentence, he surrendered his current license and waives any and all future eligibility to be licensed to teach in Kansas or any other state. The PPC recommends acceptance of his surrender and the revocation of his license.

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

In the Matter of  
the License of  
Amanda Martindale

19-PPC-01

**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 Amanda Martindale's application for an emergency substitute license.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez, Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Amanda Martindale did not appear.

**FINDINGS OF FACT**

1. Amanda Martindale applied for an emergency substitute teaching license. She is not currently licensed.
2. On August 26, 2010, Amanda Martindale was charged with Aggregation of Amounts Involved in Theft, a felony, in Collingsworth County, Texas District Court, as described in Tex. Penal Code 39.01 for stealing funds totaling \$21,944.74 from her employer's business bank account between July 9, 2009 and June 23, 2010.
3. On November 1, 2010, Amanda Martindale pleaded guilty to Aggregation of Amounts Involved in Theft, a felony, as described in Tex. Penal Code 39.01, and admitted that she committed the offense alleged in the complaint.

4. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to Amanda Martindale's last known address. It was delivered March 15, 2019. Ms. Martindale did not request a hearing nor did she submit an Answer to the Complaint.

### 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 license based on conviction of a felony offense and/or a crime involving theft as provided for in K.A.R. 91-22-1a(a)(1), (a)(3), and (b).
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. Ms. Martindale'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. Ms. Martindale'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 her application for license.

THEREFORE the Professional Practices Commission, by vote of 8-0, recommends the Kansas State Board of Education deny the application of Amanda Martindale based on her conviction of felony theft , and for not requesting a hearing or submitting an answer in response to the Complaint.



This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

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Linda Sieck, Chairman  
Order signed on \_\_\_\_\_, 2019.

**NOTICE TO LICENSEE**

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.

Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one

(1) copy was mailed by certified mail, return receipt requested, to:

Amanda Martindale  
16603 Z Road  
Montezuma, Kansas 67867

And via interoffice mail to:

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

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Gwen Kramer  
Secretary, Professional Practices Commission

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

In the Matter of  
the License of  
Bryce Sund

19-PPC-07

**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 Bryce Sund's professional teaching license.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez, Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Bryce Sund did not appear.

**FINDINGS OF FACT**

1. Bryce Sunds hold a professional teaching license by the Kansas State Board of Education.
2. On June 28, 2018, Mr. Sund was charged with one count of misdemeanor Soliciting for Immoral Purpose as described in Wichita City Ordinance # 5.68.110(a); one count of misdemeanor Buying Sexual Relations as described in Wichita City Ordinance # 5.68.020(b); and one count of misdemeanor Anti Sex Trafficking Emphasis Area, Enhanced Penalties as described in Wichita City Ordinance # 5.68.215(b) in Wichita Municipal Court.
3. On July 18, 2018, Mr. Sund was charged with one count of misdemeanor Possession of Marijuana as described in K.S.A. 21-5706(b)(3)(c)(3)(A); and one count of misdemeanor Transporting an Open Container of Alcoholic Beverage as described in K.S.A. 8-1599 in the 18th Judicial District Court, Sedgwick County, Kansas.

4. On October 22, 2018, Mr. Sund pleaded guilty to and was convicted of one count of misdemeanor Possession of Marijuana as described in K.S.A. 21-5706(b)(3)(c)(3)(A).
5. On November 28, 2018, Mr. Sund pleaded no contest to and was convicted of one count of misdemeanor Hiring a Person Selling Sexual Relations who is 18 or Older as described in Wichita City Ordinance # 5.68.020(b).
6. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to Bryce Sund's last known address. It was returned unclaimed.

### **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 license for conviction of any misdemeanor involving drug-related conduct as provided for in K.A.R. 91-22-1a(a)(4).
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. Mr. Sund'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. Mr. Sund'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.

THEREFORE the Professional Practices Commission, by vote of 8-0, recommends the Kansas State Board of Education revoke the professional teaching license of Bryce Sund based

on his conviction of misdemeanor drug charges, misdemeanor hiring a person selling sexual relations, and for not requesting a hearing or submitting an answer in response to the Complaint.

This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

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Linda Sieck, Chairman  
Order signed on \_\_\_\_\_, 2019.

### **NOTICE TO LICENSEE**

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.

Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Bryce Sund  
1219 E. Denver  
Park City, Kansas 67219

And via interoffice mail to:  
R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

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Gwen Kramer  
Secretary, Professional Practices Commission

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

In the Matter of  
the Application of  
David Beckley

19-PPC-14

**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 David Beckley's application for a substitute teaching license.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. David Beckley did not appear.

**FINDINGS OF FACT**

1. David Beckley applied for a substitute teaching license. He is not currently licensed.
2. On December 20th, 2013, Mr. Buckley's license to practice chiropractic medicine in the State of Kansas was suspended indefinitely by the Kansas State Board of Healing Arts ("KSBHA").
3. According to the KSHBA Summary Order, Mr. Buckley's license was suspended for failure to appear at an administrative hearing to determine whether he should be ordered to undergo a drug and alcohol evaluation. As a result of that hearing, Mr. Beckley was ordered to undergo a mental health evaluation to determine if he was unable to practice with reasonable skill and safety. According to the Summary Order, Mr. Buckley did not complete said evaluation and was found to have violated an order of the [KSBHA].

4. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to David Beckley's last known address. It was delivered April 2, 2019. Mr. Beckley did not request a hearing nor did he submit an Answer to the Complaint.

### 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. Any license issued by the State Board may be suspended or revoked, or the license holder may be publicly censured by the State Board for misconduct or other just cause. K.A.R. 91-22-la(a).
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. Any person who has been denied a license or who has had a license revoked for conduct described in subsection (a) of K.A.R. 91-22-la may apply for a license by completing an application for a license and submitting evidence of rehabilitation to the Kansas Professional Practices Commission. The evidence shall demonstrate that the grounds for denial or revocation have ceased to be a factor in the fitness of the person seeking licensure. Factors relevant to a determination as to rehabilitation are listed in K.A.R. 91-22-la(g). Here, Mr. Beckley submitted no evidence of rehabilitation.

THEREFORE the Professional Practices Commission, by vote of 8-0, recommends the Kansas State Board of Education deny the application of David Beckley for a substitute license based on his indefinite suspension by the Kansas State Board of Healing Arts, and for not requesting a hearing or submitting an answer in response to the Complaint.



This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

\_\_\_\_\_  
Linda Sieck, Chairman  
Order signed on \_\_\_\_\_, 2019.

**NOTICE TO LICENSEE**

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.

Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one

(1) copy was mailed by certified mail, return receipt requested, to:

David T. Beckley  
5855 SW 28th St.  
Topeka KS 66614

And via interoffice mail to:

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

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Gwen Kramer  
Secretary, Professional Practices Commission

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

In the Matter of  
the Application of  
David Porter

19-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 David Porter's application of an emergency substitute license.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. David Porter did not appear.

**FINDINGS OF FACT**

1. David Porter applied for an emergency substitute license. He is not currently licensed.
2. On August 6, 2012, Mr. Porter was charged with one count of misdemeanor Possession of a Hallucinogenic Drug as described in K.S.A. 21-5706(b)(3); and two counts of Possession of Drug Paraphernalia as described in K.S.A. 21-5709(b)(2) in Mitchell County District Court, all of which occurred on July 22, 2012.
3. On August 9, 2012, Mr. Porter entered into a Diversion Agreement with the Mitchell County Attorney's Office whereby he agreed to comply with certain terms of his diversion to avoid criminal prosecution. Within that diversion agreement, Mr. Porter admitted to having possessed a hallucinogenic drug and drug paraphernalia. Mr. Porter successfully completed diversion on February 1, 2013.

4. On September 7, 2018, Mr. Porter was charged with one count of misdemeanor Possession of Marijuana as described in Section 9.9.1 of the Uniform Public Offense Code for Kansas Cities; and one count of misdemeanor Possession of Drug Paraphernalia as described in Section 9.9.2 of the Uniform Public Offense Code for Kansas Cities in the Municipal Court of the City of Beloit, Kansas, both offenses occurred on August 26, 2018.
5. On September 10, 2018, Mr. Porter pleaded guilty to and was convicted of one count of misdemeanor Possession of Marijuana and one count of misdemeanor Possession of Drug Paraphernalia.
6. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to David Porter's last known address. It was delivered February 20, 2019. Mr. Porter did not request a hearing nor did he submit an Answer to the Complaint.

### **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 license for conviction of any misdemeanor involving drug-related conduct as provided for in K.A.R. 91-22-1a(a)(4) and (b).
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. David Porter'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. Mr. Porter'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 application for license.

THEREFORE the Professional Practices Commission, by vote of 8-0, recommends the Kansas State Board of Education deny the application of David Porter for an emergency substitute license based on his conviction of misdemeanor drug charges, and for not requesting a hearing or submitting an answer in response to the Complaint.

This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

\_\_\_\_\_  
Linda Sieck, Chairman  
Order signed on \_\_\_\_\_, 2019.

### **NOTICE TO LICENSEE**

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.

Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

David Porter  
1217 N. Mill Street  
Beloit, Kansas 67420

And via interoffice mail to:  
R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

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Gwen Kramer  
Secretary, Professional Practices Commission

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

In the Matter of  
the License of  
Heather Jones

19-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 Heather Jones' Professional Teaching license.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez, Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Heather Jones did not appear.

**FINDINGS OF FACT**

1. Heather Jones holds a professional teaching license issued by the Kansas State Board of Education.
2. On March 16, 2018, Heather Jones pleaded guilty to and was convicted of Distribution of Cocaine, a severity level 4 drug felony which occurred on June 30, 2017, as described in K.S.A. 21-5705(a)(1)(d)(1)(A) in the Eighteenth Judicial District Court, Sedgwick County, Kansas.
3. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to Heather Jones' last known address. It was delivered March 1, 2019. Ms. Jones did not request a hearing nor did she submit an Answer to the Complaint.

## 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 license for conviction of a felony offense and a crime involving drug-related conduct as provided for in K.A.R. 91-22-1a(a)(1) and (a)(4). By passing K.S.A. 72-2165(b)(1) and (c), the Kansas Legislature demonstrated its intention of prohibiting anyone from being a licensed teacher for at least five years from the date of a felony drug offense.
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. Ms. Jones’ 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. Ms. Jones’ 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.

THEREFORE the Professional Practices Commission, by vote of 8-0, recommends the Kansas State Board of Education revoke the professional teaching license of Heather Jones based on her felony drug charge, and for not requesting a hearing or submitting an answer in response to the Complaint.



This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

\_\_\_\_\_  
Linda Sieck, Chairman

Order signed on \_\_\_\_\_, 2019.

**NOTICE TO LICENSEE**

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.

Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one

(1) copy was mailed by certified mail, return receipt requested, to:

Heather Jones  
2009 E. 2<sup>nd</sup> Street N  
Wichita, Kansas 67214

And via interoffice mail to:  
R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

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Gwen Kramer  
Secretary, Professional Practices Commission

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

In the Matter of  
the License of  
Johnna Crawford

19-PPC-06

**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 Johnna Crawford's application for an emergency substitute license.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez, Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Johnna Crawford did not appear.

**FINDINGS OF FACT**

1. Johnna Crawford applied for an emergency substitute license. She is not currently licensed.
2. On December 8, 2004, Ms. Crawford pleaded guilty to and was convicted of one count of misdemeanor Possession of Marijuana, which occurred on March 21, 2003, as described in 21 U.S.C. § 844(a) in the United States District Court for the District of Kansas.
3. On or about March 22, 2018, Ms. Crawford was charged with one count of misdemeanor Possession of Marijuana as described in K.S.A. 21-5706(b)(3) occurring on December 29, 2017; one count of misdemeanor Possession of Drug Paraphernalia as described in K.S.A. 21-5709(b)(2); one count of misdemeanor Driving While Suspended as described in K.S.A. 8-262; and one count of misdemeanor Transporting an Open Container of an Alcoholic Beverage as described in K.S.A. 8-1599, in the McPherson County District Court, all of which occurred on December 29, 2017.

