TUESDAY, JANUARY 12, 2016
MEETING AGENDA

Landon State Office Bld.
900 SW Jackson St.
Board Room, Ste 102
Topeka, KS 66612

AI—Action Item
DI—Discussion Item
RI—Receive Item, for possible action at a future date
IO—Information Only

10:00 a.m.
1. Call to Order
2. Roll Call
3. Mission Statement, Moment of Silence and Pledge of Allegiance
(AI) 4. Approval of Agenda
(AI) 5. Approval of December Minutes

10:05 a.m.
(IO) 6. Commissioner’s Report

10:30 a.m.
(IO) 7. Citizens’ Open Forum

11:00 a.m.
(AI) 8. Act on definition of Kansas College and Career Ready

11:20 a.m.
Break

11:30 a.m.
(AI) 9. Act on Board Outcomes for Kansans Can Vision
Lunch

Noon

1:30 p.m.
(IO) 10. Report from School Redesign Advisory Group

2:00 p.m.
(IO) 11. Informal Education Institutions Report on PreK-12 Learning Opportunities

2:25 p.m.
(RI) 12. Receive Special Education Advisory Council (SEAC) Annual Report

2:50 p.m.
(IO) 13. Legislative Update
   a. Review legislative education committees
   b. Review Special Committee on K-12 Student Success

3:05 p.m.
Break

3:15 p.m.
(AI) 14. Approval of Resolution for 2016 Board Meeting Dates
15. Consent Agenda
   
   **Routine Items**
   
   (RI) a. Receive monthly personnel report  
   (AI) b. Act on appointments to unclassified special project positions  
   (AI) c. Act on recommendations for licensure waivers  
   (AI) d. Act on recommendations of the Licensure Review Committee  
   (AI) e. Act on recommendations of the Evaluation Review Committee  
   (AI) f. Act to approve local in-service education plans  
   (AI) g. Act on contract with Center for Educational Testing and Evaluation for the use of Learning Maps as an organizing structure for formative assessments  
   (AI) h. Act on contract to implement Kansas Integrated Accountability System application  
   (AI) i. Act to approve Keystone Learning Services dba Northeast Kansas Education Service Center Interlocal Agreements  

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16. Executive Session for the purpose of consultation with attorney  

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   **RECESS**

   **POST-MEETING ACTIVITY**

   Governor’s State of the State Address, House Chambers, 5:30 p.m.  
   Please gather in the north lobby of the Landon Bldg at 4:30 p.m.
WEDNESDAY, JANUARY 13, 2016
MEETING AGENDA

Landon State Office Bld.
900 SW Jackson St.
Board Room, Ste 102
Topeka, KS 66612

7:30 - 8:30 a.m.

9:00 a.m.

9:05 a.m.

9:35 a.m.

10:15 a.m.

10:25 a.m.

10:35 a.m.

11:15 a.m.

11:25 a.m.

12:30 p.m.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Receive Career Technical Student Organizations’ Report and presentation by CTSO officers
6. Act on recommendations of the Professional Practices Commission
7. Board Reports & Requests for Future Agenda Items
8. Act on Board Member Travel

PRE-MEETING ACTIVITY

7:30 a.m. Breakfast with the Special Education Advisory Council
Room 509, 5th Floor of Landon State Office Building

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Receive Career Technical Student Organizations’ Report and presentation by CTSO officers
6. Act on recommendations of the Professional Practices Commission
7. Board Reports & Requests for Future Agenda Items
8. Act on Board Member Travel

LUNCH — Board members are invited to join the CTSO officers for lunch at the Capitol Plaza Hotel. Group transportation for Board members will be available.

ADJOURN

Next Meeting: February 9 and 10, 2016 in Topeka
CALL TO ORDER
Chairman Jim McNiece called the monthly meeting of the State Board of Education to order at 10 a.m. Tuesday, Dec. 8, 2015, in the Board Room at the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas. McNiece welcomed those in attendance.

ROLL CALL
All members were present:
John Bacon  
Kathy Busch  
Carolyn Wims-Campbell  
Sally Cauble  
Deena Horst  
Jim McNiece  
Jim Porter  
Steve Roberts  
Janet Waugh  
Ken Willard

STATE BOARD MISSION STATEMENT, MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
Chairman McNiece read both the Board’s Mission Statement and Kansans CAN Vision Statement. He then asked for a moment of silence after which the Pledge of Allegiance was recited.

APPROVAL OF AMENDED AGENDA
Chairman McNiece announced several adjustments to the meeting agenda. Attorney General Derek Schmidt’s presentation on a Citizenship Program Initiative will be moved from Wednesday to Tuesday at 1:50 p.m. as Item 11. The discussion on adapting the definition of Kansas College and Career Ready will be moved to 9:05 a.m. Wednesday as Item 4. A legislative update from Dale Dennis will be added as Item 17. Mr. Roberts requested that Consent Item 16 c. (licensure waivers) be pulled for discussion and separate action. Mrs. Horst moved to approve the agenda modifications. Mr. Willard seconded. Motion carried 10-0.

APPROVAL OF THE NOVEMBER MEETING MINUTES
Mr. Willard moved to approve the minutes of the November Board meeting. Ms. Wims-Campbell seconded. Motion carried 10-0.

COMMISSIONER’S REPORT
Dr. Randy Watson provided information about the long-awaited federal reauthorization of the Elementary and Secondary Education Act. The new ESEA law goes into effect in the 2017-18 school term, giving states time to transition from No Child Left Behind. A six-member team from KSDE will analyze the 1,000 plus pages of the bill. Another group of individuals from across the state has been formed to help advise KSDE, and a sub-committee will work specifically with the lowest performing Title I schools. Dr. Watson mentioned key components of the new law, including Preschool Development Grants and increased flexibility to states which meshes with the Kansans CAN vision. He highlighted one district’s efforts related to the vision. Prairie Hills USD 113 has implemented strategies for student success targeted at each high school grade by devoting specific time to activities such as mock interviews with community leaders, ACT preparation, college admissions criteria and more.

CITIZENS’ OPEN FORUM
Chairman McNiece declared the Citizens’ Forum open at 10:26 a.m. Speakers and their topics were:
John Morton, Emporia State University — ESU’s collaboration with USD 447 Cherryvale-Thayer and ESU’s state conversation forum; David Lindeman, Kansas Division for Early Childhood — requesting
recent consideration of PreK/K teaching assignment policy; Tom Krebs, Kansas Association of School Boards — legislative report adopted by KASB’s delegate assembly, plus specific school success examples. Chairman McNiece declared the Citizens’ Forum closed at 10:37 a.m.

RECEIVE AND REVIEW BOARD OUTCOMES FOR KANSANS CAN VISION
Recent retreat discussions with the Kansas State Board of Education have centered on determining how to measure and track progress toward ensuring Kansas leads the world in the success of each student. Commissioner Watson reviewed six measurable outcomes to be considered at the forefront of work by the State Board, the Kansas State Department of Education and stakeholders. The top suggested state level outcomes to drive the vision are: high school graduation rates, post secondary completion/attendance, remedial rate of students attending post-secondary, kindergarten readiness, Individual Plan of Study focused on career interest, and social/emotional growth measured locally. Dr. Watson elaborated on each measurement, citing examples and possible challenges. Board members emphasized the need to clearly define high school graduation rates and considered the challenges of uniform remediation tracking.

BREAK
The Board took a break from 11:12 to 11:22 a.m.

Discussion resumed about the importance of kindergarten readiness both academically and behaviorally, collaboration of early childhood resources in communities or identifying lack of resources, and ensuring that a credentialing problem is not created. They also addressed the need for a thorough Individual Plan of Study process in schools, which the State Board recommended for every school two years ago. This must be supported with optional models and training to avoid being a mere check-off sheet. The process should actively involve higher education. Once the vision outcomes are established, specific indicators will help all parties monitor progress to determine if students are on track. A vote on the suggested outcomes is anticipated in January.

ACTION ON LICENSURE PROGRAM STANDARDS FOR ENGLISH, READING SPECIALIST AND TECHNOLOGY
Dr. Scott Myers presented the revised licensure program standards for English 5-8, English 6-12, Reading Specialist PreK-12 and Technology 6-12 for adoption. These standards help institutions of higher education develop their educator preparation programs and monitor or redesign programs as necessary. Revision committee members Dr. Melissa Reed from Emporia State University and Mr. Kim Stewart from Fort Hays State University were present to field questions. Mrs. Cauble inquired about the lack of English Language Learner methods classes in the program standards. Dr. Myers responded by explaining that English Language Learner methodology could be added to a current higher education project on enhancing the Professional Education standards. Mr. Willard voiced his concerns about Standard 6, which addresses planning instruction responsive to students’ diversity. Mrs. Cauble moved to approve the revised educator preparation standards for English 5-8, English 6-12, Reading Specialist PreK-12 and Technology 6-12. Mr. Porter seconded the motion. Motion carried 7-3, with Mr. Bacon, Mr. Willard and Mr. Roberts in opposition.

LUNCH
At 11:57 a.m., Chairman McNiece recessed the meeting for lunch until 1:30 p.m.

