

GUIDELINES

OF THE

KANSAS STATE BOARD OF EDUCATION

**STATE BOARD GUIDELINES/PROCEDURES
INDEX**

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

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GUIDELINE I
APPROVAL OF MEETING ATTENDANCE
(BOARD MEMBER TRAVEL)

A. Legal Basis

1. K.S.A. 72-7511a provides that State Board members are to get the same compensation, travel expenses and subsistence allowance as provided in K.S.A. 75-3212 for members of the legislature when members attend a meeting which has been approved by the State Board.
2. K.S.A. 75-3212 says members of the legislature are entitled to:
 - (a) the amount of compensation and subsistence allowance prescribed in K.S.A. 46-137a for actual attendance at in-state meetings;
 - (b) the subsistence allowance incurred in going to and returning from in-state meetings on days other than days of meetings, if the legislator lives more than 100 miles from the location of the meeting; and
 - (c) the mileage rate authorized by K.S.A. 75-3203a for each mile actually traveled by the usual route in going to and returning from authorized in-state meetings. The Commissioner will inform the Board annually of the current rate.
3. K.S.A. 46-137a provides for the amount of compensation (salary) and the rate of subsistence allowance (per diem). KSDE staff will inform the Board annually of the current rates.
4. Any member of the State Board may waive payments of compensation, subsistence allowance, or mileage to which the member is entitled.

B. Preapproved Attendance

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

1. Attendance at regular or special meetings of the State Board.
2. Attendance at any meeting at which the member is attending as-the designated representative of the State Board. Any time a Board-member is appointed by the Chair, the Commissioner, or the-Governor, to participate on a committee, work group, study group,-task force, council or other group for a state or national educational organization, the Board shall vote to authorize travel/salary expenses for such participation.

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

C. Discretionary Attendance

1. (a) Each Board member shall have discretion in attending any meeting not specified in section B of these Guidelines. However, the receipt of state allowances is subject to approval of such attendance by the State Board.

(b) When approving travel by Board members, the State Board will consider the balance of the allotment available to each Board member under section D.
2. The State Board will not grant approval for attendance at any partisan, political activity or event.
3. To comply with State ethics laws, the Board must vote to approve a Board member's travel even when the travel expenses are paid by a third party.

D. Annual Allocation for Board Member Travel

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

1. From the total amount appropriated for the State Board's budget, subtract an amount sufficient to pay for each Board member's attendance at monthly State Board meetings.
2. Divide the amount determined by step 1 by 14.5. The resulting amount shall be termed "a share."
3. Allocate to each Board member one share as derived from Step 2.
4. Allocate one additional share to each of the following Board members:
 - a. Chairman
 - b. Vice Chairman
 - c. District 5 Member
 - d. Legislative Liaison. (This share shall be available after January 1.)
5. Allocate one-half of an additional share to the Assistant Legislative Liaison. (This one-half share shall be available after January 1.)

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

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

E. Definitions

The following definitions shall apply to this Guideline:

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

Adopted: March 10, 1998
Amended: September 14, 1999
Amended: December 12, 2001
Amended: November 12, 2002
Amended: November 14, 2007
Amended: November 10, 2009
Amended: September 8, 2015

GUIDELINE II
ACCESS TO COMMUNICATION EQUIPMENT BY STATE BOARD MEMBERS

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

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

GUIDELINE III
DISCUSSING AND ADDRESSING ISSUES

- A. If the State Board determines to address an issue, the Board shall decide the process for meaningful discussion about the issue and the strategy for addressing it.

- B. The process for meaningful discussion may include, but is not limited to, the following:
 - 1. receiving information, reports and options from staff of the Department or persons selected by the Department;
 - 2. receiving information, reports and options from individuals selected by the State Board;
 - 3. gathering and review of information by a subcommittee of the Board selected by the State Board or by an external committee appointed by the State Board;
 - 4. the holding of public hearings to receive information from the general public in regard to the issue;
 - 5. work sessions or retreats by the State Board to focus on the particular issue;
 - 6. discussion of the issue by the full Board at one or more meetings, with action taken after full discussion of the issue; and
 - 7. any other procedure agreed to by the State Board.