4. On June 27, 2018, Ms. Crawford pleaded nolo contendere and was convicted of one count of misdemeanor Possession of Marijuana; and one count of misdemeanor Possession of Drug Paraphernalia.
5. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to Johnna Crawford's last known address. It was delivered February 19, 2019. Ms. Crawford did not request a hearing nor did she submit an Answer to the Complaint.

### **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 a license for conviction of any misdemeanor involving drug-related conduct as provided for in K.A.R. 91-22-1a(a)(4) and (b).
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. Ms. Crawford'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. Ms. Crawford'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 her application for license.

THEREFORE the Professional Practices Commission, by vote of 8-0, recommends the Kansas State Board of Education deny the application of Johnna Crawford for an emergency substitute license based on her conviction of misdemeanor drug charges, and for not requesting a hearing or submitting an answer in response to the Complaint.

This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

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Linda Sieck, Chairman  
Order signed on \_\_\_\_\_, 2019.

**NOTICE TO LICENSEE**

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.

Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one

(1) copy was mailed by certified mail, return receipt requested, to:

Johnna Crawford  
418 Nebraska  
Holton, Kansas 66436

And via interoffice mail to:  
R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612

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Gwen Kramer  
Secretary, Professional Practices Commission

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

In the Matter of  
the License of  
Keaton Krell

18-PPC-19

**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 Keaton Krell's Professional Teaching license.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez, Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Keaton Krell did not appear.

**FINDINGS OF FACT**

1. Keaton Krell holds a professional teaching license issued by the Kansas State Board of Education.
2. On February 5, 2018, Mr. Krell pled guilty to three counts of felony aggravated battery in 2016-CR-91. At sentencing, special findings were made because of the relationship between Mr. Krell as a teacher and the victim who was a student at the time.
3. On June 4, 2018, Mr. Krell was sentenced to incarceration for 26 months.
4. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to Keaton Krell at the Norton Correctional Facility. The facility received the Complaint on December 18, 2018. Mr. Krell did not request a hearing nor did he submit an Answer to the Complaint.

## 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. In Kansas, teaching and school administration are professions with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. K.S.A. 72-2308. An educator is a role model. Hainline v. Bond, 250 Kan. 217, 224 (1992).
3. The Commission investigates and conduct hearings pertaining to allegations of educator misconduct. K.S.A. 72-2314; K.A.R. 91-22-1a *et seq.*
4. The State Board may be cancel, *i.e.*, revoke, a teaching license on the grounds of immorality. The State Board may also revoke a license based upon a felony conviction. K.S.A. 72-2155; Hainline v. Bond, 250 Kan. 217 (1992). One of the obvious goals of education is to “instill respect for the law.” Hainline at 224.
5. Krell’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. Krell’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.

THEREFORE the Professional Practices Commission, by vote of 8-0, recommends the Kansas State Board of Education revoke the professional teaching license of Keaton Krell based on his conviction of felony aggravated battery, and for not requesting a hearing or submitting an answer in response to the Complaint.



This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

\_\_\_\_\_  
Linda Sieck, Chairman

Order signed on \_\_\_\_\_, 2019.

**NOTICE TO LICENSEE**

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Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Keaton Krell  
C/O Norton Correctional Facility  
P.O. Box 546  
Norton, Kansas 67654

And via interoffice mail to:

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

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Gwen Kramer  
Secretary, Professional Practices Commission

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

In the Matter of  
the License of  
Todd Burd

18-PPC-36

**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 Todd Burd's Professional Teaching license.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez, Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Todd Burd did not appear.

**FINDINGS OF FACT**

1. Todd Burd holds a professional teaching license issued by the Kansas State Board of Education.
2. On or about April 27th, 2018, Mr. Burd pled No Contest to and was subsequently convicted of two counts of Unlawful Sexual Relations as described in K.S.A. 21-5512(a)(9) These offenses are level 5 personal felonies which require him to register as an offender per the Kansas Offender Registration Act.
3. The victim in the above referenced criminal convictions was a student.
4. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to Todd Burd's last known address. It was delivered on January 1, 2019. Mr. Burd did not request a hearing nor did he submit an Answer to the Complaint.

## 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 license for misconduct or other just cause the commission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation, for any felony conviction, as well as for engaging in any sexual activity with a student. K.A.R. 91-22-1a(a)(7) and (8).
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. Mr. Burd’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. Mr. Burd’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.

THEREFORE the Professional Practices Commission, by vote of 8-0, recommends the Kansas State Board of Education revoke the professional teaching license of Todd Burd based on his conviction of felony unlawful sexual relations with a student , and for not requesting a hearing or submitting an answer in response to the Complaint.

This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

\_\_\_\_\_  
Linda Sieck, Chairman  
Order signed on \_\_\_\_\_, 2019.

**NOTICE TO LICENSEE**

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.

Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Todd Burd  
431 N. Pine Street  
Gardner, KS 66030

And via interoffice mail to:

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

---

Gwen Kramer  
Secretary, Professional Practices Commission

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

In the Matter of  
the License of  
Ethan Huff

18-PPC-53

**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 Ethan Huff's submission of a voluntary surrender of his teaching license for revocation.

The hearing on this matter was held on April 26, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez, Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Ethan Huff did not appear.

**FINDINGS OF FACT**

1. Ethan Huff holds a professional teaching license issued by the Kansas State Board of Education.
2. Huff voluntarily surrendered his teaching license for revocation as a consequence of inappropriate contact with a student. The contact resulted in criminal charges and an eventual conviction in Cowley County District Court Case #2017-CR-671 of Battery, Contributing to a Child's Misconduct or Deprivation in violation of K.S.A. 21-5603(a)(2) & (b)(3), and Interference with Judicial Process in violation of K.S.A. 21-5905(a)(5)(C) & (b)(4)(B).
3. Mr. Huff's surrender was ordered as a condition of his criminal sentence, as his original criminal charges were amended on the condition that he surrender his right for current and any future licensure by the Kansas State Board of Education.
4. A copy of Mr. Huff's surrender is attached to this Initial Order.

**CONCLUSIONS OF LAW**

1. A member of the teaching or school administration profession may voluntarily surrender her license to the Commission. The Commission shall investigate the surrender and make a recommendation to the Kansas State Board of Education (State Board) for disposition of the license. K.A.R. 91-22-5a(e).
2. Under these circumstances, notice of the possible revocation of Huff's license and the opportunity for him to have a hearing are not required to revoke his license. See K.A.R. 91-22-1a(h) (Before a license is revoked for any act described in K.A.R. 91-22-1a(a), the person shall be given notice and an opportunity for a hearing).

THEREFORE the Professional Practices Commission recommends to the State Board by a vote of 8 – 0 that Ethan Huff's voluntary surrender of his license be accepted and his teaching license and any associated endorsements be revoked immediately.

This Initial Order is made and entered this \_\_\_\_\_, 2019.

PROFESSIONAL PRACTICES COMMISSION

\_\_\_\_\_  
Linda Sieck, Chairman

Order signed on \_\_\_\_\_, 2019.

**NOTICE TO LICENSEE**

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Peggy Hill  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Ethan Huff  
410 West Linden Ave.  
Arkansas City, Kansas 67005

And via interoffice mail to:

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

---

Gwen Kramer  
Secretary, Professional Practices Commission

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of )  
the Licensure of )  
Ethan Dane Huff, #1894891287 )

Case No. 18-PPC-53

VOLUNTARY SURRENDER

I, Ethan Dane Huff, hereby knowingly and voluntarily surrender my professional license to the Kansas State Board of Education for revocation as a consequence of inappropriate contact with a student. The contact resulted in criminal charges and an eventual conviction in Cowley County District Court Case #2017-CR-671 of Battery, Contributing to a Child's Misconduct or Deprivation in violation of K.S.A. 21-5603(a)(2) & (b)(3), and Interference with Judicial Process in violation of K.S.A. 21-5905(a)(5)(C) & (b)(4)(B). As a condition of the plea agreement and of my criminal sentence, I am surrendering my current license and waive any and all future eligibility to be licensed to teach in Kansas or any other state.

I understand the Professional Practices Commission and the Kansas State Board of Education will review all relevant information in this case. I waive any right to a hearing I may have had in this matter. I waive any objection to or contestation of findings made by the Professional Practices Commission or the Kansas State Board of Education. I further acknowledge and understand that notice of any discipline imposed by the Kansas State Board of Education 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.

Signature: Ethan Huff

Printed or typed name: Ethan Huff

Street address: 410 W. Linden

City, state, zip code: Arkansas City, KS, 67005

STATE OF Oklahoma )  
 )  
COUNTY OF Ray ) ss:

BE IT REMEMBERED that on this 13 day of December 2018, before me, the undersigned, a notary public in and for the county and state aforesaid, came Ethan Dane Huff, 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.

Betty Davis  
Notary Public



My appointment expires:  
11/12/2020

**REQUEST AND RECOMMENDATION FOR BOARD ACTION**

Agenda Number: 12 b.

**Staff Initiating:****Director:****Commissioner:****Meeting Date: 5/14/2019**

Scott Gordon

Scott Gordon

Randy Watson

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**Item Title:**

Act on the recommendations of the Professional Practices Commission (suspension)

**Recommended Motion:**

It is moved that the Kansas State Board of Education adopt the findings of fact and conclusions of law in support of the suspension and subsequent censure of the license of Kelli Jo Henderson.

**Explanation of Situation Requiring Action:**

The Kansas State Department of Education filed a Complaint requesting the revocation of Ms. Kelli Jo Henderson's professional license. The Complaint alleges that Ms. Henderson committed the crime of misdemeanor theft in a manner that could have been punishable as a felony. After receipt of letters of recommendation on Ms. Henderson's behalf, the KSDE Office of General Counsel negotiated a settlement agreement with Ms. Henderson. Both parties agreed to request a suspension of Ms. Henderson's license until the later of August 8, 2019 or the completion of her current unsupervised probation. The parties further agree that Ms. Henderson shall be censured by the Kansas State Board of Education for the misconduct which occurred while she was licensed as a teacher.

The settlement agreement was reviewed and approved by the Professional Practices Commission. The PPC recommends the suspension and censure of Ms. Henderson as outlined in the Initial Order.



BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION

In the Matter of  
The License of  
Kelli Jo Henderson

Case No. 18-PPC-24  
OAH No. 19ED0012 ED

**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 regarding the professional teaching license of Kelli Jo Henderson ("Ms. Henderson").

This matter convened on April 26, 2019, on stipulated Findings of Fact and Conclusions of Law. Appearing for the Commission were chairperson, Linda Seick and members, William Anderson, Aaron Edwards, Jennifer Holt, Nathan Reed, Sylvia Ramirez Stan Ruff, and Maret Schrader. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Ms. Henderson appeared by and through his attorney Michael Francis.

**Findings of Fact**

1. Ms. Henderson currently holds a Kansas professional teaching license, and has been a licensed teacher in Kansas since 2013.
2. Ms. Henderson is employed as a high school drama and debate teacher at Bonner Springs High School.
3. On or between January 1, 2017 and April 18, 2017 by way of 23 separate occasions stole almost seven hundred dollars (\$700.00) worth of merchandise from Wal-Mart.
4. On August 8, 2018, Ms. Henderson pled no contest to two counts of misdemeanor theft. Ms. Henderson was placed on probation.

5. Ms. Henderson had informed her employing school district of the pending criminal charges when she applied for her current position. The Bonner Springs Board of Education employed Ms. Henderson based upon the references and recommendations of her previous employer.

6. Ms. Henderson acknowledges and admits to engaging in professional misconduct. Ms. Henderson has provided evidence of rehabilitation addressing the medical cause(s) of her actions.

7. Ms. Henderson remains on diversion for her criminal charges. Her diversion is currently scheduled to end August 8, 2019.