RECOGNITION OF 2014 AND 2015 MILKEN EDUCATOR AWARD WINNERS
Deputy Commissioner Dale Dennis introduced the Milken Educator Award winners Amy Stanislofski (2014) and Bill Smithyman (2015). Mrs. Stanislofski is an elementary teacher at Dodge Literacy Magnet School in Wichita USD 259. She stressed the value of providing a safe, loving classroom environment for her students. Mr. Smithyman is an English teacher at Blue Valley Northwest High School in Overland Park, USD 229. He talked about the shift technology has caused in communication and his work to develop innovative instruction to meet students where they are at. The Milken Family Foun-
dation’s program recognizes, celebrates and rewards teachers and principals who have made and continue to make significant contributions to the education of children. There was a short break for photos.

INFORMATION ON ATTORNEY GENERAL’S CITIZENSHIP PROGRAM INITIATIVE
Attorney General Derek Schmidt provided information on an initiative intended to increase civics knowledge among Kansas middle school students. He emphasized a focus on the basics, advocating that the naturalization test is a reasonable learning tool, which can be threaded with other citizenship activities. Mr. Schmidt proposes a voluntary system to give the 100-question naturalization exam to middle school students. Board members noted that the proposal is timely since adding civics to the definition of college and career ready is being considered. Mr. Schmidt also spoke of renewing a commitment for public servants to visit classrooms. Both ideas received positive comments, along with a suggested focus on community service and voting. No action was taken.

RECOGNITION OF NATIONAL SCHOOLS OF CHARACTER AND STATE SECD LEADERS
Education Program Consultant Kent Reed recognized four individuals who have been instrumental implementing and promoting social emotional character development across the state. He explained that Kansas broke ground nationally by developing the first set of SECD standards. Receipt of Safe and Supportive Schools (S3) Grant funds aided with SECD efforts. He introduced Sue Kidd with Character Development Initiative, Cindy Patton with Topeka City of Character, and SECD Standards co-chairs Noalee McDonald-Augustine and Meg Wilson, who were congratulated for their ongoing work.

For the recognition of Kansas’ National Schools of Character, Mr. Reed introduced representatives from Pittsburg High School, Circle High School in Towanda and Complete High School in Maize who spoke about their in-depth programs, which led to being named National Schools of Character by Character.org. Circle High integrated character education throughout the curriculum and designates time each week to focus on core values and life skills. Nine students from Complete High, an alternative high school in Maize, shared their individual stories and the impact a positive school culture has made on their lives. Staff members from Pittsburg High School outlined their school-wide action plan for creating a positive culture, reflecting on improvements in academics and behavior.

The Board took a 15-minute break at 3:25 p.m.

STUDENT PRESENTATION ABOUT DISCOVER AWARD DOCUMENTARY
Seaman High School seniors Andrea Sodergren and Hailey Reed were invited to talk about and show their documentary that won the $10,000 grand prize in the Lowell Milken Center for Unsung Heroes 2015 Discover Award competition. The students conducted research and interviews during the creation of a documentary about Tran Ngoc “Harry” Hue, a South Vietnamese soldier who fought alongside the U.S. Army during the Vietnam War. This began as a History Day project, which won local and state honors. They then entered it into the Unsung Heroes competition. They were accompanied at the State Board meeting by their advisor and social studies teacher Susan Sittenauer. Mrs. Sittenauer was named this year’s high school winner for the Judy Cromwell Excellence in Teaching Award from the Kansas Council for the Social Studies. Board members took a short break for photos.

REPORT ON BUSINESS ROUNDTABLE SUMMITS
Jay Scott, KSDE assistant director of Career and Technical Education, summarized roundtable discussions that occurred Nov. 18 with representatives from Kansas businesses. Commissioner Watson and Mr. Scott led the sessions in Lawrence and Wichita as a follow-up to the launch of the Kansans CAN vision for leading the world in the success of each student. Community and education leaders also participated. Topics included setting up quality job shadow and internship programs, work-based learning at school, helping students develop pre-internship success skills, student portfolios, possible
credits for non-academic skill attainment, competency-based learning, observations in the workplace, mentoring programs and externships for teachers. Involving businesses will be an important part of enhancing students’ employability schools. These topics will be discussed further when the Kansas Advisory Council for Career and Technical Education meets Jan. 20.

SUMMARY OF NATIONAL COUNCIL OF STATE EDUCATION ATTORNEYS CONFERENCE

The National Council of State Education Attorneys (NCOSEA) is composed of attorneys who represent and advise state boards of education. As an affiliate of the National Association of State Boards of Education, the two groups coordinate their annual conferences simultaneously. KSDE legal counsel Scott Gordon attended this year’s event in Baltimore. He summarized conference highlights, which included an update on rulings pertinent to education.

CONSENT AGENDA

Mrs. Busch moved to approve the Consent Agenda excluding 16 c. (licensure waivers), which Mr. Roberts requested for separate action. Mrs. Cauble seconded. Motion carried 10-0. In the Consent Agenda, the Board:

- received the monthly Personnel Report for November.
- confirmed the unclassified special projects personnel appointments of the following persons on the Information Technology team: James Hoffman as Applications Developer III effective Nov. 23, 2015 at an annual salary of $59,010 and Sarah Palubinski as Senior Administrative Assistant effective Nov. 9, 2015 at an annual salary of $28,308.80.
- issued Calendar Year 2016 licenses for commercial driver training schools to the following: Alefs Harley Davidson, Wichita; Behind The Wheel, Inc, Overland Park; Bi-State Driving School, Overland Park; Buggin’ & Cruisin’ Driving School, LLC, Leawood; Drive Right School of Johnson County, Overland Park; Drive Right School of Wichita, Wichita; DriveKansas, Inc, Bonner Springs; Freedom Driving School, Lenexa; Go Driving School, LLC, Lawrence; Harder Performance, Inc, Overland Park; Horizon’s Driving Academy, Salina; HyPlains Driving School of Garden City, Garden City; HyPlains Driving School, Inc, Dodge City; Little Apple Driving School, Manhattan; McPherson Driving School, LLC, McPherson; Midwest Driving School, Lawrence; Motorcycle Rider Education, Wichita; Royal Driving School, Salina; Safety First Driving, Olathe; Schuetz Driving School, Olathe; Suburban Driving Academy, Kansas City; Topeka Driving School, Inc, Topeka; Twin City Driver Education, Overland Park; U Drive Kansas Driving School, Emporia; Varsolona Driving School, Frontenac; Wichita Collegiate Commercial Driving School, Wichita; Wichita Driving School East, LLC, Wichita; and Wichita Driving School, Inc, Wichita.
- approved the 2016 Kansas STEM Mentoring Initiative sub-grantees as recommended by the Kansas Volunteer Commission for the period Jan. 1-Dec. 31, 2016, designated as follows: USD 458 Basehor-Linwood $20,000; Boys & Girls Club of Lawrence $20,000; Kansas Big Sisters $20,000; Olathe Public Schools Foundation $19,860; United Way of Franklin County Association $20,000.

authorized the Commissioner of Education to negotiate and
- enter into a contract with the University of Kansas Center for Research, Inc. for Kansas STEM Mentoring Initiative technical assistance and training support in an amount not to exceed $18,229;
- continue an assessment contract with the Center for Educational Testing and Evaluation (CETE) for the purpose of administering, scoring and reporting results for the ELPA 21 assessment for the school year 2015-16 in an amount not to exceed $1,650,000.
SEPARATE ACTION ON CONSENT AGENDA ITEM

Mr. Roberts asked to add the name of a teacher to the list of recommendations for licensure waivers. During discussion, he was reminded that a process is in place for school districts to request waivers. Mrs. Busch moved to accept the recommendations for licensure waivers as presented. Mrs. Waugh seconded. Motion carried 9-1, with Mr. Roberts in opposition.