- C. The purpose of Board Member Reports is to allow members to report on meetings of boards, commissions or organizations to which they have been assigned to represent the Board. It is also an opportunity to report on meetings or conferences attended. During the time provided for Board Member Reports, it is inappropriate to use it as an opportunity to present one's views on issues not currently being addressed by the Board or to bring up issues for debate or discussion.

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

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

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

GUIDELINE IV.
HEARING OFFICER RECOMMENDATIONS

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

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

**GUIDELINE V.
LAND TRANSFERS**

I. Governing Law

K.S.A. 72-7108 provides that a transfer of land from one school district to another can be made only under the following conditions:

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

The Kansas Supreme Court has determined that any land transfer must be consistent with, and not in derogation of, the purposes and provisions of the school unification acts. In addition, K.S.A. 72-7108 contains factors that must be considered by the State Board when reviewing land transfer requests.

II. Considerations Regarding Requests for Land Transfers

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

- 1) The ultimate consideration must be the long-term effect a transfer would have on students living in: (1) the petitioned area, (2) the receiving district, and (3) the giving district. It also must include, under K.S.A. 72-6734 (not 6437), whether the transfer would add to the general improvement of the public schools in the state and the equalization of the benefits and burdens of education throughout the affected communities.
- 2) To justify taking land, by petition, from one school district and giving it to another, a material change in circumstances of a substantial and weighty nature must exist so that a reasonable person would recognize that the educational interests of all affected children (inside and outside of the transfer area) could be better served by adjusting district boundaries, without any serious detrimental effect upon students or upon the district from which the land will be transferred.
- 3) The type of change in circumstances that justifies a transfer of land by petition is difficult to describe in the abstract.

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

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

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

Adopted: May 10, 1977
Amended: February 12, 1986
Amended: March 10, 1998
Amended: November 14, 2001
Amended: September 9, 2003

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

1. No school shall allow students **below** the sixth grade to participate in interscholastic athletics.
2. Any qualifying middle, junior or senior high school may join the Kansas State High School Activities Association (KSHSAA) and participate under its rules. Any school which is not a member of the KSHSAA shall comply with the following guidelines.
3. Each school which allows students in grades 7 to 12 to participate in interscholastic athletics shall adhere to the rules of the KSHSAA. The rules Handbook of the KSHSAA may be obtained from either the KSHSAA or the Kansas State Department of Education (KSDE).
4. Each school providing interscholastic athletics for student in **sixth grade** shall adhere to the following requirements:
 - a. Coaches shall adhere to Rule 10 of the KSHSAA.
 - b. No student is eligible to represent any school in interscholastic athletics, spirit or spirit competition groups until there is on file, with the superintendent or principal, a statement certifying that the student has passed an adequate physical examination and is physically fit to participate in interschool athletics, spirit or spirit competition groups. The statement must be signed by any of the following licensed health care providers: (i) a physician; (ii) a chiropractor; (iii) a physician assistant (PA) who has been authorized to perform this examination by a Kansas licensed supervising physician; or (iv) an advance practice registered nurse (APRN) who has been authorized to perform this examination by a Kansas licensed supervising physician. This statement shall also be signed by a parent or legal guardian, stating the student has permission to participate. Physical forms, to be signed by the health care providers listed previously and parents, may be obtained from the local schools or on the KSHSAA website.
 - c. In scheduling athletic contests, each school shall:
 1. Schedule, for each team, no more than one interschool contest each week, exclusive of tournament games. One regularly-scheduled game and one make-up game may be scheduled during the same week only once during the season; and
 2. Have the approval of the school building administrator.

- d. Practice time shall not exceed one hour and 30 minutes per school day. Any practice session held between two schools shall not be considered as practice time, but shall count as one of the allowed number of contests per season. Interschool competition shall not be held without each participating team having completed eight scheduled practices.