#### Conclusions of Law

1. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. An educator is in a position of public trust.

2. Any license issued by the Kansas State Board of Education ("State Board") may be suspended or revoked, or the license holder may be publicly censured by the State Board for misconduct or other just cause. K.A.R. 91-22-1a.

3. By order of the State Board, the Commission shall investigate and conduct hearings pertaining to allegations of misconduct.

4. The Commission finds that Ms. Henderson engaged in professional misconduct by committing a crime involving theft. The Commission finds that discipline is warranted.

5. The Commission recommends the Kansas State Board of Education suspend Ms. Henderson's license until the later of August 8, 2019 or until her case is dismissed upon successful completion of her diversion.

6. The Commission further recommends the Kansas State Board of Education order Ms. Henderson to appear before it again if her diversion is revoked for any reason.

7. The Commission recommends the Kansas State Board of Education publicly censure Ms. Henderson for the misconduct that occurred while she was a licensed teacher.

8. Ms. Henderson acknowledges and understands that the Commission can only make recommendations to the State Board.

9. Both KSDE and Ms. Henderson agree to not ask the Commission or the State Board for discipline other than that recommended in this Initial Order.

IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education that Kelli Jo Henderson's license be suspended and she be censured as described above.

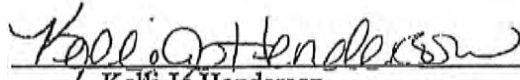
This Initial Order of the Professional Practices Commission is not a final order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

This Initial Order is made and entered this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

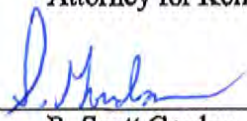
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Linda Sieck, Chairperson  
Professional Practices Commission

**AGREED TO AND APPROVED BY:**

  
\_\_\_\_\_  
Kelli Jo Henderson

  
\_\_\_\_\_  
Michael Francis  
Attorney for Kelli Jo Henderson

  
\_\_\_\_\_  
R. Scott Gordon  
General Counsel,  
Kansas State Department of Education



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

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## CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Michael E. Francis  
434 SW Topeka Blvd.  
Topeka, KS 66603

And via interoffice mail to:

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

---

Gwen Kramer  
Secretary, Professional Practices Commission



## Kansas State Department of Education

Landon State Office Building  
900 SW Jackson Street, Suite 307  
Topeka, Kansas 66612-1212

(785) 296-3201  
(785) 296-6659 - fax

[www.ksde.org](http://www.ksde.org)

**To:** Randy Watson  
**From:** Amanda Petersen  
**Subject:** Update on work to strengthen the Kansas early childhood system in 2019

In 2019, Kansas has the opportunity and new federal grant funding to engage in a collaborative effort to shape the state's future direction for early childhood. The Kansas Children's Cabinet and Trust Fund, the Kansas Department for Children and Families, the Kansas Department of Health and Environment, the Kansas State Department of Education, and other early childhood partners are engaging in five activities:

- Activity 1 Develop Comprehensive Statewide Early Childhood Needs Assessment
- Activity 2 Develop Comprehensive Statewide Early Childhood Strategic Plan
- Activity 3 Maximize Parental Choice and Knowledge
- Activity 4 Share Best Practices
- Activity 5 Improve Overall Quality

Funding for these activities is provided by a one-year planning grant authorized by the federal Every Student Succeeds Act. More information is available at [kschildrenscabinet.org/early-childhood](http://kschildrenscabinet.org/early-childhood).

Information will be shared with the Kansas State Board of Education regarding these planned activities, and how they will help ensure that each Kansas student enters kindergarten at age 5 socially, emotionally and academically prepared for success. The Kansas State Board of Education will also receive information regarding allocation of slots for the Preschool-Aged At-Risk (State Pre-K 4 Year Old At-Risk) program for 2019-2020.





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[www.ksde.org](http://www.ksde.org)

**To:** Commissioner Randy Watson  
**From:** Dale Dennis  
**Subject:** Legislative Matters

### REVIEW EDUCATION LEGISLATION

The State Board of Education will receive a brief review of education legislation and the budget for Fiscal Year 2020. Oral arguments for the school finance court case are scheduled for May 9 with a final decision by the Supreme Court by June 30.

In addition, Board members will be asked for any recommendations they would like considered in preparation for upcoming discussions on State Board budget recommendations for fiscal year 2021.

### SCHOOL BREAKFAST PROGRAM WAIVERS

Eating breakfast is one of the best ways to ensure students are healthy and able to achieve their full potential. All Kansas public schools are required by State law to participate in the School Breakfast Program unless they meet the following criteria and receive an annual waiver from the Kansas State Department of Education.

Fewer than 35 percent of students in attendance at the school building during March of the current academic year are eligible for free or reduced price meals **AND**

1. The school building does offer the School Breakfast Program and meets the following criteria:
  - Breakfast is available, but student participation is low.
  - The school principal must attest that breakfast is available to all students in the building.
  - The school principal must attest that parents and students receive regular reminders of the availability of breakfast at school.
  - The school principal must attest that bus and class schedules allow students a minimum of 15 minutes to eat breakfast at school.
  - The school breakfast average daily participation in March of the current school year must be less than 25% of the number of students eligible for reduced price and free meals.

OR

(continued)

2. The school building does not offer the School Breakfast Program and meets the following criteria:

- There is documented evidence that there is no need for the School Breakfast Program.
- The school must specify the policy and procedures that allow morning nutrition to be provided free of charge in that building to any student who needs it.

Over the past several years, KSDE Child Nutrition & Wellness has been encouraging all schools to increase access to the School Breakfast Program. This year, many districts have implemented innovative breakfast service models. Looking at August – January claim numbers, Kansas schools have served 566,925 more breakfasts as compared to last school year during the same timeframe.

SY 2017-18: 10,853,930 breakfasts

SY 2018-19: 11,420,855 breakfasts

The increase in breakfast participation is attributed to many schools adopting Innovative Breakfast Delivery Models.

The number of school districts and schools requesting waivers has continued to decline.

School Year	# Districts	# Schools
SY 2005-2006	39	149
SY 2012-2013	18	47
SY 2013-2014	15	42
SY 2014-2015	13	38
SY 2015-2016	9	29
SY 2016-2017	9	26
SY 2017-2018	9	23
SY 2018-2019	5	14
SY 2019-2020	2	3

For the 2019-2020 School Year, the seven districts submitting waiver applications were contacted and provided technical assistance and encouragement to offer breakfast at all school buildings. Five districts did withdraw their waiver requests and are going to offer breakfast in all of their schools.

Waivers were submitted by two school districts for three schools:

**Silver Lake for the Jr./Sr. High School.** Silver Lake did conduct a survey and results indicated that only 50 percent of respondents were aware that breakfast was being offered and 66 percent indicated that they would be inclined to take a “grab and go” breakfast after first period. The Superintendent indicated that they will consider offering an innovative breakfast service model next year but have submitted the waiver in case they are not able to implement due to the recent resignation of the Food Service Director.

**Southeast of Saline for the Elementary and the Jr./Sr. High School.** The Superintendent indicated that he is not opposed to starting to offer the School Breakfast Program in another year.



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[www.ksde.org](http://www.ksde.org)

**To:** Commissioner Randy Watson  
**From:** Candi Brown, Wendy Fritz  
**Subject:** Personnel Report

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
<b>Total New Hires</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>3</b>		
Unclassified	3	2	3	5	2	2	1	1	0	3		
Unclassified Regular (leadership)	1	0	0	0	0	0	0	0	0	0		
<b>Total Separations</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>3</b>		
Classified	0	0	0	0	0	0	0	0	1	0		
Unclassified	7	1	1	1	2	2	1	2	1	3		
Unclassified Regular (leadership)	0	0	0	0	0	0	0	0	0	0		
<b>Recruiting (data on 1st day of month)</b>	<b>11</b>	<b>11</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>5</b>		
Unclassified	11	11	6	4	5	4	2	3	5	5		
Unclassified Regular (leadership)	0	0	0	0	0	0	0	0	0	0		

Total employees 245 as of pay period ending 4/20/2019. Count does not include Board members. It also excludes classified temporaries and agency relocations, 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: 15 b.

**Staff Initiating:**

Candi Brown

**Director:**

Wendy Fritz

**Commissioner:**

Randy Watson

**Meeting Date: 5/14/2019**

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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 individuals to unclassified positions at the Kansas State Department of Education as presented.

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

Personnel appointments presented this month are:

- Robert Mather to the position of Applications Developer on the Information Technology team, effective April 1, 2019, at an annual salary of \$ 52,187.20. This position is funded by the State General Fund and CICS-IC (Part B IDEA) Fund.
- Brian Dempsey to the position of Attorney on the Special Education and Titles Program team, effective April 8, 2019, at an annual salary of \$ 56,118.40. This position is funded by the Title VI – Part B IDEA – Administration Fund.
- Shane Carter to the position of Coordinator on the Teacher Licensure and Accreditation team, effective April 22, 2019, at an annual salary of \$ 63,498.76. This position is funded by the State General Fund.



**REQUEST AND RECOMMENDATION FOR BOARD ACTION**

Agenda Number: 15 c.

**Staff Initiating:**

**Director:**

**Commissioner:**

**Meeting Date: 5/14/2019**

Susan Helbert

Mischel Miller

Randy Watson

**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.

## Licensure Waivers

District	Dist Name	First	Last	Subject	Recomm.
D0231	Gardner Edgerton	Kelly	Bromley	Technology Education - extension on number of days under an emergency substitute license	Approved
D0363	Holcomb	Amanda	Conrardy	Elementary - extension on number of days under an emergency substitute license	Approved
D0363	Holcomb	Melanie	Blackburn	Elementary - extension on number of days under an emergency substitute license	Approved
D0363	Holcomb	Toni	Glenn	Elementary - extension on number of days under an emergency substitute license	Approved
D0437	Auburn Washburn	Katie	Millburn	High Incidence Special Ed.	Approved
D0497	Lawrence	Cicily	Rights	High Incidence Special Ed.	Approved

**REQUEST AND RECOMMENDATION FOR BOARD ACTION**

Agenda Number: 15 d.

**Staff Initiating:**

**Director:**

**Commissioner:**

**Meeting Date: 5/14/2019**

Doug Boline

Colleen Riley

Randy Watson

**Item Title:**

Act on Education Flexibility Partnership (Ed-Flex) waiver request

**Recommended Motion:**

It is moved that the Kansas State Board of Education approve the one-year Education Flexibility Partnership (Ed-Flex) waiver request for USD 407 Russell allowing the district to exceed the 15 percent Title I carryover limitation of once every three years.

**Explanation of Situation Requiring Action:**

Kansas has the authority under the Education Flexibility Partnership Act of 1999, as amended by the Elementary and Secondary Education Act (ESEA), to waive certain federal requirements. USD 407 Russell is seeking an Ed-Flex waiver of Title I Part A Section 1127(b) of ESEA which prevents the district from exceeding the 15 percent Title I carryover of funds limitation more than once every three years. This district is seeking a waiver in order to carry over more than 15 percent of the 2017-2018 Title I allocation into 2018-2019.



## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 15 e.

**Staff Initiating:**

Catherine Chmidling

**Director:**

Mischel Miller

**Commissioner:**

Randy Watson

**Meeting Date: 5/14/2019**

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### **Item Title:**

Act on recommendations of the Evaluation Review Committee for higher education program reviews

### **Recommended Motion:**

It is moved that the Kansas State Board of Education accept the following recommendations of the Evaluation Review Committee for "Program Approval" for MidAmerica Nazarene University, Pittsburg State University and Sterling College.

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

Following the institutional application and receipt of a complete institutional report, a review team of trained evaluators was appointed to review the teacher education programs for the above institutions based on adopted State Board policies, procedures and regulations. These are available for review by any member or members of the State Board. Each review team's report and each institution's response to the report, along with the institutional reports, were submitted to the Evaluation Review Committee (ERC) of the Teaching and School Administration Professional Standards Advisory Board. The ERC, in accordance with procedures adopted by the State Board, prepared written initial recommendations regarding the appropriate status to be assigned to each education preparation provider or teacher education program.