The approved licensure waivers, valid for one school year, are as follows: Adaptive Special Education -- BreAnne Wilmot, Chintheya Nokes, Linda Taylor, Benjamin Elliott, Courtney Morris, Dorothy Burkhalter, Hannah Abernathy, Jody Baehler, Samantha Robblee, USD 200; Ashley O'Malley, USD 230; Gina Campbell, Jenna Hast, USD 231; Lacie Arb, USD 244; Amie Smith, Amy Moon, Andrew Pina, Ann Marie Frisch, Cole Cherryholmes, Doungchandany Lu, Earnest Roberson, Eric Boul, Jason Allen, Keith Butler, Kelly Balliet, Michael Lear, Mitsy Docter, Patricia Satterfield, Tresea Armitage, Andrea Baker, Andrea Bradfield, Christie Lewallen, Cody Holland, Elizabeth Mitchell, Erin Saunders, Jennifer Primm, Jessica Cranmer, Justin Bostock, Keli Lewis-Barron, Marian Kline, Nicole VonCannon, Paul Kempf, Teressa Hays, Tyson Scroggin, USD 259; Cassandra Coleman, USD 260; Herminia Benitez, USD 308; Roger Juhnke, Gaye Pennington, USD 373; Rodney Robison, Tammy Crawford, Ashley Bonson, Courtney Leven, Rachael Hoeme, Sara Stecki, USD 383; Andrea Morris, Michael Bass, USD 450; Dustin Durbin, Gena Crow, Alta Simpson, Julia Crowdis, Lori Wood, Bryon Sturm, Crystal Rowley, Susan Schultz, USD 465; Amanda Chadwick, USD 475; Jason Longberg, Levi Wilson, Kelli Pope, USD 500; Rebecca Paisal, Anthony Wunder, Jeffery Kilgore, Christina Starr, Jennifer Snyder, Kalena Tannahill, Samantha Kraft, Stacey Nyp, Brenda Wilch, Monica Piro-Duffin, William Wolff, Amelia Otto, USD 501; Michael Sender, Eric Sparks, D0603; Brandt Rogers, Diana Sanpaka, Emily Warner, Emmanuel Adigun, Venus Covey, D0605; Annette Ostmeyer, Linda Miller, Robert Bergrersen, Richard Menninger, Audra Sundberg, Jolie Van Petten, Abby Stratham, Caleb Denton, D0608; Jamie Waxmonski, D0609; Lorena Carrillo, Mark Shelton, Steven Smith, Amy Aldrich, Abraham Rosales-Camacho, Cristabel Bernadac, Debra Cummins, Dwight Green, George Fowler, Laura Ball, Petronella Pretorius, Sheri Richter, Sherry Polkinghorn, Randy Rockhold, Ruth Nolte, Timothy Brooks, Ethan Randolph, D0613; Kelli Williamson, Marlayna Kuhn, Patricia Oleson, Beth Carl, Sara Read, Tina Lopez, Aaron Finck, Amanda Smith, Bonnie Saunders, Brian Lange, Christopher Edwards, Crystal Pritchett, Cynthia Kraft, Justin Schwartz, Kari Sutter, Kellyn McCarley, Kristee Jones, Rebecca Haines, Ross Jameson, Troy Emig, Wanda Smith, D0618; Brett Foster, Lora Goehring, Jennifer Smith, Kellie O'Donnell, Ashley Jacobs, Jason Wilson, Melissa Carrell, Tiffany Arnold, William Conley, Amie Oltman, Durann Douty, Matthew Browning, D0638; Casie Wiebe, Penny Graber, D0724. Early Childhood Special Education -- Nicole Kress, USD 244; Theresa Santangelo, USD 253; Amanda Erwin, Joanna Lange, Rachel Horn, USD 259; Marissa Goodrich, USD 383; Christina Allen, Stacey Harper, USD 465; Tracie Jones, USD 500; Kaitlyn Stitt, USD 501; Tara Lopeman, D0603; Cherylen Gift, Roxanna Vicars, D0605; Casey McGraw, D0638. Early Childhood/Preschool -- Raylynn Laster-White, USD 500; Karrie Stokes, USD 501. French -- Kortni McGlothlin, USD 259. Functional Special Education -- Candice Cochran, Kather Wilson, Marie Wilson, Meghan Melchor, Ryan Bourque, Wesley Nuckolls, Georgette Morgan, Mary Vaughters, Rhonda Brown, USD 259; Dawn Miller, USD 373; Kristal Issinghoff, Kristin Rohlman, Rachel Embree, D0618; Effie Winn, D0638. Gifted -- Ashley Weeks, USD 244; Laurel Nichols, USD 259; Paulette Howard, USD 368; Janine Keeler, USD 373; Megan Holmgren, USD 385; Laura Wollard, Daniel Wilson, Judith Powell, Julia Wilke, USD 465; Sara Schafer, USD 501; Jason Busche, D0605; Lee Weber, D0724. Library Media Specialist -- Erin Cox, USD 259; Corie Covino, Roni Knight, USD 457. Math -- Julie Bullard, USD 259. Music -- Extension on the number of days on an emergency substitute license -- Alex Spence, USD 204. Visual Impaired -- Joan Brodbeck, USD 465; Meaghan Burr, D0618.
LEGISLATIVE UPDATE
Deputy Commissioner Dale Dennis reported that school districts have been asked to complete multiple surveys for interim legislative committees and the efficiency group. These ranged from use of athletic facilities to calculating square footage per student. He alerted Board members that they might be receiving calls about the surveys.

RECESS
At 5:15 p.m., Chairman McNiece recessed Tuesday’s Board meeting until 9 a.m. Wednesday.

____________________________________  ___________________________________
Jim McNiece, Chairman                    Peggy Hill, Secretary
CALL TO ORDER
Chairman Jim McNiece called the Wednesday, Dec. 9, 2015 meeting of the State Board of Education to order at 9 a.m. in the Board Room at the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas.

ROLL CALL
All members were present:
John Bacon       Jim McNiece
Kathy Busch      Jim Porter
Carolyn Wims-Campbell Steve Roberts
Sally Cauble     Janet Waugh
Deena Horst      Ken Willard

DISCUSS ADAPTING DEFINITION OF KANSAS COLLEGE AND CAREER READY
Based on discussions at recent Board retreats, Commissioner Randy Watson presented an adapted version of the current definition of Kansas College and Career Ready to better fit with the Kansans CAN vision. The current KCCR definition is: College and Career Ready means an individual has the academic preparation, cognitive preparation, technical skills and employability skills to be successful in postsecondary education, in the attainment of an industry recognized certification or in the workforce, without the need for remediation. The State Board adopted the current definition in December 2013.

The following proposed definition references civic skills as stressed during months of statewide community forums: A successful Kansas graduate means an individual has the academic preparation, cognitive preparation, technical skills, civic skills, and employability skills to be successful in postsecondary education, in the attainment of an industry recognized certification or in the workforce, without the need for remediation. Mr. Willard also provided a suggested definition: College and Career Ready describes a high school graduate who has acquired the academic and cognitive preparation, and the technical, civic and employability skills needed to be successful in college, or in the attainment of an industry recognized certification, or in the workforce, without the need for remediation.

Board members agreed that a term related to community involvement/giving back should be included, but were undecided whether that should be “civic” or “citizenship.” They also liked specifying “a successful high school graduate.” They discussed whether or not “college and career ready” should be in the actual definition because the term college can be perceived as only four-year programs. Some members were in favor of leaving “technical” skills as part of the definition, while others thought it could be represented in workforce or employability skills. Board members are expected to vote on the definition in January.

RECEIVE ANNUAL KANSAS PERFORMANCE REPORT
Scott Smith, Director of Career Standards and Assessment Services, presented the Kansas Performance Report, formerly known as the Kansas Report Card, for the 2014-15 school year. He announced that this year a new format is in place to show the areas of measurement. He provided a visual template of the new report card, which will be viewable online for school districts and the public. The categories are very similar to prior years, but organized differently to allow for more navigation and interactive features. He shared trend data for graduation and attendance rates.
Board members asked questions about the definition of a highly qualified teacher, if information was viewable on mobile devices, whether an online app could be created, and how to access the report card from KSDE’s website.

The Board took a break from 10:07 to 10:18 a.m.

**BOARD REPORTS & FUTURE AGENDA ITEMS**

Legislative — Mr. Willard spoke to the interim committee in opposition to House Bill 2345. Mrs. Horst attended a town meeting to voice thoughts on the Elementary and Secondary Education act to Senator Huelskamp. Chairman McNiece encouraged others to send thank you notes to congressional delegates for votes in favor of ESEA reauthorization.

Communication — Mrs. Cauble reported this year’s post card messages to legislators will be built on the *Kansans CAN* theme. Chairman McNiece reported that he is attempting to schedule a joint gathering of Board members and the House and Senate Education committees.

ESI Task Force — Mr. Porter noted that the Emergency Safety Intervention Task Force is scheduled to meet the next day to consider recommendations from the sub-committee.

NASBE Leadership Stipend — Mrs. Busch stated that an interim report on stipend activities is being prepared and is due Dec. 15. She also reported on outreach opportunities to meet with other key educational groups. Mrs. Cauble asked that the Commissioner’s vision presentation be shared with the Kansas Board of Regent’s Technical Education Authority.

Board Attorney Mark Ferguson provided briefings on the *Gannon* and *Petrella* cases, including news that the U.S. Supreme Court declined the petition for certification filed by the Petrella plaintiffs. He also reported on the negotiations timetable with the Kansas State School for the Deaf.

**ATTORNEY’S REPORT**

**INDIVIDUAL MEMBER REPORTS**

During individual Board member reports, Mr. Roberts assisted with redesign work on the NAEP website, attended the Farmer’s Alliance Thank America’s Teachers ceremony for a kindergarten teacher in Shawnee, and attended the Kansas Children’s Service League Red Stocking Breakfast; Mrs. Horst served on the Kansas Teacher of the Year (KTOY) selection committee and attended the KTOY banquet; Mr. Porter attended the Greenbush South superintendents’ meeting; Mrs. Waugh reported on the Confidence in Kansas Public Education meeting and a discussion that Board members assist with recognizing Challenge Award recipients in their districts; Ms. Wims-Campbell participated in the KSHSAA executive meeting, attended the KTOY banquet, and helped review grant applications for the Kansas Volunteer Commission; Mrs. Cauble attended the KTOY banquet and the Education Commission of the States conference as a member of the steering committee; Mr. Willard helped review STEM mentoring grant applications for the Kansas Volunteer Commission and attended a KBOR meeting at Wichita State University; Mrs. Busch attended KTOY banquet and the Kansas CAN presentation.