- e. Each student shall have the following activity limitations:
 - A. **Basketball.** No student shall participate in more than 16 basketball games, including games played in tournaments, in any school year. Quarters shall be a maximum of six minutes.
 - B. **Softball and Baseball.** No student or team shall participate in more than eight games of interschool competition during a season.
 - C. **Track and Field.** No student shall participate in more than seven meets. Students are limited to three events per day, including relays. No student may compete in more than 2 races of 440 yards (400 M) or more in one day. No student may compete in any race of more than 1600 meters. All facilities for field event competition shall meet standards established or approved by National Federation (NFHS) Rules which may be obtained from the KSDE.
 - D. **Gymnastics.** No student shall participate in more than eight meets during a season, or more than two events per day. "All-around" competition may be counted as one of the two events.
 - E. **Soccer.** No team shall participate in more than 10 games during a season, including tournaments.
 - F. **Volleyball.** No team shall participate in more than eight days of interschool competition during a season, including tournaments.
 - G. **Golf.** No team shall participate in more than seven days of interschool competition during a season.
 - H. **Tennis.** No team shall participate in more than seven days of interschool competition during a season.
 - I. **Cross Country.** No team shall participate in more than six meets during a season. No student shall be allowed to run more than 3200 meters on any day.
 - J. **Tackle Football, Boxing and Wrestling.** Students shall not participate in tackle football, boxing or wrestling.

- f. Sixth-grade students of an individual school system may participate in middle/junior high school interscholastic athletics, other than tackle football, boxing and wrestling, to the extent allowed by these guidelines. However, these students shall not participate in the same sport during the same period of time for both the school and some other non-school club or recreation team.

Adopted: March 10, 1998
Amended: November 14, 2001
Amended: September 9, 2003
Amended: September 8, 2015

GUIDELINE VII ISSUANCE OF A VISITING SCHOLAR LICENSE

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

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

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

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

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

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

A. PROCEDURES

1. All forms necessary for unified school districts to make application to the State Board of Education to conduct an election for authority to issue bonds in an amount exceeding the general bond debt limitation of the school district shall be available from the Division of Financial Services of the State Department of Education.
2. The notice required by K.S.A. 75-2317 of the intention to file an application for permission to exceed the general bond debt limitation must be made one time in a newspaper of general circulation in the district and the publication must be made no later than the 10th day of the month in which the application is submitted to the State Board.
3. All materials concerning an application for permission to hold a bond election must be received by the Division of Financial Services by at least the 15th day of the month in which the application is to be submitted to the State Board.

B. MATERIALS TO BE SUBMITTED

Each local board of education making application to the Kansas State Board of Education for approval to conduct a bond election under K.S.A. 75-2315et seq. shall submit the following materials:

1. Application (form 7-212-110);
2. Resolution to Submit Application to the State Board (form 7-212-106);
3. Published Notice of Intent to File an Application and Affidavit of Publication (form 7-212-108);
4. Certified Assessed Valuation of School District (form 7-212-114); and
5. Bond Election Questionnaire (form 7-212-118).

C. STAFF RECOMMENDATION

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

Adopted: May 10, 2000
Amended: September 9, 2003

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

The Kansas Legislature has assigned to the State Board of Education the responsibility to administer the Charter School statutes, K.S.A. 72-1903 to 72-1911. To assist the State Board in fulfilling this responsibility, the staff of the Kansas State Department of Education (KSDE) shall adhere to the following procedures in submitting recommendations for approval or disapproval of initial charter school petitions under K.S.A. 72-1906.

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

In addition, KSDE staff shall adhere to the following procedures in submitting recommendations for approval or disapproval of requests for renewal of charter schools under K.S.A. 72-1907.

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

Adopted: December 10, 2003

Procedure A: New Board Member Orientation

1. The purpose of orientation is to prepare newly elected Kansas State Board of Education members for their public office and acquaint them with programs and activities of the Kansas State Department of Education.
2. On or before November 15 of an election year, the Board Secretary shall send a welcome letter to each Board member-elect with information to include:
 - a. Links to Board Policies and Guidelines
 - b. List of School Districts in his/her Board District
 - c. Contacts of School District Superintendents in his/her Board District
 - d. Draft calendar of upcoming year's Board meetings
 - e. Request for photo and bio
 - f. Request for ordering name badge, name plate
3. In early December, the Board Secretary shall notify each Board member-elect that an orientation session will be held on the day immediately preceding the first day of the December Board meeting. A suggested agenda for this orientation session could include the following: a discussion of each member's expectations, issues, concerns, and goals for the Board; Board member roles and responsibilities; differences between a state board and local board of education, the statutory and regulatory authority of the Board; Open Meetings Act; Board Policies and Guidelines; Board communications plan; Board elections and appointments; tour of KSDE building; and governmental and constituent relations.