The initial recommendation was submitted to the teacher education institution and the institution was given 30 days to request a hearing to appeal the initial recommendation. If requested, the ERC conducted a hearing and prepared a written final recommendation regarding the appropriate status to be assigned to the teacher education program. If a request for a hearing was not submitted, the initial recommendation became the final recommendation. These final recommendations have been submitted to appropriate representatives of the teacher education institutions and are now submitted to the State Board, as attached, for consideration and approval of the ERC recommendations for accreditation and program approval status.

A copy of the regulations covering this process is also attached. Staff will be on hand to answer any questions.

If approved, new programs are assigned the status of "new program approved with stipulation." New programs must be operationalized within two years, after which they submit a new program progress report to address the new program stipulation, and if recommended, are added to the institution's continuing program review schedule.





April 17, 2019

To: Dr. Randy Watson, Commissioner  
From: Evaluation Review Committee  
Subject: Final Recommendations for new program approval for MidAmerica Nazarene University

**Introductory Statement:**

On April 3, 2019, the Evaluation Review Committee reviewed an application for new program approval for MidAmerica Nazarene University.

Documents that were received and considered include the Institutional Program Report, KSDE Team Report, and Institutional Rejoinder to the KSDE Team Report.

**PROGRAM APPROVAL RECOMMENDATION**

**Recommend “New Program Approved with Stipulation” for the following program through June 30, 2021.**

**Elementary Education Unified K-6 (Masters), New**

**Areas for Improvement:**

**Standards 1-11**

None

**New programs may be given the status of ‘New program approved with stipulation,’ or ‘Not approved.’ New programs may be approved-with-stipulation for 2 years during which they are operationalized. New programs must submit a Progress report after the second semester of operation to address the new program stipulation.**

April 17, 2019

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendation for new program approval for Pittsburg State University

**Introductory Statement:**

On April 3, 2019, the Evaluation Review Committee reviewed an application for new program approval for Pittsburg State University.

Documents that were received and considered include the Institutional Program Report, KSDE Team Report, and Institutional Rejoinder to the KSDE Team Report.

**PROGRAM APPROVAL RECOMMENDATION**

**Recommend “New Program Approved with Stipulation” for the following program through June 30, 2021.**

**Building Leadership, A, PreK-12 (certificate), New**

**Areas for Improvement:**

**Standards 1-6**

None

**New programs may be given the status of ‘New program approved with stipulation,’ or ‘Not approved.’ New programs may be approved-with-stipulation for 2 years during which they are operationalized. New programs must submit a Progress report after the second semester of operation to address the new program stipulation.**

April 17, 2019

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendations for program approvals for Sterling College

**Introductory Statement:**

On April 3, 2019, the Evaluation Review Committee reviewed applications for program approvals for Sterling College.

Documents that were received and considered include the Institutional Program Reports, KSDE Team Reports, and any Institutional Rejoinder to the KSDE Team Reports.

**PROGRAM APPROVAL RECOMMENDATION**

**Recommend “Approved” for the following programs through December 31, 2025.**

**Biology 6-12, continuing**

Areas for Improvement:

**Standards 1-18**

None

**Chemistry 6-12, continuing**

Areas for Improvement:

**Standards 1-13**

None

**English Language Arts 6-12, continuing**

Areas for Improvement:

**Standards 1-7**

None

**Health PreK-12, continuing**

Areas for Improvement:

**Standards 1-4**

None

**Physical Education PreK-12, continuing**

Areas for Improvement:

**Standards 1-7**

None

## **PROGRAM REVIEW PROCESS**

The responsibilities of the Commissioner and State Board regarding unit accreditation under regulations 91-1-231(d), 91-1-232b and 91-1-70a are as follows:

KSDE's Evaluation Review Committee (ERC) renders program approval recommendations for the initial teacher preparation and advanced program levels of the unit.

### **PROGRAM DECISIONS**

New program approval decisions are:

- New Program Approved with Stipulation
- Not Approved.

Renewal program decisions are:

- Approved
- Approved with Stipulation
- Not Approved.

The responsibilities of the Commissioner and State Board regarding program approval are under regulations 91-1-235 and 91-1-236.

#### **91-1-235. Procedures for initial approval of teacher education programs.**

(a) Application.

(1) Each teacher education institution that desires to have any new program approved by the state board shall submit an application for program approval to the commissioner. The application shall be submitted at least 12 months before the date of implementation.

(2) Each institution shall submit with its application a program report containing a detailed description of each proposed program, including program coursework based on standards approved by the state board, and the performance-based assessment system that will be utilized to collect performance data on candidates' knowledge and skills. Each program report shall be in the form and shall contain the information prescribed by the commissioner. The program report shall include confirmation that the candidates in the program will be required to complete the following successfully:

- (A) Coursework that constitutes a major in the subject at the institution or that is equivalent to a major;
- (B) at least 12 weeks of student teaching; and
- (C) a validated preservice candidate work sample.

(b) Review team. Upon receipt of a program report, a review team shall be appointed by the commissioner to analyze the program report. The chairperson of the review team shall be designated by the commissioner. The number of review team members shall be determined by the commissioner, based upon the scope of the program to be reviewed. Any institution may challenge the appointment of a review team member. The institution's challenge shall be submitted in writing and received by the commissioner no later than 30 days after the notification of review team appointments is sent to the institution. Each challenge to the appointment of a review team member shall be only on the basis of a conflict of interest.

(c) Program review process.

(1) In accordance with procedures adopted by the state board, a review team shall examine and analyze the proposed program report and shall prepare a report expressing the findings and conclusions of the review team. The review team's report shall be submitted to the commissioner. The report shall be forwarded by the commissioner to an appropriate representative designated by the teacher education institution.

(2) Any institution may prepare a response to the review team's report. This response shall be prepared and submitted to the commissioner no later than 45 days of receipt of the review team's report. Receipt of the review team's report shall be presumed to occur three days after mailing. The review team's report,

any response by the institution, and any other supporting documentation shall be forwarded to the evaluation review committee by the commissioner.

(d) Initial recommendation. The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative designated by the teacher education institution and to the commissioner.

(e) Request for hearing.

(1) Within 30 days of receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request by certified mail to the evaluation review committee for a hearing before the committee to appeal the initial recommendation. Receipt of the initial recommendation of the evaluation review committee shall be presumed to occur three days after mailing. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The final recommendation shall be submitted to an appropriate representative designated by the teacher education institution and to the commissioner. The final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.

(3) If a request for a hearing is not submitted by certified mail within the time allowed under paragraph (e) (1), the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. The committee's final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.

(f) Approval status. Each new program shall be approved with stipulation or not approved.

(g) Annual report.

(1) If a new program is approved with stipulation, the institution shall submit a progress report to the commissioner within 60 days after completion of the second semester of operation of the program and thereafter in each of the institution's annual reports that are due on or before July 30.

(2) Each progress report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis. Following review of the progress report, the evaluation review committee may remove any areas for improvement and change the status to approved until the institution's next program review.

(h) Change of approval status.

(1) At any time, the approval status of a teacher education program may be changed by the state board if, after providing an opportunity for a hearing, the state board finds that the institution either has failed to meet substantially the program standards or has materially changed the program. For just cause, the duration of the approval status of a program may be extended by the state board. The duration of the current approval status of a program shall be extended automatically if the program is in the process of being reevaluated by the state board. This extension shall be counted as part of any subsequent approval period of a program.

(2) At the time of an institution's next on-site visit, the new program shall be reviewed pursuant to K.A.R. 91-1-236.

(3) For licensure purposes, each teacher education program that is approved with stipulation shall be considered to be approved. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004; amended Aug. 12, 2011; amended July 7, 2017.)

### **91-1-236. Procedures for renewing approval of teacher education program.**

(a) Application for program renewal.

(1) Each teacher education institution that desires to have the state board renew the approval status of one or more of its teacher education programs shall submit to the commissioner an application for program renewal. The application shall be submitted at least 12 months before the expiration of the current approval period of the program or programs.

(2) Each institution shall also submit a program report, which shall be in the form and shall contain the information prescribed by the commissioner. The program report shall be submitted at least six months before the expiration of the current approval period of the program or programs. The program report shall include confirmation that the candidates in the program will be required to complete the following:

(A) Coursework that constitutes a major in the subject at the institution or that is equivalent to a major; and

(B) at least 12 weeks of student teaching.

(b) Review team. Upon receipt of a complete program report, a review team shall be appointed by the commissioner to analyze the program report. The chairperson of the review team shall be designated by the commissioner. The number of review team members shall be determined by the commissioner, based upon the scope of the program or programs to be reviewed. An institution may challenge the appointment of a review team member only on the basis of a conflict of interest.

(c) Program review process.

(1) In accordance with procedures adopted by the state board, each review team shall examine and analyze the program report and prepare a review report expressing the findings and conclusions of the review team. The review team's report shall be submitted to the commissioner. The report shall be forwarded by the commissioner to an appropriate representative of the teacher education institution.

(2) Any institution may prepare a written response to the review team's report. Each response shall be prepared and submitted to the commissioner within 45 days of receipt of the review team's report. The review team's report, any response filed by the institution, and any other supporting documentation shall be forwarded by the commissioner to the evaluation review committee.

(d) Initial recommendation. The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate status to be assigned to the program or programs, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.

(e) Request for hearing.

(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request to the commissioner for a hearing before the evaluation review committee to appeal the initial recommendation of the committee. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the program or programs, which shall include a statement of the findings and conclusions of the evaluation review committee. The final recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. The final recommendation shall be submitted by the commissioner to the state board for its consideration and determination of program approval status according to paragraph (f)(1).

(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. The committee's final recommendation shall be submitted by the commissioner to the state board for its consideration and determination.

(f) Approval status.

(1) The status assigned to any teacher education program specified in this regulation shall be approved, approved with stipulation, or not approved.

(2) Subject to subsequent action by the state board, the assignment of approved status to a teacher education program shall be effective for seven academic years. However, the state board, at any time, may change the approval status of a program if, after providing an opportunity for a hearing, the state board finds that the institution either has failed to meet substantially the program standards adopted by the state board or has made a material change in a program. For just cause, the duration of the approval status of a program may be extended by the state board. The duration of the approval status of a program shall be extended automatically if the program is in the process of being reevaluated by the state board.

(3) (A) If a program is approved with stipulation, that status shall be effective for the period of time specified by the state board, which shall not exceed seven years.

(B) If any program of a teacher education institution is approved with stipulation, the institution shall include in an upgrade report to the commissioner the steps that the institution has taken and the progress that the institution has made during the previous academic year to address the deficiencies that were identified in the initial program review.

(C) The upgrade report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis. After this examination and analysis, the evaluation review committee shall prepare a written recommendation regarding the status to be assigned to the teacher education program for the succeeding academic years. The recommendation shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. If the institution does not agree with this recommendation, the institution may request a hearing according to the provisions in subsection (e).

(D) For licensure purposes, each teacher education program that is approved with stipulation shall be considered to be approved.

(4) Students shall be allowed two full, consecutive, regular semesters following the notification of final action by the state board to complete a program that is not approved. Summers and interterms shall not be counted as part of the two regular semesters. Students who finish within these two regular semesters may be recommended for licensure by the college or university. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Aug. 6, 2004; amended Aug. 12, 2011.)





**REQUEST AND RECOMMENDATION FOR BOARD ACTION**

Agenda Number: 15 f.

**Staff Initiating:**

**Director:**

**Commissioner:**

**Meeting Date: 5/14/2019**

Cheryl Johnson

Cheryl Johnson

Randy Watson

**Item Title:**

Act on School Breakfast Program waivers

**Recommended Motion:**

It is moved that the Kansas State Board of Education approve the recommendations of the School Breakfast Program Waiver Committee for the 2019-2020 school year.