Chairman McNiece announced that the Master Teacher Selection Committee seeks a Board member to participate. Ms. Wims-Campbell nominated Mrs. Horst, who agreed to serve. The committee will meet Feb. 17 at Emporia State University. He reminded Board members that invitations to the SEAC annual breakfast and Career Technical Student Organization’s annual luncheon are included in their packets. He plans to gather more information on the proposed Lt. Governor’s Community Service Award and report back. He attended the Achieve conference in D.C., the Kansas Association of School Boards’ convention in Wichita; a legislative forum in Clearwater, toured Haysville schools, and encouraged the Kansas Volunteer Commission to witness Wichita’s Turkey Day fundraiser.
Requests for Future Agenda Items: Mrs. Horst would like the American Heart Association to talk about its work within the schools as an example of the many private organizations that provide services to school districts; Mr. Porter announced that the ESI Task Force Report should be ready for the January State Board meeting along with the annual ESI data report; Mr. Willard asked for research on the possibility of a student representative or student advisory council for the State Board, and a separate request about Kids Count data and how it compares to KSDE’s figures; Mr. McNiece requested a discussion on service learning credit and credit for leadership activities.

BOARD MEMBER TRAVEL
Additions to the travel requests were: Ms. Wims-Campbell and Mrs. Waugh Dec. 10 meeting about the Vernon Multi-Purpose Center in Kansas City; Mrs. Horst Dec. 16 school visits at Sabetha and Centralia. Mrs. Cauble moved to approve the travel list and additions. Ms. Wims-Campbell seconded. Motion carried 10-0.

ADJOURNMENT
Chairman McNiece adjourned the meeting at 11:45 a.m. The next State Board of Education meeting will be Jan. 12 and 13 in Topeka.
CALL TO ORDER
Chairman Jim McNiece called the monthly meeting of the State Board of Education to order at 10 a.m. Monday, Nov. 9, 2015, in the Board Room at the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas. The State Board met on an irregular Monday-Tuesday schedule this month in observance of the Veterans’ Day holiday. McNiece welcomed morning guests in attendance from USD 383 Manhattan, Gardiner Elementary in Wichita, Arts Partners Wichita and Haskell Indian Nations University.

ROLL CALL
The following Board members were present:
John Bacon Kathy Busch Carolyn Wims-Campbell
Deena Horst Jim McNiece Jim Porter
Steve Roberts Janet Waugh Ken Willard

Board member Sally Cauble arrived later in the morning. Board Attorney Mark Ferguson was absent, but was represented by Steve Smith, an attorney from the firm of Gates, Shields & Ferguson.

STATE BOARD MISSION STATEMENT, MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
Chairman McNiece read both the Board’s Mission Statement and Vision Statement. He asked for a moment of silence and Veterans’ Day reflection. Then the group recited the Pledge of Allegiance.

APPROVAL OF AMENDED AGENDA
Chairman McNiece noted that an additional case recommendation from the Professional Practices Commission would be included on the day’s agenda as Item 18b. Mrs. Busch moved to approve the amended agenda. Mrs. Horst seconded. Motion carried 9-0 with Mrs. Cauble absent.

APPROVAL OF THE OCTOBER MEETING MINUTES
Mr. Roberts moved to approve the minutes of the October Board meeting. Ms. Wims-Campbell seconded. Motion carried 9-0.

STUDENT ARTWORK PRESENTATION AND DEDICATION
Approximately 40 students from Gardiner Elementary, Wichita USD 259, helped unveil a custom-designed wall hanging for the Kansas State Board of Education meeting room. This was a project created as part of an after-school fine arts program for at-risk students supported by a 21st Century Community Learning Center grant. Holly Wilson, district program manager for the grant, and artist Susan de Wit with Arts Partners Wichita accompanied the students. The ceramic tile mural features a landscape of grass, trees and clouds with the words “Our students come first in every Board decision” displayed at the top. Carvings of student faces and handprint shapes make the piece unique. The presentation included a singing performance and student description of the artwork.

CITIZENS’ OPEN FORUM
Chairman McNiece declared the Citizens’ Forum open at 10:27 a.m. Speakers and their topics were: Tom Krebs, Kansas Association of School Boards — announcing a decision by KASB’s Board to support the Kansans Can initiative and vision statement; John Richard Schrock, Emporia — expansion of biliteracy in schools; Brad King, representing MidAmerica Nazarene University and Kansas Association of Health Physical Education Recreation and Dance (KAHPERD) — proposed elementary education
standards and absence of physical education component; Bryan Minnich, representing Kansas Wesleyan University and KAHPERD — elementary education standards and Let’s Move Active Schools project; Rhonda Holt representing KAHPERD — accomplishments of Let’s Move Active Schools project; Meggin DeMoss, representing KAHPERD — overview of physical activity in-service and team training. Chairman McNiece declared the Citizens’ Forum closed at 10:48 a.m.

COMMISSIONER’S REPORT

Dr. Randy Watson recounted highlights from last month’s launch of a new vision for Kansas education during the KSDE Annual Conference in Wichita. He described communication plans for sharing the vision and slogan, then showed the Kansans Can video. He also gave a status report on movement toward federal reauthorization of the Elementary and Secondary Education Act, stressing the importance of its passage to the Board’s vision.

BREAK

The Board took a break until 11:12 a.m. Mrs. Cauble arrived at this time. There was a brief gap in the agenda to comply with a fire drill in the Landon State Office Building. The meeting resumed at 11:30.

RECEIVE UPDATE ON SCIENCE ASSESSMENT DEVELOPMENT

The quarterly science standards update focused on the development of the state science assessment, which aligns with the Kansas College and Career Ready Standards. William Bennett, science content coordinator with the Center for Educational Testing and Evaluation, described the differences between the 2014-2015 transitional science assessment and the upcoming field test. He discussed the number of test items for the different grade levels, breakdown of content emphasis (physical science, life science, earth/space science), and the importance of teacher review in the development process. A time for questions and answers followed, which included inquiries about three-dimensional learning and the amount of time required for test taking.

ACTION ON AMENDMENTS TO SCHOOL BUS SAFETY REGULATIONS

Scott Gordon, KSDE legal counsel, presented the proposed amendments to seven School Bus Regulations, which were reviewed with the State Board during the October meeting. Clarification questions were addressed about non-mandated fingerprinting and background checks for bus drivers. Mrs. Cauble moved to approve submission of amendments K.A.R. 91-38-1, 91-38-2, 91-38-3, 91-38-4, 91-38-5, 91-38-6 and 91-38-8 to the Department of Administration and the Office of the Attorney General. Mrs. Waugh seconded. Motion carried 10-0. After those two state offices complete their reviews, the State Board will set a public hearing date for comments.

ACTION ON KANSAS CURRICULAR STANDARDS FOR MUSIC EDUCATION

Recommendations for revisions to the state’s music education standards were outlined for the Kansas State Board of Education in October. These standards were updated to align with the Rose Standards and the National Music Standards, and address what students in Kansas should know and understand to prepare them for college and careers beyond high school. KSDE Fine Arts Education Consultant Joyce Huser stood for questions. Mr. Porter moved to approve the Kansas Curricular Standards for Music Education. Mrs. Busch seconded. Motion carried 10-0.

RECEIVE LICENSURE PROGRAM STANDARDS FOR ENGLISH, READING SPECIALIST AND TECHNOLOGY

Dr. Scott Myers, Director of Teacher Licensure and Accreditation, introduced revision committee representatives who presented updated educator preparation program standards for English 5-8, English 6-12, Reading Specialist PreK-12 and Technology 6-12. These standards help institutions of higher education develop their teacher preparation programs and monitor or redesign programs as necessary. Presenters were Dr. Melissa Reed of Emporia State University and Dr. John Iley of Pittsburg State University. Board members received the proposed revised standards, the previous standards
and a comparison of the two versions. English Language Arts Education 5-8 Educators Standard 6.2.2., which addresses planning instruction responsive to students’ diversity, was questioned. Mr. Willard requested more information on how this will be handled. The Board is expected to vote in December on these licensure program standards.

At 12:25 p.m., Chairman McNiece recessed the meeting for lunch until 1:30 p.m.

**RECOGNITION OF NATIONAL PTA SCHOOL OF EXCELLENCE RECIPIENTS FROM KANSAS**

Patty Jurich, Family Engagement Chairperson with Kansas PTA, introduced the 2015-17 National PTA School of Excellence Award recipients from Kansas. She shared an overview of the national program, which focuses on strengthening family-school partnerships. She also discussed the award selection process and highlights of each local program. Recipients from Kansas are Belinder Elementary School and Belinder Elementary PTA (Prairie Village), Indian Hills Middle School and Indian Hills Middle School PTA (Prairie Village), Merriam Park Elementary School and Merriam Park Elementary PTA (Merriam), Rising Star Elementary and Rising Star Elementary PTA (Lenexa), all from the Shawnee Mission School District; Blue Valley Early Childhood Center and Blue Valley Early Childhood PTA (Overland Park), Blue Valley School District; Stony Point North Elementary School and Stony Point North Elementary PTA (KCK), Stony Point South Elementary School and Stony Point South Elementary PTA (KCK), both of the Kansas City Kansas School District. Representatives of each school district and the school’s local PTA were present. Laura Kaiser with Kansas PTA assisted in giving the awards.

**RECOGNITION OF NATIONAL FINALISTS FOR PRESIDENTIAL AWARDS**

This month, State Board members recognized the two Kansans named National Finalists for the 2013 Presidential Awards for Excellence in Mathematics and Science Teaching. They are Patrick Flynn, a math teacher at Olathe East High School, and Jeremi Wonch, a science teacher at Indian Trail Middle School, both from USD 233 Olathe. Each Kansas finalist talked about specific classroom programs and teaching strategies.