In preparation for the session, Board members should receive:

- a. Board mission and goals, roles and responsibilities
 - b. KSDE organizational chart, contact information for Commissioner and Deputy Commissioners
 - c. Kansas Open Meeting Act, Open Records Act
 - d. Draft calendar of Board meeting dates for the year
 - e. Outline of regular communications to expect from Commissioner and Board Secretary
 - f. Roles and duties of Board Secretary and Board Attorney
 - g. Request for ordering business cards, stationery
 - h. Instructions for submitting travel reimbursement (plus budget limitations) and payroll information
 - i. Overview of benefits (insurance, KPERS, etc.)
 - j. Required forms (W-9, I-9, permission for building key card)
 - k. Parking instructions and parking tag
4. Details concerning swearing-in ceremonies, which differ during a gubernatorial election year, will be provided to newly elected and re-elected Board members as soon as they are made available to the Board Secretary.

5. When the agenda for the January Board meeting is distributed, the Board Secretary shall notify each Board member-elect that an orientation session will be held prior to the first day of the January Board meeting. A suggested agenda for this orientation session could include the following: computers/meeting technology; agenda development process; position descriptions for the secretary and commissioner; issues and questions regarding the January Board Meeting agenda; and questions from the previous orientation session.

In preparation for the session, Board members should receive:

- a. Statement of Substantial Interests form from Secretary of State's Office
 - b. List of committee members of advisory groups that work with State Board and KSDE
 - c. List of legislators in Board District
 - d. Overview of legislative process and committees
 - e. Chronicle of major Board decisions for the past year
 - f. General calendar of events Board members may attend (Kansas Teacher of the Year, annual conference, etc.)
6. When the agenda for the February Board meeting is distributed, the Board Secretary shall notify each of the new Board members that an orientation session will be held prior to the first day of the February Board meeting, or at a time conveniently scheduled around the Board's annual retreat. A suggested agenda for this orientation session could include the following: the purpose and process for strategic planning; overview from the KSDE Divisions of Learning Services and Fiscal and Administrative Services; information from KSDE communications department; supervision of Kansas State School for the Deaf and Kansas State School for the Blind; general issues and questions from new members.
 7. If the Board determines that adaptation of the orientation sessions would benefit new members then the schedule may be adjusted.
 8. At the end of the orientation process, the participants will complete an evaluation form and return it to the Commissioner, Board Chairman and Vice Chair. They may use the feedback from evaluations to develop agendas for future orientation sessions.
 9. Newly-elected Board members attending required orientation sessions may request mileage and per diem in accordance with State travel regulations. However, the expenses of members-elect to attend regular Board meetings cannot be paid until their term of office begins. (Policy 1004)

Adopted: September 10, 2008
Amended: September 8, 2015

PROCEDURE B: Conducting Evaluations

1. The Human Resources Director will initiate the evaluation process for the Commissioner, Board Secretary, and Board Attorney by sending the evaluation forms to the Board members immediately following the October Board meeting of each year. The HR Director will provide instructions for submitting the completed evaluation forms to the Board Chairman or the person designated to receive the forms by the Board Chairman.

The initial evaluation is within six months of hire and annually thereafter. See Policy 2002

2. Each Board member must complete the evaluation form and return it to the Chairman or designee by November 1 of each year.
3. The Chairperson will compile the final evaluation results based on the input received from the other Board members and any other person as requested.
4. The Board may consult with any person it considers to have relevant information regarding an evaluation. Such consultation may be in person during an executive session or by written report submitted to the Board Chairperson.
5. The entire Board will discuss the evaluation results during executive session at the November Board meeting.
6. The Commissioner will include the Board's summary evaluation results when evaluating the Board Secretary's performance. The Commissioner will complete the Board Secretary's evaluation by filling out the State employee evaluation form, incorporating the Board's input from the compiled evaluation results.
7. After the final evaluation is approved by a majority of the Board members, the Chairperson will discuss the evaluation with the person being evaluated. If the person being evaluated is the Board Secretary, the Commissioner will discuss the evaluation with the Board Secretary, and the Chairman may join the Commissioner during the discussion.
8. The evaluation forms will be housed with the KSDE Human Resources Office.

Adopted: September 10, 2008
Amended: October 17, 2012
Amended: September 8, 2015