**Explanation of Situation Requiring Action:**

K.S.A. 72-5125 requires all Kansas public schools to offer the School Breakfast Program. The State Board of Education may waive this requirement for buildings with less than 35 percent of the students eligible for reduced price or free meals.

The School Breakfast Waiver Review Committee is comprised of 1) Jeanne Munsell, Retired Rose Hill Food Service Director 2) Haley Kottler, Kansas Appleseed Thrive Campaign Director and 3) Pat Ireland, Pastor from Cottonwood Falls.

A list of schools that requested waivers is attached. The Waiver Review Committee recommends that the State Board approve the waiver requests from two school districts for three schools. If this recommendation is approved, the schools granted a waiver will not be required to offer the School Breakfast program during school year 2019-2020.

## School Breakfast Program Waiver Applications for SY 2019-20

District	Elementary Schools	Secondary Schools
D0306 Southeast of Saline	Southeast of Saline Elementary	Southeast of Saline Jr. Sr. High
D0372 Silver Lake		Silver Lake Jr. Sr. High School

The Breakfast Waiver Committee met via conference call on April 29, 2019.

Southeast of Saline has stated that they wouldn't be opposed to starting a breakfast or a grab and go breakfast but would like the time to implement it properly. The Committee would like to encourage them to apply for a breakfast grant to get any necessary equipment and stress that even though they have a waiver (should the board approve the recommendation) they don't have to wait until next year to implement service. A waiver does not preclude them from starting a program at any time during the school year.

Silver Lake Jr. Sr. High School has had waivers in the past but didn't get the request in last year. During an Administrative Review of the Food Service it was noted that only one student was partaking in breakfast at the school. A survey conducted at the request of the consultant determined that only 50% of the students were aware that breakfast was available which implies a lack of promotion. The survey also showed that almost 65% of the students would like a grab and go program after the first bell. The Committee went ahead and recommended a waiver, however they would like the school to look into offering a grab and go program. If the school decides to contract with a Food Service Management Company the committee would encourage Silver Lake to allow breakfast service.

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 15 g.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date: 5/14/2019

Dale Dennis

Dale Dennis

Randy Watson

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### Item Title:

Act on request from USD 356, Conway Springs, Sumner County, to hold a bond election

### Recommended Motion:

It is moved that the Kansas State Board of Education issue a **tentative** Order authorizing USD 356, Conway Springs, Sumner 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:

Current law provides that requests to hold a bond election in the succeeding fiscal year may be tentatively approved by the State Board of Education followed by final approval at its July meeting. This process is due to the current bond cap limitation.

Under KSA 75-2315 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 356, Conway Springs, Sumner 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 356 plans to use the bond proceeds to: (1) construct, furnish and equip (a) a new physical education/competition gymnasium addition to the existing high school building, including new locker rooms additionally reinforced to also function as a storm shelter for the building, a new weight room, public restrooms and an expanded commons area; (b) a new pre-school building between the elementary school and middle school, additionally reinforced to also function as a storm shelter for such buildings; and (c) a classroom addition to the maintenance facility for automotive technology classes; (2) make improvements and renovations to all district buildings, including upgrading or replacing HVAC systems, doors, door locks and security system improvements for security enhancements, exterior improvements, fire alarm upgrades and new flooring; (3) resurface the existing track at the high school stadium; and (4) acquire two school buses for district use.

This application does not contain any non-instructional-related items.

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 unanimous.
2. The community was involved in the process of the building proposal.
3. All required forms were properly filed with us, along with an appropriate notice for the election.
4. The district outlined the needs for the building project by responding to all questions required by the State Board of Education.
5. The age of the existing building(s) appears to justify a bond election.
6. The application indicates 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 to Allow Local Vote on Exceeding Debt Limit

<b>Unified School District 356-Conway Springs</b>	<b>County: Sumner</b>
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1. Current equalized assessed tangible valuation *	<u>\$28,627,225</u>
2. Percentage of bond debt limit	<u>14.00%</u>
3. Amount of bond debt limit	<u>\$4,007,811</u>
4. State Aid Percentage	<u>24%</u>

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	<u>\$350,000</u>	<u>1.3</u>
6. Amount of bond indebtedness requested	<u>\$10,000,000</u>	<u>34.9</u>
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	<u>\$10,350,000</u>	<u>36.2</u>
8. Estimated amount of bond indebtedness authorized without approval	<u>\$4,007,811</u>	<u>14.0</u>
9. Amount of bond indebtedness above bond debt limit requested	<u>\$6,342,189</u>	<u>22.2</u>

<b>Forms Requested</b>	
(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

March 26, 2019  
Date

Craig Neuenswander  
Director, School Finance

March 26, 2019  
Date

Dale M. Dennis  
Deputy Commissioner

## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 15 h.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date: 5/14/2019

Dale Dennis

Dale Dennis

Randy Watson

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### Item Title:

Act on request from USD 356, Conway Springs, Sumner County, to receive Capital Improvement (Bond and Interest) State Aid

### Recommended Motion:

It is moved that the Kansas State Board of Education issue a **tentative** Order authorizing USD 356, Conway Springs, Sumner County, to receive capital improvement (bond and interest) state aid as authorized by law.

### Explanation of Situation Requiring Action:

Current law provides that requests to receive capital improvement (bond and interest) state aid for a bond election in the succeeding fiscal year may be tentatively approved by the State Board of Education followed by final approval at its July meeting. This process is due to the current bond cap limitation.

Under KSA 75-72-5461 et seq., as amended by 2018 Substitute for Senate Bill 423, a school district may request that the State Board of Education authorize the district to receive capital improvement (bond and interest) state aid. USD 356, Conway Springs, Sumner 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.

USD 356 plans to use the bond proceeds to: (1) construct, furnish and equip (a) a new physical education/competition gymnasium addition to the existing high school building, including new locker rooms additionally reinforced to also function as a storm shelter for the building, a new weight room, public restrooms and an expanded commons area; (b) a new pre-school building between the elementary school and middle school, additionally reinforced to also function as a storm shelter for such buildings; and (c) a classroom addition to the maintenance facility for automotive technology classes; (2) make improvements and renovations to all district buildings, including upgrading or replacing HVAC systems, doors, door locks and security system improvements for security enhancements, exterior improvements, fire alarm upgrades and new flooring; (3) resurface the existing track at the high school stadium; and (4) acquire two school buses for district use.

This application does not contain any non-instructional-related items.

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 unanimous.
2. The community was involved in the process of the building proposal.
3. All required forms were properly filed with us, along with an appropriate notice for the election.
4. The district outlined the needs for the building project by responding to all questions required by the State Board of Education.
5. The age of the existing building(s) appears to justify a bond election.
6. The application indicates 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 State Aid

<b>Unified School District 356-Conway Springs</b>	<b>County: Sumner</b>
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1. Current equalized assessed tangible valuation *	<u>\$28,627,225</u>
2. Percentage of bond debt limit	<u>14.00%</u>
3. Amount of bond debt limit	<u>\$4,007,811</u>
4. State Aid Percentage	<u>24%</u>

\* Includes assessed valuation of motor vehicle

		Percent of Equalized Assessed Valuation - Current Year
5. Amount of bond indebtedness at present time	<u>\$350,000</u>	<u>1.3</u>
6. Amount of bond indebtedness requested	<u>\$10,000,000</u>	<u>34.9</u>
7. Total amount of bond indebtedness if request approved (Lines 5 + 6)	<u>\$10,350,000</u>	<u>36.2</u>
8. Estimated amount of bond indebtedness authorized without approval	<u>\$4,007,811</u>	<u>14.0</u>
9. Amount of bond indebtedness above bond debt limit requested	<u>\$6,342,189</u>	<u>22.2</u>

### Forms Requested

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>(X) 5-210-118 General Information</li> <li>(X) 5-210-106 Resolution</li> <li>(X) 5-210-108 Publication Notice</li> <li>(X) 5-210-110 Application</li> <li>(X) 5-210-114 Equalized Assessed Valuation</li> </ul> | <ul style="list-style-type: none"> <li>(X) Schematic floor plan of the proposed facilities</li> <li>(X) Map of the school district showing present facilities</li> <li>(X) Small map of the school district showing the adjoining school districts</li> <li>(X) Map of the school district showing proposed facilities</li> </ul> |
|--|---|

March 26, 2019  
Date

March 26, 2019  
Date

Craig Neuenswander  
Director, School Finance

Dale M. Dennis  
Deputy Commissioner

**REQUEST AND RECOMMENDATION FOR BOARD ACTION**

Agenda Number: 15 i.

**Staff Initiating:****Director:****Commissioner:****Meeting Date: 5/14/2019**

Doug Boline

Colleen Riley

Randy Watson

**Item Title:**

Act on recommendations for funding Migrant Summer Services Grants

**Recommended Motion:**

It is moved that the Kansas State Board of Education approve recommendations for funding of the Migrant Summer Services Grants as presented.

**Explanation of Situation Requiring Action:**

The Kansas State Department of Education has set aside \$200,000 of the Migrant allocation to fund Migrant Summer programs for fiscal year 2018-2019. The purpose of this program is to improve the educational opportunities of the nation's migrant children. Migrant Summer programs provide supplemental specialized summer services to migrant students in four designated areas: Reading instruction, Mathematics instruction, Pre-K Jump Start and Secondary Credit Accrual. Besides the educational benefits, most of the districts incorporate their Nutrition Program to provide breakfast and/or lunch, as well as healthy snacks for their students.

Grants were reviewed by committee and have been recommended for approval. Approval is being requested from the Kansas State Board of Education to award the following grant requests:

USD 102 Cimarron	\$ 12,530
USD 200 Greeley	\$ 3,000
USD 216 Deerfield	\$ 6,136
USD 218 Elkhart	\$ 2,608
USD 250 Pittsburg	\$ 14,404
USD 363 Holcomb	\$ 10,300
USD 374 Sublette	\$ 10,594
USD 443 Dodge City	\$ 21,235
USD 445 Coffeyville	\$ 24,530
USD 457 Garden City	\$ 23,018
USD 494 Syracuse	\$ 10,557
USD 501 Topeka	\$ 25,245
USD 507 Satanta	\$ 2,762
DO 602 NKESC	\$ 27,285
<b>Total:</b>	<b>\$194,204</b>





## REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 15 j.

Staff Initiating:

Deputy Commissioner:

Commissioner:

Meeting Date: 5/14/2019

Amanda Petersen

Brad Neuenswander

Randy Watson

### **Item Title:**

Act on request to allocate Preschool-Aged At-Risk (State Pre-K 4 Year Old At-Risk) slots for 2019-2020

### **Recommended Motion:**

It is moved that the Kansas State Board of Education approve slot allocations for the Preschool-Aged At-Risk (State Pre-K 4 Year Old At-Risk) program for 2019-2020. If districts are unable to fill slots allocated by Sept. 20, 2019 the Kansas State Department of Education is authorized to reallocate slots among districts, in an amount not to exceed 8,864 slots statewide.

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

The Preschool-Aged At-Risk Program (also known as the State Pre-K 4 Year Old At-Risk Program and the State Pre-Kindergarten Program) provides school districts with slots for preschool-aged students. Each preschool-aged at-risk student who is enrolled in a school district and receiving services is counted as a ½ student (0.5 FTE) in calculating a district's enrollment and accompanying weightings.

The list of school districts and number of slots allocated for 2019-2020 is provided.

"Preschool-aged at-risk student" means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and meets at least one of the following at-risk criteria:

1. Poverty (qualifies for free lunch program)
2. Single parent families
3. DCF referral
4. Teen parents
5. Either parent is lacking a high school diploma or GED
6. Limited English Proficiency
7. Lower than expected developmental progress in at least one of the following areas:  
Cognitive development; physical development; communication/literacy; social-emotional/behavior; adaptive behavior/self-help skills
8. Child qualifying for migrant status

The program may serve 3-year-old at-risk children, provided that such students meet the following requirements:

1. Are under the age of eligibility for attendance at kindergarten;
2. Meet at-risk criteria as defined above;
3. Do not replace four-year old preschool-aged at-risk students; and
4. Only fill available openings in such programs.