The Board took a short break for photos at 2:23 p.m.

**KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION ANNUAL REPORT**

Gary Musselman, Executive Director of the Kansas State High School Activities Association, presented the organization’s annual report to the State Board. He acknowledged that soft skills and experiential opportunities are integrated within activity participation, which aligns with the State Board’s new vision for education. Mr. Musselman talked about KSHSAA’s membership base, participation of approved schools, and national statistics. He answered questions about Substitute for Senate Bill 60 (proposed participation of non-enrolled students in athletics) and 6th grade participation in interscholastic athletics. Other informational highlights included:

- Announcing that he has been elected by the National Federation of State High School Associations to serve as president-elect for the 2016-17 school year
- Sharing results of a University of Kansas research study on the benefits of activity participation
- Review of trainings for coaching education, sportsmanship and sports medicine.

The Board took a five-minute break at 3:25 p.m.

**ACCREDITATION UPDATE**

This month’s update on the envisioned accreditation process focused on structure and responsibilities of outside validation teams. Dr. Scott Myers outlined team members’ involvement during the five-year commitment and composition of the team (minimum of three members, maximum of 10). He also described training and team responsibilities. During discussion, Board members expressed concerns about recruiting the number of volunteers needed with no financial incentive, forward
movement of the Kansas Education Systems Accreditation model which will be affected by the
Board’s new vision, and the complexity of the rubric (five Rs).

RECEIVE FIRST QUARTER REPORTS FROM KANSAS STATE SCHOOL FOR THE BLIND AND
KANSAS STATE SCHOOL FOR THE DEAF
Superintendent Madeleine Burkindine thanked Commissioner Watson for recent visits to both
schools. She then reported on activities for the first quarter (July–September). Highlights at the Kan-
sas State School for the Blind include a new weekly newsletter for parents, achievements of students
in the transition program, and the title change for Outreach Programs to Field Services. Highlights at
the Kansas State School for the Deaf include a focus on the Chromebook initiative and filling teacher
openings. Ms. Wims-Campbell suggested bringing students from each school to assist with the re-
ports once or twice a year. Mr. McNiece requested a presentation about students’ opportunities for
physical activity during the Board’s March visit to the schools.

ACTION ON RECOMMENDATIONS OF THE PROFESSIONAL PRACTICES COMMISSION
The Professional Practices Commission was represented by Chair Linda Sieck. Mrs. Cauble moved to
adopt the findings of the Professional Practices Commission and its recommendations for licensure
approval. The two cases presented for action were: 15-PPC-40 Brittany Pierpoint and 15-PPC-42
Steven Deschneau. Mrs. Waugh seconded. Motion carried 10-0.

Case 15-PPC-25 Christopher Nabors was also presented for action. Ms. Wims-Campbell moved to
adopt the findings of the PPC and its recommendation for licensure revocation. Mrs. Busch second-
ed. Motion carried 10-0.

LEGISLATIVE MATTERS: DISCUSSION ON POSSIBLE POLICY RECOMMENDATIONS
Deputy Commissioner Dale Dennis asked Board members to consider any non-monetary issues that
they want to recommend to the 2016 Kansas Legislature. Concerns were voiced about two bills pro-
posed last year: HB 2345 (conflict of interest for local districts) and Sub. for Senate Bill 60 (proposed
participation of non-enrolled students in athletics). Mr. Dennis also distributed a printout of revenue
estimates for the state. More discussion followed, questioning the real value of the estimates when
they aren’t met. Mr. Willard requested a historical comparison of revenue estimates.

CONSENT AGENDA
Mrs. Waugh moved to approve the Consent Agenda. Mrs. Horst seconded. Motion carried 10-0. In
the Consent Agenda, the Board:

- received the monthly Personnel Report for October.
- confirmed the unclassified special projects personnel appointments of Hannah Burgess as School
  Food Service Consultant on the Child Nutrition and Wellness team effective Sept. 28, 2015 at an
  annual salary of $43,950.40; Brett Dietz as Trainer on the Information Technology team effective
  Oct. 5, 2015 at an annual salary of $46,092.80; Stephanie Townsend and Janis Taylor as Auditors
  on the Fiscal Auditing team both effective Sept. 28, 2015 and each at an annual salary of
  $43,992; and Ann Bush as Communications Specialist effective Oct. 12, 2015 at an annual salary
  of $53,414.40.
- accepted recommendations of the Licensure Review Committee as follows: Approved Cases —
  3050 Ethan Randolph, 3054 Kathryn Quick, 3056 Osmond Fisher, 3059 Kristin Kitley, 3061 Tiffany
  Stuart, 3063 Erin Patrick, 3064 Gregory Roller. Denied Cases — 3042 Mark Early, 3062 Natalie
  Pettit.
- accepted the following recommendations for licensure waivers valid for one school year:
  Adaptive Special Education -- Christopher Richards, Natalie Post, Holly Glynn, USD 202; Allison
authorized the following school districts to hold an election on the question of issuing bonds in excess of the district’s general bond debt limitation: USD 231 Gardner-Edgerton and USD 250 Pittsburg.

authorized the Commissioner of Education to negotiate and enter into a contract with Kansas State University for the purpose of developing and conducting an evaluation of Body Venture student learning outcomes as part of the USDA Team Nutrition grant with a contract period from Dec. 1, 2015 to Sept. 30, 2017 in an amount not to exceed $20,000.
ACTION ON NEW APPOINTMENT TO SPECIAL EDUCATION ADVISORY COUNCIL
Mrs. Horst moved to appoint Sarah Schaffer to the Special Education Advisory Council (SEAC) effective from Nov. 9, 2015 through June 30, 2016. She will fill a vacancy representing the parent of a child or a person with a disability. Mr. Willard seconded. Motion carried 10-0.

ACTION ON ESTABLISHING 2016 BOARD MEETING DATES
Chairman McNiece reviewed the proposed schedule of 2016 meeting dates. After considering potential conflicts, Board members decided to adjust the dates of meetings in April, May, September, October and November. These will not coincide with the traditional schedule of meeting on the second Tuesday and Wednesday of the month. Ms. Wims-Campbell moved to confirm the 2016 meeting dates as adjusted. Mr. Roberts seconded. Motion carried 9-0-1 with Mrs. Cauble abstaining.

The schedule is as follows:
- January 12 and 13
- February 9 and 10
- March 8 and 9
- April 19 and 20
- May 17 and 18
- June 14 and 15
- July 12 and 13
- August 9 and 10
- September 20 and 21
- October 18 and 19
- November 9 and 10 (Wed./Thurs.)
- December 13 and 14

BOARD REPORTS & FUTURE AGENDA ITEMS
Legislative — Mr. Willard and Mrs. Horst commented on the K-12 Student Success Committee. Mr. Willard plans to give interim committee testimony in opposition to HB 2345.

Communication — Mrs. Cauble would like the theme of the next post card series to focus on the new vision for education. She also commented on activities around the Kansans Can promotion. Mr. McNiece expressed interest in more opportunities to meet with the House and Senate Education Committee.

ESI Task Force — Mr. Porter gave an update on the Emergency Safety Interventions Task Force. There will be a sub-committee meeting Nov. 17. The Task Force must file its report to legislators and the Governor by Jan. 20.

NASBE Conference — Kansas Board members in attendance for all or part of the annual conference of the National Association of State Boards of Education were Mr. Willard, Mr. McNiece, Ms. Wims-Campbell, Mrs. Horst and Mrs. Busch. Points of interest were a higher than normal attendance, Mr. McNiece’s election as NASBE President for next year, Mr. Willard’s expired term as NASBE Secretary/Treasurer, quality of presenters, and the decision to host the 2016 conference in Kansas City. Ms. Wims-Campbell reported on her participation in a roundtable discussion on the Board’s development of a new vision, sharing that several other states were impressed with Kansas’ internal commitment to hearing from its citizens and not hiring an outside firm to gather the information.

ATTORNEY’S REPORT
Board Attorney Mark Ferguson was absent for the meeting. Steve Smith from the firm of Gates, Shield and Ferguson was available to answer questions.

INDIVIDUAL MEMBER REPORTS
During individual Board member reports, Ms. Wims-Campbell attended the Supreme Court hearing on school funding; Mr. Roberts and Mr. Bacon both attended the Foundation for Excellence in Education summit in Denver where Dr. Condoleezza Rice was the keynote speaker; Mrs. Horst reported on the demographics presentation at NASBE and her attendance at KSDE’s annual conference; Mrs. Waugh attended an elementary school ribbon cutting in Tonganoxie and events honoring Dr. Cindy Lane as Superintendent of the Year; Mrs. Cauble reported on the Interstate Migrant Education Council national symposium she attended, and collaboration between several Kansas institutions to help enrich science education; Mr. Willard commented on schools he visited with Commissioner Watson;
Mrs. Busch attended a workshop for stipend recipients at the NASBE conference, participated in a legislative forum, and visited the Haysville School District.

