

Kansas State Board of Education Policies



Kansas leads the world in the success of each student.

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

ARTICLE VI

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

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

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

STATUTES REGARDING THE STATE BOARD OF EDUCATION

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

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

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

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

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

PREFACE

MISSION & VISION

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

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

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

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

Kansas leads the world in the success of each student.

ESTABLISHING GOALS

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

BOARD CONTRIBUTIONS

The work of the Board shall be to:

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

Adopted: March 14, 2000

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

GOVERNANCE PROCESS

POLICY REVIEW

Policy Type: Governance Process

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

Adopted: August 9, 1989
Amended: March 10, 1998

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

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

Accordingly, the Board will:

1. Set direction for education in Kansas by focusing on the careful initiation and establishment of policies.
2. Adhere to Board policies.
3. Be accountable to the public for competent, conscientious and effective accomplishment of its obligations as a Board. No member of the Board shall represent a minority position as that of the full Board.

Adopted: August 9, 1989

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

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

Policy Type: Governance Process

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

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

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

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

Adopted: August 9, 1989

Amended: March 10, 1998; March 14, 2000; August 8, 2017

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

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

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

For more information see Procedure A of the Guidelines

Adopted: August 9, 1989

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

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

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

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

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

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

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

For more information see Guideline I.

Adopted: August 9, 1989
Amended: March 10, 1998; March 14, 2000

POLICY: BOARDSMANSHIP EXPECTATIONS**Policy Type: Governance Process**

- A. Board members are expected to:
1. maintain an open dialogue with each other;
 2. listen and show courtesy and respect to each other, the public and staff;
 3. respect other Board members and their opinions;
 4. not make assumptions about the possible voting preferences of other members and feel free to ask for clarification of positions;
 5. accept the fact that there will be differences of opinion and not take dissenting opinions personally;
 6. make a good faith effort to find common ground on issues, including consideration of parts of proposals;
 7. earn trust from one another; and
 8. protect the integrity of the Board, and not misrepresent the Board's official position on issues to the press or in social media.
- B. Perceived Violations of Boardsmanship Expectations
1. Any perceived violation of boardsmanship expectations can be voiced to the chairman by any Board member.
 2. The chairman shall rule on the alleged violation.
 3. If any member is dissatisfied with the ruling of the chair, the member may make a motion on the issue.
- C. Board members also expect the chair and vice chair of the Board to work as a team with the Commissioner.

Adopted: August 9, 1989

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

POLICY: OFFICERS - ELECTION, TENURE, AND DUTIES**Policy Type: Governance Process**

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

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

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

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

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

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

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

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

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

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

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

E. (1) Evaluations of positions attached to the State Board:

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

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

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

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

For Additional Information, See Procedure B of the Guidelines.

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

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

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

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

Adopted: August 9, 1989

Amended: March 10, 1998; December 10, 2003; October 17, 2012

POLICY: APPOINTMENTS TO COMMITTEES AND COMMISSIONS**Policy Type: Governance Process**

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

C. Appointments to Temporary Committees of the State Board:

The chairman and members of each temporary committee of the State Board shall be appointed by the chairman of the State Board from a list of those Board members who have expressed an interest in serving on the committee.

D. Appointments to Other Committees:

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

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

Adopted: August 9, 1989

Amended: March 13, 1990; July 10, 1991; October 13, 1992; March 10, 1998;
December 12, 2001; September 9, 2003; December 10, 2003; March 11, 2014;
August 8, 2017; January 15, 2019; March 11, 2020

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

1. Meetings

A. Regular Meetings

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

B. Other Meetings

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

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

Telephone conference meetings may be called by the chairman or at the request of four Board members.

C. Notification of Meetings

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

When the regular meeting date, time or place is changed by resolution, or when additional regular meetings, special meetings, recessed or adjourned meetings are called, the secretary to the Board shall notify members of the Board and others who have requested notification, at least five days before such meetings. However, when the chairman deems the need for an emergency meeting, the chairman may call a meeting. In such event, reasonable notice shall be given to those parties named herein.

A party receiving notice of any conference shall be advised that this will be an open meeting and the discussion and action may be heard over speakers at the State Department of Education.

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

D. All official business of the State Board shall be transacted as provided by state law.

E. Agenda

(1) Construction

(a) A State Board meeting agenda shall be prepared by the chairman of the State Board, the vice chairman of the State Board and Commissioner.

(b) Any member of the State Board may request that an item related to State Board goals be placed on the agenda by submitting a request to the chairman in advance of the agenda preparation. Any such item shall be considered for the State Board agenda.

(c) In addition, a member of the State Board may request that any matter be placed on a future agenda of the State Board at a regular meeting. The request shall be discussed at a meeting of the State Board.

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

(2) Advance Delivery

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

(3) Distribution

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

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

F. Meeting Conduct

(1) Order of Business

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

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

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

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

Routine, procedural or noncontroversial action items may be placed on the consent agenda. For items that require clarification, or for which a Board member has a question, that clarification should be requested before the Board meeting. An item should not be pulled from the consent agenda just to have a question answered. That sort of information gathering should happen before the meeting. If there is an item about which a Board member dis-agrees, or believes the item requires discussion, then a request is made at the beginning of the Board meeting during the Approval of the Agenda to pull that item from the consent agenda.

G. Records and Minutes

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

Adopted: August 9, 1989

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

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

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

Objectives of travel:

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

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

For more information see Guideline I.

Adopted: August 9, 1989

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

POLICY: CITIZENS' OPEN FORUM

Policy Type: Governance Process

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

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

Adopted: August 9, 1989

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

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

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

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

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

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

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

COMMUNITY FORUMS

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

Adopted: August 9, 1989

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

BOARD-STAFF LINKAGE

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

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

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

Adopted: August 9, 1989

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

**POLICY: MONITORING AND EVALUATING
COMMISSIONER PERFORMANCE**

Policy Type: Board-Staff Linkage

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

For more information see Procedure B of the Guidelines.

Adopted: August 9, 1989

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

COMMISSIONER LIMITATIONS

POLICY: COMMUNICATION AND COUNSEL TO THE BOARD

Policy Type: Commissioner Limitations

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

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

Adopted: August 9, 1989

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

POLICY: STAFF TREATMENT

Policy Type: Commissioner Limitations

With respect to employment and treatment of staff, the Commissioner may not cause or allow conditions that:

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

Adopted: August 9, 1989

Amended: March 10, 1998; September 14, 1999; July 15, 2009; March 11, 2014; August 8, 2017

**POLICY: FINANCIAL PLANNING AND LEGISLATIVE
RECOMMENDATIONS**

Policy Type: Commissioner Limitations

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

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

Adopted: August 9, 1989
Amended: March 10, 1998

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

With respect to protecting the Board from sudden loss of chief executive services, the Commissioner may not allow insufficient executive backup. Accordingly, the Commissioner shall have no fewer than two other executives (deputy commissioners) familiar with Board and Commissioner issues and processes.

Adopted: August 9, 1989
Amended: March 10, 1998; March 11, 2020