(continued)

KSDE's interpretation is that all 4-year-old at-risk students, state-wide, must be served before allocating funding to slots for 3-year-olds, so that 4-year-old at-risk students are not replaced. For the purposes of the Preschool-Aged At-Risk Program, a 4-year-old is a child who is four years of age on or before August 31 of the current school year, and a 3-year-old is a child who is three years of age on or before August 31 of the current school year.

## Preschool-Aged At-Risk (State Pre-K 4 Year Old At-Risk) Slot Allocation for 2019-2020

USD	County	District Name	Slots Allocated
256	Allen	Marmaton Valley	12
257	Allen	Iola	25
258	Allen	Humboldt	11
365	Anderson	Garnett	14
479	Anderson	Crest	6
377	Atchison	Atchison Co Comm Schools	10
409	Atchison	Atchison Public Schools	39
254	Barber	Barber County North	10
255	Barber	South Barber	8
428	Barton	Great Bend	45
431	Barton	Hoisington	30
234	Bourbon	Fort Scott	64
235	Bourbon	Uniontown	14
415	Brown	Hiawatha	34
206	Butler	Remington-Whitewater	16
375	Butler	Circle	31
385	Butler	Andover	48
394	Butler	Rose Hill Public Schools	35
396	Butler	Douglass Public Schools	11
402	Butler	Augusta	28
490	Butler	El Dorado	36
492	Butler	Flinthills	20
286	Chautauqua	Chautauqua Co Community	12
404	Cherokee	Riverton	14
493	Cherokee	Columbus	27
499	Cherokee	Galena	15
508	Cherokee	Baxter Springs	25
219	Clark	Minneola	20
220	Clark	Ashland	6
379	Clay	Clay Center	15
333	Cloud	Concordia	21
243	Coffey	Lebo-Waverly	15
244	Coffey	Burlington	15
245	Coffey	LeRoy-Gridley	8

USD	County	District Name	Slots Allocated
463	Cowley	Udall	8
465	Cowley	Winfield	66
470	Cowley	Arkansas City	70
246	Crawford	Northeast	14
247	Crawford	Cherokee	13
248	Crawford	Girard	23
249	Crawford	Frontenac Public Schools	10
250	Crawford	Pittsburg	80
294	Decatur	Oberlin	13
393	Dickinson	Solomon	11
481	Dickinson	Rural Vista	10
487	Dickinson	Herington	13
111	Doniphan	Doniphan West Schools	12
114	Doniphan	Riverside	13
348	Douglas	Baldwin City	27
491	Douglas	Eudora	19
497	Douglas	Lawrence	69
347	Edwards	Kinsley-Offerle	8
502	Edwards	Lewis	4
282	Elk	West Elk	11
283	Elk	Elk Valley	5
489	Ellis	Hays	41
112	Ellsworth	Central Plains	8
363	Finney	Holcomb	23
457	Finney	Garden City	200
381	Ford	Spearville	16
443	Ford	Dodge City	128
459	Ford	Bucklin	5
287	Franklin	West Franklin	11
288	Franklin	Central Heights	11
289	Franklin	Wellsville	20
290	Franklin	Ottawa	32
475	Geary	Geary County Schools	118
291	Gove	Grinnell Public Schools	1
293	Gove	Quinter Public Schools	8

**Preschool-Aged At-Risk (State Pre-K 4 Year Old At-Risk) Slot Allocation for 2019-2020**

USD	County	District Name	Slots Allocated
281	Graham	Graham County	15
214	Grant	Ulysses	42
102	Gray	Cimmaron-Ensign	18
371	Gray	Montezuma	8
476	Gray	Copeland	9
477	Gray	Ingalls	9
200	Greeley	Greeley County Schools	7
386	Greenwood	Madison-Virgil	11
389	Greenwood	Eureka	34
390	Greenwood	Hamilton	4
494	Hamilton	Syracuse	18
361	Harper	Anthony-Harper	36
511	Harper	Attica	4
369	Harvey	Burrton	9
373	Harvey	Newton	36
440	Harvey	Halstead	16
374	Haskell	Sublette	18
507	Haskell	Satanta	14
335	Jackson	North Jackson	14
336	Jackson	Holton	40
337	Jackson	Royal Valley	25
338	Jefferson	Valley Falls	10
339	Jefferson	Jefferson County North	16
341	Jefferson	Oskaloosa Public Schools	27
342	Jefferson	McLouth	22
343	Jefferson	Perry Public Schools	16
107	Jewell	Rock Hills	8
230	Johnson	Spring Hill	16
232	Johnson	De Soto	25
233	Johnson	Olathe	153
512	Johnson	Shawnee Mission Pub Sch	223
215	Kearny	Lakin	16

USD	County	District Name	Slots Allocated
216	Kearny	Deerfield	16
331	Kingman	Kingman - Norwich	22
332	Kingman	Cunningham	4
503	Labette	Parsons	43
504	Labette	Oswego	12
505	Labette	Chetopa-St. Paul	17
506	Labette	Labette County	35
482	Lane	Dighton	7
449	Leavenworth	Easton	12
453	Leavenworth	Leavenworth	91
469	Leavenworth	Lansing	20
298	Lincoln	Lincoln	10
299	Lincoln	Sylvan Grove	9
344	Linn	Pleasanton	14
346	Linn	Jayhawk	16
274	Logan	Oakley	4
252	Lyon	Southern Lyon County	17
253	Lyon	Emporia	140
397	Marion	Centre	2
398	Marion	Peabody-Burns	8
410	Marion	Durham-Hillsboro-Lehigh	6
411	Marion	Goessel	9
364	Marshall	Marysville	14
380	Marshall	Vermillion	21
498	Marshall	Valley Heights	7
400	McPherson	Smoky Valley	19
418	McPherson	McPherson	27
419	McPherson	Canton-Galva	10
423	McPherson	Moundridge	16
448	McPherson	Inman	19
225	Meade	Fowler	4
226	Meade	Meade	11
367	Miami	Osawatomie	19
416	Miami	Louisburg	15
272	Mitchell	Waconda	14

**Preschool-Aged At-Risk (State Pre-K 4 Year Old At-Risk) Slot Allocation for 2019-2020**

USD	County	District Name	Slots Allocated
273	Mitchell	Beloit	35
436	Montgomery	Caney Valley	17
445	Montgomery	Coffeyville	72
446	Montgomery	Independence	65
447	Montgomery	Cherryvale	20
417	Morris	Morris County	32
217	Morton	Rolla	5
218	Morton	Elkhart	9
113	Nemaha	Prairie Hills	30
115	Nemaha	Nemaha Central	27
101	Neosho	Erie-Galesburg	15
413	Neosho	Chanute Public Schools	41
106	Ness	Western Plains	8
303	Ness	Ness City	11
212	Norton	Northern Valley	4
420	Osage	Osage City	9
421	Osage	Lyndon	8
434	Osage	Santa Fe Trail	26
454	Osage	Burlingame Public School	5
456	Osage	Marais Des Cygnes Valley	12
392	Osborne	Osborne County	10
240	Ottawa	Twin Valley	24
495	Pawnee	Ft Larned	19
110	Phillips	Thunder Ridge Schools	5
326	Phillips	Logan	3
321	Pottawatomie	Kaw Valley	19
322	Pottawatomie	Onaga-Havensville-Wheaton	22
382	Pratt	Pratt	22
438	Pratt	Skyline Schools	8
308	Reno	Hutchinson Public Schools	54
309	Reno	Nickerson	29

USD	County	District Name	Slots Allocated
310	Reno	Fairfield	10
311	Reno	Pretty Prairie	7
312	Reno	Haven Public Schools	30
313	Reno	Buhler	44
109	Republic	Republic County	22
426	Republic	Pike Valley	6
376	Rice	Sterling	9
401	Rice	Chase-Raymond	8
405	Rice	Lyons	28
444	Rice	Little River	12
383	Riley	Manhattan-Ogden	40
384	Riley	Blue Valley	5
269	Rooks	Palco	6
271	Rooks	Stockton	7
403	Rush	Otis-Bison	7
399	Russell	Paradise	7
305	Saline	Salina	60
307	Saline	Ell-Saline	16
466	Scott	Scott County	24
259	Sedgwick	Wichita	2,134
260	Sedgwick	Derby	61
261	Sedgwick	Haysville	162
262	Sedgwick	Valley Center Pub Sch	53
263	Sedgwick	Mulvane	30
264	Sedgwick	Clearwater	11
265	Sedgwick	Goddard	79
266	Sedgwick	Maize	50
267	Sedgwick	Renwick	30
268	Sedgwick	Cheney	34
480	Seward	Liberal	185
483	Seward	Kismet-Plains	31
345	Shawnee	Seaman	61
372	Shawnee	Silver Lake	16
437	Shawnee	Auburn Washburn	72
450	Shawnee	Shawnee Heights	43

**Preschool-Aged At-Risk (State Pre-K 4 Year Old At-Risk) Slot Allocation for 2019-2020**

<b>USD</b>	<b>County</b>	<b>District Name</b>	<b>Slots Allocated</b>
501	Shawnee	Topeka Public Schools	215
352	Sherman	Goodland	30
349	Stafford	Stafford	12
350	Stafford	St John-Hudson	14
351	Stafford	Macksville	8
452	Stanton	Stanton County	11
209	Stevens	Moscow Public Schools	7
210	Stevens	Hugoton Public Schools	53
353	Sumner	Wellington	13
357	Sumner	Belle Plaine	21
358	Sumner	Oxford	3
359	Sumner	Argonia Public Schools	5
360	Sumner	Caldwell	8
315	Thomas	Colby Public Schools	12
316	Thomas	Golden Plains	3
208	Trego	Wakeeney	11
329	Wabaunsee	Mill Creek Valley	18
224	Washington	Clifton-Clyde	9
467	Wichita	Leoti	15
387	Wilson	Altoona-Midway	7
461	Wilson	Neodesha	20
484	Wilson	Fredonia	19
366	Woodson	Woodson	14
202	Wyandotte	Turner-Kansas City	163
203	Wyandotte	Piper-Kansas City	13
204	Wyandotte	Bonner Springs	38
500	Wyandotte	Kansas City	566
<b>Total Slots Allocated Statewide:</b>			<b>8,864</b>

**REQUEST AND RECOMMENDATION FOR BOARD ACTION**

Agenda Number: 15 k.

**Staff Initiating:**

**Director:**

**Commissioner:**

**Meeting Date: 5/14/2019**

Scott Gordon

Scott Gordon

Randy Watson

**Item Title:**

Act on renewal of the Interlocal Agreement for Smoky Hill/Central Kansas Education Service Center

**Recommended Motion:**

It is moved that the Kansas State Board of Education approve the renewal of the Interlocal Agreement for Smoky Hill/Central Kansas Education Service Center #629.

**Explanation of Situation Requiring Action:**

Pursuant to K.S.A. 12-2901 et. seq. and 72-13,100, two or more school districts may enter into interlocal cooperative agreements for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations, or responsibilities which are authorized or required by law to be performed by school districts in the state of Kansas.

Thirty-six (36) school districts have completed the process for renewing the Interlocal Agreement for the Smoky Hill/Central Kansas Education Service Center, #629. Fourteen (14) other school districts have agreed to participate as Associate Members of the service center.

This Agreement has been reviewed by the Kansas State Department of Education's Office of General Counsel.