Requests for Future Agenda Items: Mr. Willard requested that the Commissioner’s perception on accreditation redesign be shared; Mr. McNiece asked that the March visit to KSSD and KSSB include information on students’ physical activity opportunities; Mr. Porter would like to recognize the National Schools of Character winners from Kansas; Ms. Wims-Campbell requested a presentation from the two Seaman High School students awarded $10,000 in the 2015 Discovery Award competition and a presentation from students at Scott Computer Technical Magnet School; Mrs. Cauble requested a presentation from the newly formed science education partnership involving the Cosmosphere, Exploration Place and Sunset Zoo; Mr. McNiece asked for a presentation from Junior Achievement; Mr. Willard requested a presentation on population demographics and changes in structure; Mrs. Busch would like a status update on special education licensure.

Chairman Jim McNiece expressed appreciation to Commissioner Watson and Deputy Commissioner Brad Neuenswander for their work to launch the new vision. He distributed a guide about college and career readiness produced by Junior Achievement, commenting on his useful content. Reauthorization of the Elementary and Secondary Education Act (ESEA) continues to be a timely topic. He presented a draft letter intended for Congressional committee representatives and asked for Board member approval. Mr. Willard moved to authorize sending the letter on behalf of the State Board to the committee and the Kansas Congressional delegation urging support for ESEA reauthorization this year. Mrs. Horst seconded. Motion carried 9-0-1 with Mr. Bacon abstaining.

The rest of Chairman McNiece’s report included notice of his presentation at a social studies conference, the next day’s retreat, and a meeting with the Lt. Governor about a potential state community service award for high school students. Board members questioned which groups would partner with the award, how this compares to other state awards such as the Governor’s Scholars, and how it would be funded. Board consensus was to have questions answered before considering support.

Board Member Travel
Additions to the travel requests were: Mrs. Busch Nov. 3 Derby legislative forum, Nov. 6 Haysville district visit, Nov. 17 legislative forum at Clearwater; Ms. Wims-Campbell Nov. 13 meeting at Three Lakes Cooperative in Lyndon and Nov. 18 business roundtable in Lawrence; Mr. McNiece Nov. 11 Kansas Alliance for Educational Advocacy, Nov. 18 business roundtable in Wichita, Dec. 5 KASB Annual Convention. Mrs. Horst moved to approve the travel list and additions. Mr. Roberts seconded. Motion carried 10-0.

Executive Session
Ms. Wims-Campbell moved to enter into Executive Session for 15 minutes for the purpose of discussing personnel matters of non-elected personnel in order to protect the privacy interests of the individual(s) to be discussed. The session would begin at 6:40 p.m. and end at 6:55 p.m. Commissioner Watson was invited to join the session. Mrs. Busch seconded. Motion carried 9-0 with Mr. Porter absent for the vote.

Adjournment
The open meeting resumed at 6:55 p.m. and Chairman McNiece immediately adjourned the meeting.
BOARD RETREAT AND VISION PLANNING
The Kansas State Board of Education convened at 9 a.m. on Tuesday, Nov. 10, for continued work on implementing the Board’s new vision. The retreat was held in the Board Room of the Landon State Office Building. All Board members were present. Commissioner Watson reviewed work to date and shared general comments from the vision launch. He distributed a recent news article for small group discussion illustrating how school climate can affect the achievement gap. Members continued their discussions on outcomes and indicators, including the difficulty in tracking remediation in multiple settings. It was decided that the outcomes would be formally presented to the Board as a receive item in December with an expected vote in January. At that time they will also consider adapting the definition of college and career readiness to reflect the outcomes. There was no Board action.
To: Kansas State Board of Education
From: Commissioner Randy Watson
Subject: Commissioner's Report
Date: 12/17/2015

Commissioner Watson will provide information related to the recent ESEA reauthorization, including agency work on transitioning to the Every Student Succeeds Act.
To: Kansas State Board of Education
From: Peggy Hill
Subject: Citizens’ Open Forum

Board Goals: Develop active communication and partnerships with families, communities, business stakeholders, constituents and policy partners

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)

If written material is submitted, 13 copies should be provided.
REQUEST AND RECOMMENDATION FOR BOARD ACTION

Commissioner: Randy Watson

Meeting Date: 1/12/2016

Item Title: Act on definition of Kansas College and Career Ready

Board Goals:

Provide a flexible and efficient delivery system to meet our students’ varied and changing needs

Recommended Motion:

It is moved that the Kansas State Board of Education act to approve the following revised definition of college and career readiness to fit with Kansas’ vision: A successful Kansas high school graduate means an individual has acquired the academic preparation, cognitive preparation, technical skills, civic skills and employability skills to be successful in postsecondary education, in the attainment of an industry recognized certification or in the workforce, without the need for remediation.

Explanation of Situation Requiring Action:

The Kansas State Board of Education has discussed at recent retreats and at the December 2015 Board meeting whether or not the current definition of Kansas College and Career Ready needs adapted to better reflect a new vision for education.

The current definition is:

*College and Career Ready means an individual has the academic preparation, cognitive preparation, technical skills and employability skills to be successful in postsecondary education, in the attainment of an industry recognized certification or in the workforce, without the need for remediation. The State Board adopted the current definition in December 2013.*

During months of statewide community forums, Kansans repeatedly stressed that students who are involved with their communities and demonstrate civic responsibility will be successful. Therefore, the following new definition is being presented for approval:

*A successful Kansas high school graduate means an individual has acquired the academic preparation, cognitive preparation, technical skills, civic skills and employability skills to be successful in postsecondary education, in the attainment of an industry recognized certification or in the workforce, without the need for remediation.*
Item Title:

Act on Kansas State Board of Education Outcomes for Kansans CAN Vision

Board Goals:

Provide a flexible and efficient delivery system to meet our students’ varied and changing needs

Recommended Motion:

It is moved that the Kansas State Board of Education adopt the following outcomes for measuring progress over time ensuring that Kansas leads the world in the success of each student:

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

Explanation of Situation Requiring Action:

The Kansans CAN vision that Kansas will lead the world in the success of each student will direct the work of the Kansas State Board of Education and the Kansas State Department of Education through the next decade. Measurable outcomes will help education stakeholders at local, state and national levels monitor progress and success of this directive. These outcomes will be the basis for establishing Board goals and defining indicators to help all parties monitor progress.

It is recommended that a previously considered outcome of tracking remedial rates of students attending post-secondary be monitored at the local level rather than at the state level.

The outcomes were developed following months of seeking input from Kansans during community conversations, multiple State Board retreats and discussions with business leaders.
To: Kansas State Board of Education
From: Commissioner Randy Watson
Subject: Report from Commissioner’s School Redesign Advisory Group
Date: 12/23/2015

Board Goals: Develop active communication and partnerships with families, communities, business stakeholders, constituents and policy partners

A 20-member ad hoc group of educators was assembled by the Commissioner of Education for the purpose of assisting with what the redesign of Kansas might look like under the Board’s new vision. Over the course of several months, this group has heard from many experts in the areas of technology, project-based learning, social-emotional factors on learning, and has seen examples of a variety of different kinds of schools, all geared to meet the needs of all students. The group has spent considerable hours researching, discussing and at times, disagreeing, on how best to instruct the State Board of Education and the Pre-K-12 field on the best methods and formats to bring the State Board of Education’s vision to life. Superintendent Kevin Case of Inman USD 448 and members of the committee will be present at the Board meeting to report on their work and recommendations for school districts to redesign schools.
To: Kansas State Board of Education
From: Representatives of Informal Education Institutions
Subject: Report on PreK-12 Learning Opportunities through Kansas Informal Education Institutions
Date: 12/17/2015

Board Goals: Develop active communication and partnerships with families, communities, business stakeholders, constituents and policy partners

This will be an informational presentation from representatives of Kansas' Informal Education Institutions (IEIs) to share the impacts of IEIs on PreK-12 education. Kansas has a broad base of facilities that can be utilized to enhance and support current needs of formal education, such as applied STEM and career-focused programs. There are more than 40 IEIs across the state, including ones devoted to space, aviation, history, nature, animals and science. In this presentation, speakers will collectively show the current reach in numbers of students and teachers served, plus the geographic areas covered. They will also discuss the wide variety of programs available, share anecdotal and formal evaluation outcomes, and describe potential areas for growth.

Current IEI committee members are:

- Jared Bixby, Curator of Education, Sunset Zoo, Manhattan
- Traci Kallhoff, Education Manager, Exploration Place, Wichita
- David Levering, Museum Educator, Fort Hays State University's Sternberg Museum, Hays
- Ann Marie Morris, Curator of Education, Salina Art Center, Salina
- Schanee Anderson, Sedgwick County Zoo, Wichita
- Margaret Hennessey-Springe, Director of Education and Programs, Kansas Children's Discovery Center, Topeka
- Tracey Tomme, Vice President of Education, Cosmosphere, Hutchinson
To: Commissioner Randy Watson
From: Colleen Riley
Subject: Receive Special Education Advisory Council Annual Report
Date: 12/8/2015

Board Goals: Develop active communication and partnerships with families, communities, business stakeholders, constituents, and policy partners

The Kansas Special Education Advisory Council (SEAC) serves as a liaison between the statewide populace and the Kansas State Board of Education. In its role as a liaison, SEAC advises the State Board of Education on issues relevant to the area of education supports and services for students ages 3-21 with disabilities. The Kansas SEAC will work collaboratively to provide leadership for continuous improvement of educational systems to ensure equity and enhance learning for all students. Citizens of Kansas are encouraged to communicate with the Council and can address the SEAC during regularly scheduled meetings.