  
**Smoky Hill**  
Education  
Service Center  
[www.smokyhill.org](http://www.smokyhill.org)

Central Region Office  
605 East Crawford  
Salina, KS 67401  
(785) 825-9185  
(785) 825-9195 fax

Hays Region Office  
2707 Vine #17  
Hays, KS 67601  
(785) 621-4414  
(785) 825-9195 fax

April 29, 2019

Mr. Scott Gordon  
Office of General Counsel  
Kansas State Department of Education  
Landon State Office Building  
900 S.W. Jackson Street, Suite 102  
Topeka, KS 66612

Dear Mr. Gordon:

This letter is requesting the Office of General Counsel for the Kansas State Board of Education review and approve the renewal of the Interlocal Agreement for Smoky Hill/Central Kansas Education Service Center, Interlocal 629, pursuant to the provisions of K.S.A. 12-2901 et. seq. and K.S.A. 72-13, 100 formerly K.S.A. 72-8230. Other than updating the statute references and attachments, there are no major changes in the language from the previous agreement. The organizational structure and the governance of the interlocal remain the same.

July 1, 2019 will mark the beginning of Smoky Hill ESC's thirtieth year of operation. We are pleased that our membership remains strong in "Charter Membership", those schools that serve in governance of Interlocal 629. There are 36 school districts that choose to serve in this capacity. The signatures and minutes for the 36 Charter Members are attached to the Interlocal Agreement being submitted for your review.

You will notice on the signature pages, 14 schools were offered the opportunity to be part of the governance structure of Interlocal 629 that chose to remain as Associate Members, those schools that do not participate in the governance of Interlocal 629.

If there are any questions, please let me know. Otherwise, we respectfully ask that the Interlocal Agreement be submitted for inclusion on the agenda at the next Kansas State Board of Education meeting.

Sincerely,



Chris Moddelmog  
Executive Director

SMOKY HILL / CENTRAL KANSAS  
EDUCATION SERVICE CENTER

This Interlocal Agreement is made pursuant to the provisions of K.S.A. 12-2901, et. seq. “It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities, persons, associations and corporations on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities”.

In addition, K.S.A. 72-13,100 formerly K.S.A. 72-8230 (See Attachment A) states, “In the event the boards of education of any two or more school districts enter into a school district interlocal cooperation agreement for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state, the following conditions shall apply”.

This interlocal agreement is made with the sincere desire of all cooperating unified school districts as public agencies per K.S.A. 12-2903 (See Attachment B), to work together for the mutual benefits for all children we serve and we the undersigned hereby and herein formally join together in an atmosphere of trust and confidence to establish a separate legal entity known as the Smoky Hill / Central Kansas Education Service Center (hereinafter referred to as the “Center”).

The following unified school districts, by and through their respective boards of education, have each adopted a resolution authorizing the unified school district to enter into this agreement effective July 1, 2019 – June 30, 2024.

LIST OF SCHOOLS

<b>ABILENE USD 435</b>	<b>HOISINGTON USD 431</b>	<b>ROCK HILLS USD 107</b>
<b>BARNES USD 223</b>	<b>KINSLEY-OFFERLE USD 347</b>	<b>RURAL VISTA USD 481</b>
<b>BELOIT USD 273</b>	<b>LACROSSE USD 395</b>	<b>RUSSELL COUNTY USD 407</b>
<b>BUHLER USD 313</b>	<b>LEWIS USD 502</b>	<b>SALINA USD 305</b>
<b>CENTRAL PLAINS USD 112</b>	<b>LOGAN USD 326</b>	<b>SMITH CENTER USD 237</b>
<b>CENTRE USD 397</b>	<b>McPHERSON USD 418</b>	<b>SMOKY VALLEY USD 400</b>
<b>CHAPMAN USD 473</b>	<b>NORTH OTTAWA COUNTY USD 239</b>	<b>SOUTHEAST OF SALINE USD 306</b>
<b>CLAY CENTER USD 379</b>	<b>NORTHERN VALLEY USD 212</b>	<b>SOUTHERN CLOUD USD 334</b>
<b>CLIFTON/CLYDE USD 224</b>	<b>OSBORNE COUNTY USD 392</b>	<b>STOCKTON USD 271</b>
<b>CONCORDIA USD 333</b>	<b>OTIS-BISON USD 403</b>	<b>SYLVAN GROVE USD 299</b>
<b>ELLIS USD 388</b>	<b>PALCO USD 269</b>	<b>THUNDER RIDGE SCHOOLS USD 110</b>
<b>ELL-SALINE USD 307</b>	<b>PARADISE USD 399</b>	<b>TWIN VALLEY USD 240</b>
<b>ELLSWORTH USD 327</b>	<b>PAWNEE HEIGHTS USD 496</b>	<b>VICTORIA USD 432</b>
<b>GRAHAM COUNTY USD 281</b>	<b>PHILLIPSBURG USD 325</b>	<b>WACONDA USD 272</b>
<b>HAYS USD 489</b>	<b>PIKE VALLEY USD 426</b>	<b>WaKEENEY USD 208</b>
<b>HERINGTON USD 487</b>	<b>PLAINVILLE USD 270</b>	<b>WHEATLAND USD 292</b>
<b>HESSTON USD 460</b>	<b>REPUBLIC COUNTY USD 109</b>	

PURPOSE

The purpose of the Center shall be to cooperatively provide educational services in the areas of staff development, media services, curriculum development, volume purchasing, technology support, and any other purpose authorized by law, such member unified school districts desire to provide on a cooperative basis. This Agreement shall be for a term of five (5) years commencing July 1, 2019.

BOARD OF DIRECTORS, OFFICERS AND EXECUTIVE COMMITTEE

The Center shall be governed by a Board of Directors consisting of a member of the Board of Education of each of the member school districts. According to K.S.A. 72-13,100, vacancies in the membership of the Board of Directors shall be filled within thirty (30) days from the date of the vacancy by appointment of a member by the appropriate Board of Education.

The Board of Directors shall establish a nine member executive board, which shall be known as the Executive Cabinet of the Board of Directors, with members to be selected by the Board of Directors from its membership. The Board of Directors shall designate the duties and functions which are delegated by the Board of Directors to the Executive Cabinet. The Executive Cabinet shall meet monthly and may be accompanied by their district superintendents who will serve in an advisory capacity. The Superintendents' Advisory Council will meet monthly to review new / continuing programs.

The Executive Cabinet (which acts on behalf of the Board of Directors) shall be selected by an election process. Member districts will be placed within a cluster of other districts. The largest district(s) shall be put in a single cluster. Every year, Executive Cabinet members and alternates will be elected from each of the nine clusters. Terms of the office are one year, however, there is no limit on the number of terms served.

The Executive Cabinet shall elect from its members a chair and vice-chair who shall serve in the absence or incapacity of the chairperson. The Executive Cabinet shall also appoint an acting or permanent Executive Director of the Center, a Clerk of the Center, and a Treasurer of the Center. The Executive Director, Clerk and Treasurer shall receive compensation and shall perform such duties as prescribed by the Board. The Executive Director, Clerk, and Treasurer will be bonded.

The Executive Cabinet shall adopt policies, rules, and regulations to implement the cooperative agreement including, but not necessarily limited to, procedures for financing the operation of the Center, acquisition of property, employment of personnel, personnel policies and procedures, budget preparation and administration, establishment of curriculum, disposition of property of the Center upon complete termination of this agreement, and such other policies, rules and regulation normally adopted by a Unified School District within the limitations imposed by the board of directors and K.S.A. 72-13,100.

### METHOD OF FINANCING

Each member School District which is a party to this Agreement agrees to finance the operation of the Center in the manner hereinafter specified. The funds required to operate the Center shall be derived from fees charged by the Center for contracted services provided to Unified School Districts and other educational institutions, districts and organizations, plus funds anticipated to be received from state and federal projects, grants and aid, plus an annual assessment to be set by the Executive Cabinet and charged to each district that participates in the Center. This annual assessment shall be based on a base assessment per district, plus a per pupil fee.

A proposed tentative budget shall be presented to the Executive Cabinet by September of each year and budget of the Center shall be established by the Executive Cabinet for the school year for which said budget is proposed. Each member school district agrees that it will pay such fees and assessment as are lawfully established by the Executive Cabinet within sixty (60) days of being billed for the same. If any member school district believes that the per pupil assessment is an amount greater than it is able to pay due to budgetary constraints, then said district may appeal such assessment to the Executive Cabinet. If the Executive Cabinet finds that such appeal is meritorious, the Executive Cabinet may reduce the assessment to said district.

### ACQUISITION AND DISPOSITION OF PROPERTY

All property, both real and personal, acquired by the Center shall be taken in the name of the Center and shall be the property of the Center and not the property of any participating School District. If any such property is sold while this Agreement is in effect, the proceeds of such sale shall be paid into the treasury of the Center and may be expended in any lawful manner as approved by the Executive Cabinet of the Center. Upon complete termination and non-renewal of this Agreement, the Executive Cabinet shall have the authority to distribute said property, as herein provided, to member School Districts who have entered into this Agreement. (See Attachment C)

At least twelve (12) months prior to the expiration date of this Agreement, each Board of Education may choose to give written notice to the Executive Cabinet of the Center if their school district desires to withdraw from the Agreement and they no longer want to continue to participate in the Center.

If two or more of the Boards of Education express the desire to continue their Agreement with the Center, the Center shall not be disorganized, but shall be continued under a new Agreement as prescribed in K.S.A. 72-13,100. In such event, all of the real and tangible personal property of the Center shall be transferred to and become the sole property of the Center as continued under terms of the new agreement. Any withdrawing school district or districts shall not be entitled to any part of the property of the Center or to any cash balance of the Center.

If fewer than two Boards of Education express the desire to renegotiate an agreement to continue the Center, the Center shall be disorganized as of the expiration date of this Agreement, and the property of the Center shall be disposed of in the manner prescribed in the following paragraphs:

1. If the Center is disorganized upon termination of this Agreement, the Executive Cabinet shall have the authority to equitably distribute the property of the Center to participating school district or districts, or to sell the property and distribute the cash proceeds as herein provided. If a distribution of the property of the Center cannot be agreed upon by a least five members of the Executive Cabinet, the Executive Cabinet shall sell the property of the Center and deposit the proceeds thereof in the treasury of the Center.
2. All monies in the treasury of the Center at the time of disorganization of the Center shall be distributed to each school district which has entered into this Agreement in the same portion that the school district has contributed to the financing of the Center during the final year of this Agreement.

This Agreement shall be subject to change or termination by the Kansas Legislature.

#### INDEMNIFICATION

Each member school district shall be solely responsible for its actions or failure to act and shall not indemnify or hold harmless against damages, injury, or death resulting from the actions or failure to act on the part of any other school district that is a party to this contract.

#### MANDATORY PROVISIONS

In accordance with K.S.A. 72-8201c and amendments thereto, the mandatory contract provisions prescribed by the Kansas Department of Administration in form DA-146a, as amended, are hereby attached as Attachment D and hereby incorporated by reference.

#### KANSAS LAW AND VENUE

This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.

## ATTACHMENT A

**72-13,100. Interlocal cooperation agreements; requirements and conditions; duration; partial or complete termination; financing; definitions.** (a) In the event the boards of education of any two or more school districts enter into a school district interlocal cooperation agreement for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state, the following conditions shall apply:

(1) A school district interlocal cooperation agreement shall establish a board of directors which shall be responsible for administering the joint or cooperative undertaking. The agreement shall specify the organization and composition of and manner of appointment to the board of directors. Only members of boards of education of school districts party to the agreement shall be eligible for membership on the board of directors. The terms of office of members of the board of directors shall expire concurrently with their terms as board of education members. Vacancies in the membership of the board of directors shall be filled within 30 days from the date of the vacancy in the manner specified in the agreement.

(2) A school district interlocal cooperation agreement may provide for the establishment and composition of an executive board. The members of the executive board, if established, shall be selected by the board of directors from its membership. The executive board shall exercise the powers, have the responsibilities, and perform the duties and functions of the board of directors to the extent authority to do so is delegated by the board of directors.

(3) A school district interlocal cooperation agreement shall be effective only after approval by the state board of education.

(4) A school district interlocal cooperation agreement shall be subject to change or termination by the legislature.

(5) The duration of a school district interlocal cooperation agreement for joint or cooperative action in performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law to be performed by school districts of this state, shall be for a term of at least three years but not exceeding five years.

(6) (A) The duration of a school district interlocal cooperation agreement for joint or cooperative action in providing special education services shall be perpetual unless the agreement is partially or completely terminated in accordance with this provision. This provision applies to every school district interlocal cooperation agreement for the provision of special education services entered into under authority of this section after the effective date of this act and to every such agreement entered into under this section prior to the effective date of this act, and extant on the effective date of this act, regardless of any provisions in such an agreement to the contrary.

(B) Partial termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of three or more school districts may be accomplished only upon petition for withdrawal from the agreement by a contracting school district to the other contracting school districts and approval by the state board of written consent to the petition by such other school districts or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue an order approving or disapproving withdrawal by the school district from the agreement.

(C) Complete termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of two school districts may be

accomplished upon approval by the state board of a joint petition made to the state board for termination of the agreement by both of the contracting school districts after adoption of a resolution to that effect by each of the contracting school districts or upon petition for withdrawal from the agreement made by a contracting school district to the other contracting school district and approval by the state board of written consent to the petition by such other school district or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue an order approving or disapproving withdrawal by the school district from the agreement.

(D) Complete termination of a school district interlocal cooperation agreement for the provision of special education services made and entered into by the boards of three or more school districts may be accomplished only upon approval by the state board of a joint petition made to the state board for termination of the agreement by not less than  $\frac{2}{3}$  of the contracting school districts after adoption of a resolution to that effect by each of the contracting school districts seeking termination of the agreement. The state board shall consider the petition and approve or disapprove termination of the agreement.

(E) The state board shall take such action in approving or disapproving the complete or partial termination of a school district interlocal cooperation agreement for the provision of special education services as the state board deems to be in the best interests of the involved school districts and of the state as a whole in the provision of special education services for exceptional children. Whenever the state board has disapproved the complete or partial termination of such an agreement, no further action with respect to such agreement shall be considered or taken by the state board for a period of not less than three years.

(7) A school district interlocal cooperation agreement shall specify the method or methods to be employed for disposing of property upon partial or complete termination.

(8) Within the limitations provided by law, a school district interlocal cooperation agreement may be changed or modified by affirmative vote of not less than  $\frac{2}{3}$  of the contracting school districts.

(b) Except as otherwise specifically provided in this subsection, any power or powers, privileges or authority exercised or capable of exercise by any school district of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of a school district interlocal cooperation agreement. No power or powers, privileges or authority with respect to the levy and collection of taxes, the issuance of bonds, or the purposes and provisions of the Kansas school equity and enhancement act, K.S.A. 2018 Supp. 72-5131 et seq., and amendments thereto, or title I of public law 874 shall be created or effectuated for joint exercise pursuant to the provisions of a school district interlocal cooperation agreement.

(c) Payments from the general fund of each school district which enters into any school district interlocal cooperation agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

(d) Upon partial termination of a school district interlocal cooperation agreement, the board of directors established under a renegotiated agreement thereof shall be the successor in every respect to the board of directors established under the former agreement.

(e) Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all of the powers, privileges and authority conferred upon school districts and boards of education thereof by the provisions of the interlocal cooperation act, except that boards of education and school districts are required to comply with the provisions of this section when entering into an interlocal cooperation agreement that meets the definition of school district interlocal cooperation agreement.

Interlocal Agreement  
Page 7

(f) As used in this section:

- (1) "School district interlocal cooperation agreement" means an agreement which is entered into by the boards of education of two or more school districts pursuant to the provisions of the interlocal cooperation act.
- (2) "State board" means the state board of education.



## ATTACHMENT B

**12-2903. Definitions.** As used in the interlocal cooperation act:

- (a) "Public agency" means:
  - (1) Any county, township, city, school district, library district, road district, drainage district, sewer district, water district or fire district;
  - (2) any entity created pursuant to K.S.A. 12-2901 et seq. or chapter 72 of the Kansas Statutes Annotated, and amendments thereto;
  - (3) any other municipal corporation, quasi-municipal corporation or political subdivision of this state or of any other state which is not specified in paragraphs (1) and (2);
  - (4) any state officer; and
  - (5) any agency or instrumentality of this state or any other state or of the United States.
- (b) "State" means a state of the United States and the District of Columbia.
- (c) "Private agency" means an individual, firm, association or corporation.
- (d) "State officer" shall mean the governor, attorney general, secretary of state, state treasurer and insurance commissioner of the state of Kansas.
- (e) "Native American Indian tribes" shall mean federally-recognized Native American Indian tribes.
- (f) "Gaming compact" shall mean a gaming compact as defined by K.S.A. 46-2301, and amendments thereto.

## ATTACHMENT C

### ACQUISITION AND DISPOSITION OF PROPERTY

All property, both real and personal, acquired by the Center through a merger between Smoky Hill/Central Kansas Education Service Center, North Central Kansas Education Service Center and Fort Hays Educational Development Center shall become the property of the Center and not property of any participating School District. If any such property is sold while this Agreement is in effect, the proceeds of such sale shall be paid into the Treasury of the Center and may be expended in any lawful manner as approved by the Executive Cabinet of the Center. (See page 3 of Interlocal Agreement for disposition of property if the Center dissolves.)

#### Exception

An exception is the building located at 605 E. Crawford along with adjoining tract of land and parking lots in the city of Salina, Kansas. Since School Districts listed below have purchased equity in this property, they retain complete ownership and all property rights including any revenue generated through its sale if the Center should dissolve.

ABILENE USD 435  
CENTRAL PLAINS USD 112  
CHAPMAN USD 473  
ELL-SALINE USD 307  
ELLSWORTH USD 327

HERINGTON USD 487  
RURAL VISTA USD 481  
SALINA USD 305  
SYLVAN GROVE USD 299  
TWIN VALLEY USD 240

## ATTACHMENT D

State of Kansas  
Department of Administration  
DA-146a (Rev. 06-12)

### CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

"The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part thereof."

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the 1<sup>st</sup> day of July, 2019.

- 1. Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
- 2. Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
- 3. Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
- 4. Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
- 5. Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) if it is determined that the contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.  
Contractor agrees to comply with all applicable state and federal anti-discrimination laws.  
The provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the contracting State agency cumulatively total \$5,000 or less during the fiscal year of such agency.
- 6. Acceptance Of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.

Interlocal Agreement  
Page 11

7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.

8. **Representative's Authority To Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.

9. **Responsibility For Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.

10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.

11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101 et seq.

12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."

13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

**Item Title:**

Act on amendment to Kansas School for the Deaf/NEA agreement for the purpose of adding salary schedule update

**Recommended Motion:**

It is moved that the Kansas State Board of Education approve an amendment to the two-year Professional Agreement of the Kansas School for the Deaf/NEA and Kansas State Board of Education to add the salary schedule update.

**Explanation of Situation Requiring Action:**

In August 2018, the Kansas State Board of Education adopted the Professional Agreement between the Kansas School for the Deaf/NEA and the State Board for the term Aug. 1, 2018 to July 31, 2020. The KSD salary schedule follows the prior year of the Olathe USD 233 salary schedule. Salary shall be based upon the rate of compensation paid to educators employed by the Olathe District Schools for the preceding school year as per K.S.A. 76-11a17. The proposed amendment reflects updates to remain consistent with USD 233.



## WEDNESDAY, MAY 15, 2019 MEETING AGENDA

- |                        |  |
|------------------------|--|
| <b>9:00 a.m.</b>       | 1. Call to Order   |
|                        | 2. Roll Call   |
|                        | 3. Approval of Agenda  |
| <b>9:05 a.m. (IO)</b>  | 4. Kansans Can Redesign Highlight: rural districts engaging students with business — Fredonia USD 484 and Beloit USD 273   |
| <b>10:05 a.m.</b>      | Break  |
| <b>10:15 a.m. (IO)</b> | 5. State Assessment Update   |
| <b>10:35 a.m.</b>      | 6. Executive session for the purpose of discussing personnel matters of non-elected personnel  |
| <b>10:50 a.m. (AI)</b> | 7. Possible action on personnel contract   |
| <b>10:55 a.m. (IO)</b> | 8. Chairman’s Report and Future Agenda Items <ul style="list-style-type: none"> <li>a. Teacher Vacancy and Supply Committee</li> <li>b. School Mental Health Advisory Council recommendations</li> </ul> |
| <b>11:35 a.m.</b>      | 9. Act on Board Travel   |
| <b>11:45 a.m.</b>      | <b>ADJOURN</b>   |







## Kansas State Department of Education

Landon State Office Building  
900 SW Jackson Street, Suite 307  
Topeka, Kansas 66612-1212

(785) 296-3201  
(785) 296-6659 - fax

[www.ksde.org](http://www.ksde.org)

**To:** Commissioner Randy Watson

**Subject:** Kansans Can Redesign Highlight: rural districts engaging students with business – Fredonia USD 484 and Beloit USD 273

Partnerships with business and industry are key to helping students explore career opportunities, gain real-world experience and connect to their communities. Two rural districts participating in the Kansans Can School Redesign Project will share ways they have collaborated resources locally to engage students with business. Representatives from Beloit USD 273, a Gemini I redesign participant, and Fredonia USD 484, a Gemini II, will discuss the success of special projects.

School redesign is a process driven by four principles:

- Student success skills
- Community partnerships
- Personalized learning
- Real-world applications



**Agenda Number: 5**

**Meeting Date: 5/15/2019**



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**To:** Randy Watson  
**From:** Beth Fultz  
**Subject:** State Assessment Update

KSDE staff from the Career, Standards and Assessment Services team will provide an update on the 2018-2019 administration of state assessments in English language arts, math, science and English language proficiency. Assessment results will not be available until October.



**Item Title:**

Executive session for the purpose of discussing personnel matters of non-elected personnel

**Recommended Motion:**

It is moved that the Kansas State Board of Education recess into Executive Session to discuss the subject of an individual employee's performance, which is justified pursuant to the non-elected personnel exception under the Kansas Open Meetings Act, in order to protect the privacy interest of the individual(s) to be discussed.

The open meeting will resume in the Board Room at the designated time.



**Item Title:**

Possible action on personnel contract following Executive Session







Great students. Great teachers. Great leaders. Great citizens.

Janet Waugh <i>District 1</i>	Steve Roberts <i>District 2</i>	Michelle Dombrosky <i>District 3</i>	Ann Mah <i>District 4</i>	Jean Clifford <i>District 5</i>
Deena Horst <i>District 6</i>	Ben Jones <i>District 7</i>	Kathy Busch <i>District 8</i>	Jim Porter <i>District 9</i>	Jim McNiece <i>District 10</i>

**To:** Kansas State Board of Education  
**Subject:** Chair's Report & Requests for Future Agenda Items

These updates will include:

- a. Teacher Vacancy and Supply Committee
- b. School Mental Health Advisory Council recommendations
- c. Other Committee Reports
- d. Board Attorney's Report
- e. Requests for Future Agenda Items

Note: Individual Board Member Reports are to be submitted in writing.





Great students. Great teachers. Great leaders. Great citizens.

Janet Waugh  
District 1

Steve Roberts  
District 2

Michelle Dombrosky  
District 3

Ann Mah  
District 4

Jean Clifford  
District 5

Deena Horst  
District 6

Ben Jones  
District 7

Kathy Busch  
District 8

Jim Porter  
District 9

Jim McNiece  
District 10

**To:** Board Members  
**From:** Peggy Hill  
**Subject:** Board Member Travel

Travel requests submitted prior to the meeting, and any announced changes, will be considered for approval by the Board.

Upcoming deadlines for reporting salary/payroll information to the Board office are:

Pay Period Begins	Pay Period Ends	Deadline to Report	Pay Date
4/21/2019	5/04/2019	5/02/2019	5/17/2019
5/05/2019	5/18/2019	5/16/2019	5/31/2019
5/19/2019	6/01/2019	5/30/2019	6/14/2019