The SEAC is required to submit an annual report of its activities each year to the Kansas State Board of Education. Council members will be introduced at the January 2016 meeting and Dr. Joan Robbins, SEAC Chairperson for the 2014-2015 year, will highlight Council activities. A copy of the Kansas Special Education Advisory Council 2014-2015 Annual Report will be provided at the meeting.
To: Commissioner Randy Watson
From: Dale Dennis
Subject: Legislative Matters
Date: 12/17/2015

Board Goals: Governmental responsibility

REVIEW LEGISLATIVE EDUCATION COMMITTEES

Attached is the membership of the 2016 House and Senate Education Committees.

REVIEW SPECIAL COMMITTEE ON K-12 STUDENT SUCCESS

The Special Committee on K-12 Student Success met Oct. 23, Nov. 10, Dec. 9 and Dec. 16 for the purpose of studying the following:

- The Rose Standards set by the Kansas Supreme Court as the goal Kansas schools will meet.
- Best funding mechanism by formula or other criteria to ensure adequate Kansas taxpayer dollars are invested in the classroom.
- Definition of what comprises a "suitable" education.
- Outcomes to ensure that students are well-prepared for their future endeavors.
- Uniform accounting across all districts so best practices to achieve student success can be replicated.

The Committee is scheduled to meet again on Jan. 5 to finalize its recommendations to the 2016 Kansas Legislature. The recommendations will be made available to the State Board of Education (if available).
2016 - HOUSE EDUCATION COMMITTEE

Chair
- Rep. Ron Highland

Vice Chair
- Rep. Jerry Lunn

Ranking Minority Member
- Rep. Valdenia Winn

Members
- House
  - Rep. John Barker
  - Rep. Tony Barton
  - Rep. Sue Boldra
  - Rep. John Bradford
  - Rep. Carolyn Bridges
  - Rep. Rob Bruchman
  - Rep. Amanda Grosserode
  - Rep. Dennis Hedke
  - Rep. Becky Hutchins
  - Rep. Kevin Jones
  - Rep. Kasha Kelley
  - Rep. Nancy Lusk
  - Rep. Charles Macheers
  - Rep. Marc Rhoades
  - Rep. Charles Smith
  - Rep. Ed Trimmer

Staff
- Sue Mollenkamp - Committee Assistant
- Edward Penner - Legislative Research
- Sharon Wenger - Legislative Research
- Tamera Lawrence - Office of Revisor of Statutes
- Nick Myers - Office of Revisor of Statutes
2016 - SENATE EDUCATION COMMITTEE

Chair
- Sen. Steve Abrams

Vice Chair
- Sen. Tom Arpke

Ranking Minority Member
- Sen. Anthony Hensley

Members
- Senate
  - Sen. Molly Baumgardner
  - Sen. Steve Fitzgerald
  - Sen. Dan Kerschen
  - Sen. Jeff Melcher
  - Sen. Pat Pettey
  - Sen. Dennis Pyle
  - Sen. Vicki Schmidt
  - Sen. Caryn Tyson

Staff
- Erna Fabert - Committee Assistant
- Lauren Douglass - Legislative Research
- Mark Savoy - Legislative Research
- Jason Long - Office of Revisor of Statutes
- Jill Wolters - Office of Revisor of Statutes
Item Title:
Act to adopt Resolution for 2016 Board Meeting Dates

Board Goals:
Governmental Responsibility

Recommended Motion:
It is moved that the Kansas State Board of Education adopt the Resolution establishing the 2016 calendar of Board meeting dates, time and location.

Explanation of Situation Requiring Action:
The Kansas State Board of Education is required by Statute 72-7507 to meet at least once a month. During the month of January of each year, the Board shall adopt a Resolution specifying a regular meeting time of the Board, including hour of commencement, day of the week and month. The 2016 schedule of meeting dates is provided. All official actions of the State Board shall be taken at official meetings open to the public.
RESOLUTION

Be It Resolved that:

The Kansas State Board of Education shall conduct its regular meeting beginning at 10 a.m. on the second Tuesday and 9 a.m. on the second Wednesday of each month, with the following exceptions in 2016: April, May, September and October - when said meetings will be held on the third Tuesday and Wednesday; and November - when said meetings will be held the second Wednesday and Thursday to avoid conflict with the general election. Meetings are conducted at the Landon State Office Building (LSOB), 900 SW Jackson, Topeka, Kansas, unless otherwise indicated. Therefore, the Kansas State Board of Education regular meetings and legislative conference calls shall comply with the schedule below:

State Board of Education 2016 Meeting Dates

<table>
<thead>
<tr>
<th>Date 2016</th>
<th>Meeting</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 12-13</td>
<td>Regular Board Meeting</td>
<td>LSOB, Topeka</td>
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<tr>
<td>January 29</td>
<td>Legislative Conference Call - 4 p.m.</td>
<td>LSOB, Topeka</td>
</tr>
<tr>
<td>February 9-10</td>
<td>Regular Board Meeting</td>
<td>LSOB, Topeka</td>
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<td>February 26</td>
<td>Legislative Conference Call – 4 p.m.</td>
<td>LSOB, Topeka</td>
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<tr>
<td>March 8</td>
<td>Regular Board Meeting</td>
<td>LSOB, Topeka</td>
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<tr>
<td>March 9</td>
<td>Annual Visit at KSSB / KSSD</td>
<td>Kansas City / Olathe</td>
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<tr>
<td>March 25</td>
<td>Legislative Conference Call – 4 p.m.</td>
<td>LSOB, Topeka</td>
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<tr>
<td>April 19-20</td>
<td>Regular Board Meeting</td>
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<td>Regular Board Meeting</td>
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<tr>
<td>December 13-14</td>
<td>Regular Board Meeting</td>
<td>LSOB, Topeka</td>
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CERTIFICATE

This is to certify that the above resolution was duly adopted by the Kansas State Board of Education on the 12th day of January, 2016.

___________________________
Peggy Hill
Secretary, Kansas State Board of Education

Word/calendars/annual resolution
To: Commissioner Randy Watson  
From: Gwen Kramer, Wendy Fritz  
Subject: Personnel Report  
Date: 12/22/2015  

Board Goals: Governmental Responsibility

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*Excludes classified temporaries and agency reallocations, promotions, demotions, and transfers. Includes employees terminating to go to a different state agency (which are not included in annual turnover rate calculations).
Item Title:
Act on Appointments of Persons to Unclassified Special Projects Positions

Board Goals:
Governmental Responsibility

Recommended Motion:
It is moved that the Kansas State Board of Education confirm the appointment of:
Ann Yates to the position of Education Program Consultant on the Teacher Licensure and Accreditation Team, effective Nov. 23, 2015, at an annual salary of $56,118.40. This position is funded by the State General funds.

Explanation of Situation Requiring Action:
Ann Yates will manage and support all topics related to the Kansas Educator Evaluation Protocol (KEEP). In addition, this position provides technical assistance to teacher education preparation institutions to organize program review and accreditation process data that they submit and ensures that all procedures are followed with accuracy.
<table>
<thead>
<tr>
<th>Item Title:</th>
<th>Act on Recommendations for Licensure waivers</th>
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<tbody>
<tr>
<td><strong>Board Goals:</strong></td>
<td>Provide an effective educator in every classroom</td>
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<tr>
<td><strong>Recommended Motion:</strong></td>
<td>It is moved that the Kansas State Board of Education accept the attached recommendations for licensure waivers.</td>
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<td><strong>Explanation of Situation Requiring Action:</strong></td>
<td>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 certificate/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.</td>
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** Final Renewal
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* First Renewal
** Final Renewal
REQUEST AND RECOMMENDATION FOR BOARD ACTION

Staff Initiating: Scott Myers  
Director: Scott Myers  
Commissioner: Randy Watson  
Meeting Date: 1/12/2016

Item Title:
Recommendations of the Licensure Review Committee

Board Goals:
Provide an effective educator in every classroom

Recommended Motion:
It is moved that the Kansas State Board of Education accept the recommendations of the Licensure Review Committee.

Explanation of Situation Requiring Action:
Recommendations of the Licensure Review Committee need approval of the State Board of Education. Certificates/licenses will be issued to those applicants whose appeals are granted.
Case 3055
Shawn Lamberson requested initial Kansas licensure for PreK-12 high-incidence special education, middle level 5-8 mathematics, secondary 6-12 business, and secondary 6-12 mathematics. Bruce Major made a motion to recommend approval of this license based on achievement of certification in Texas through an alternative route and clarification of educational background and teaching experience. The motion was seconded by Heidi Bolt and the License Review Committee approved the motion unanimously.

Case 3058
Rachel Winter requested initial Kansas licensure for PreK-12 high-incidence and low-incidence special education and K-6 elementary education. Dale Jean Probst made a motion to recommend approval of a provisional license with full licensure contingent upon completion of a college course in methods of teaching social studies for the elementary school, methods of teaching art for the elementary school, and legal issues in special education through a Kansas college to meet the deficient standards identified by the Committee. The motion was seconded by Heidi Bolt and the Licensure Review Committee approved the motion unanimously.

Case 3060
Heidi Holsey requested initial Kansas licensure for secondary 6-12 mathematics and PreK-12 high-incidence special education. Dale Jean Probst made a motion to recommend approval of this license based on achievement of certification in Arizona through an alternative route and clarification of educational background and teaching experience. The motion was seconded by Bruce Major and the Licensure Review Committee approved the motion unanimously.

Case 3067
Austin Somlo-Horton requested initial Kansas licensure for PreK-12 high-incidence special education and secondary 6-12 mathematics. Heidi Bolt made a motion to recommend approval of an initial license for PreK-12 high-incidence special education based on achievement of certification in New Jersey through an alternative route, educational background, and teaching experience. The Committee also recommended denial of an initial license for secondary 6-12 mathematics based on lack of knowledge and performance to meet secondary mathematic standard 9. The motion was seconded by Dale Jean Probst and the Licensure Review Committee approved the motion unanimously.

Case 3070
Tony Ryff requested Kansas licensure for PreK-12 building and district leadership. Dale Jean Probst made a motion to recommend approval of a professional level Kansas license for PreK-12 building leadership based on achievement of certification in Idaho, completion of an approved building leadership program, and acceptance of recent unaccredited experience to count for the 3 years of recent or 5 years total of accredited experience to be issued a professional level license. The Committee also recommended approval of a professional level Kansas license for PreK-12 district leadership based on acceptance of 19 years of unaccredited district leadership experience to count for the 3 years of recent or 5 years total accredited district leadership experience, completion of an approved program, and an out of state license for district leadership required by regulation. The motion was seconded by Bruce Major and the Licensure Review Committee approved the motion unanimously.

Case 3074
Sundara Ghatty requested initial Kansas licensure for secondary 6-12 physics. Dale Jean Probst made a motion to recommend approval of this license based on achievement of certification in Louisiana through an alternative route, educational background, and teaching experience. The motion was seconded by Bruce Major and the Licensure Review Committee approved the motion unanimously.
ITEM TITLE:

Act on program approval recommendations of the Evaluation Review Committee.

BOARD GOALS:

Provide an effective educator in every classroom

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 Central Christian College and Kansas State University.

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 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. The review team's report and the institution's response to the report, along with the institutional report and/or institutional progress report, 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 a written initial recommendation regarding the appropriate status to be assigned to the 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 program approval status.

A copy of the regulations covering this process is also attached. Staff will be on hand to answer any questions.
December 14, 2015

To: Dr. Randy Watson, Commissioner

From: Evaluation Review Committee

Subject: Final Recommendation for program approvals for Central Christian College

Introductory Statement:

On November 13, 2015, the Evaluation Review Committee reviewed the application for program approvals for Central Christian College.

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

PROGRAM APPROVAL RECOMMENDATION

Recommend “Approved” for the following programs through June 30, 2023.

Elementary (I, K-6) Continuing Program

Areas for Improvement:

Standards 1-7
None

English (I, 6-12) Continuing Program

Areas for Improvement:

Standards 2-4
None

Standard 1

Areas for Improvement:

AFI 1.1 Not all parts of the standard are addressed.

Rationale 1.1 The part of the standard which says, “knowledge...of how learners create and discover meaning in a text,” is not addressed by the cited assessments.

History, Government, and Social Studies (I, 6-12) Continuing Program

Areas for Improvement:

Standards 1-10
None
December 14, 2015

To:         Dr. Randy Watson, Commissioner

From:       Evaluation Review Committee

Subject:    Final Recommendation for program approvals for Kansas State University

Introductory Statement:

On November 13, 2015, the Evaluation Review Committee reviewed the application for program approvals for Kansas State University.

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

PROGRAM APPROVAL RECOMMENDATION

Recommend “Approved” for the following programs through December 31, 2022.

Mathematics (I, 6-12) Continuing Program
  Areas for Improvement:
  Standards 1-9
  None

Foreign Language (I, PreK-12) Continuing Program
  Areas for Improvement:
  Standards 1-9
  None

ESOL (A, K-6, 6-12) Continuing Program
  Areas for Improvement:
  Standards 1-10
  None
REQUEST AND RECOMMENDATION FOR BOARD ACTION

Item Title:
Act to approve local in-service education plans

Board Goals:
Provide an effective educator in every classroom

Recommended Motion:
It is moved that the Kansas State Board of Education act to approve the in-service education plan for Wellington Christian Academy Z0067.

Explanation of Situation Requiring Action:
In provisions of K.S.A. 72-9604, the State Board is charged with setting standards and criteria by which LEAs will establish and maintain an in-service education program for their licensed personnel. Additionally, the state education budget provides state funds, when available, to be used to reimburse portions of the LEAs’ in-service activities. Finally, LEAs must have approved by the State Board of Education a five-year in-service plan that includes appropriate activities for which reimbursement is available.

Specifically, S.B.R. 91-1-216(a)(b) stipulates that LEAs must develop and implement an in-service plan that includes the following: 1) establishment of a professional development council; 2) an assessment of in-service needs; 3) identification of goals and objectives; 4) identification of activities; and 5) evaluative criteria.

Over the years, almost all of the guidelines and report formats for the Kansas In-service Program have been merged into the Quality Performance Accreditation system. As a result, school districts have focused their in-service resources on the targets established by their respective buildings as identified through the school improvement process.

In compliance with S.B.R. 91-1-216(c) and S.B.R. 91-1-217(b)(3), the above education agency has submitted their proposed five-year in-service education plan. State department staff members have reviewed the plan using the State Board of Education approved criteria, and recommend approval of the plan.
REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 15 g.

Staff Initiating: Scott Smith
Director: Scott Smith
Commissioner: Randy Watson
Meeting Date: 1/12/2016

Item Title:
Act on contract for use of Learning Maps as an organizing structure for formative assessment

Board Goals:
Provide a flexible and efficient delivery system to meet our students’ varied and changing needs

Recommended Motion:
It is moved that the Kansas State Board of Education authorize the Commissioner of Education to negotiate a contract with the Center for Educational Testing and Evaluation (CETE), University of Kansas, in an amount not to exceed $5,501,930 for the development of formative assessment resources.

Explanation of Situation Requiring Action:
The United States Department of Education has provided an Enhanced Assessment Grant Award to investigate the use of organized learning models to link curriculum, instruction and formative assessment. These learning models, or learning maps, will be generated for math and English language arts to aid teachers for grades 2-8. The award provides for collaboration between the Center for Educational Testing and Evaluation and the Kansas State Department of Education to develop the learning maps, which will also provide an organizing structure for professional development as well as instructionally relevant activities to support effective assessments. Project outcomes will include an open source web-hosting solution for making these learning maps available to educators. The contract, in an amount not to exceed $5,501,930, is for the period January 2016 through Sept. 30, 2019.
Item Title:

Act on contract to implement Kansas Integrated Accountability System application.

Board Goals:

Provide a flexible and efficient delivery system to meet our students’ varied and changing needs

Recommended Motion:

It is moved that the Kansas State Board of Education authorize the Commissioner of Education to enter into a contract with a vendor to be selected through the competitive bid process to provide development and ongoing servicing of the Early Childhood, Special Education, and Title Services’ (ECSETS) Kansas Integrated Accountability System (KIAS) web-based monitoring application for the period of January 2016 through June 2018 in an amount not to exceed $235,000 to be paid out of the federal Title I consolidated pool and IDEA VI-B funds.

Explanation of Situation Requiring Action:

The Kansas State Department of Education is required under the Individuals with Disabilities Education Act (IDEA) and the Elementary and Secondary Education Act (ESEA) to conduct monitoring of all local education agencies (LEAs), also referred to as school districts, to ensure compliance with the provisions of federal and state laws & regulations. The selected vendor will provide an authenticated application that is to be a web-based system with the capability to collect, store, report and track monitoring and improvement planning data.
REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 15

Staff Initiating: Kelli Broers
Director: Scott Gordon
Commissioner: Randy Watson
Meeting Date: 01/12/2016

Item Title:
Act to approve Keystone Learning Services d/b/a Northeast Kansas Education Service Center Interlocal Agreements

Board Goals:
Governmental Responsibility

Recommended Motion:
It is moved that the Kansas State Board of Education approve the interlocal agreements to continue the Keystone Learning Services d/b/a Northeast Kansas Education Service Center.

Explanation of Situation Requiring Action:
Prior to becoming effective, an interlocal cooperation agreement between school districts must be approved by the Office of the Attorney General and the State Board of Education. K.S.A. 12-2901 et. seq., as amended, and K.S.A. 72-8230. The Office of the Attorney General and the Kansas State Department of Education have reviewed and approved these agreements. It is recommended the State Board of Education also approve the agreements. It should be noted, Keystone Learning Services d/b/a Northeast Kansas Education Service Center (Keystone) operated under one agreement previously. However, the Office of the Attorney General recommended Keystone enter into two agreements, one for special education services and one for all other educational services to be provided by Keystone. The agreements are attached for review.
November 17, 2015

Sarah Loquist
Kansas Association of School Boards
1420 SW Arrowhead Road
Topeka, KS 66604-4024

Re: Amended Interlocal Agreement for Special Education Services / Keystone Learning Services
d/b/a Northeast Kansas Education Service Center, Interlocal #608 (USDs 338, 339, 340, 341, 342,
343, 377 and 449)

Dear Ms. Loquist:

We have reviewed the above-referenced amended interlocal cooperation agreement for special
education services received in this office on September 16, 2015. We now take this opportunity to
provide the parties with the following comments.

As way of background, we note that we have previously reviewed several interlocal agreements
regarding the provision of special education and non-special education services by Keystone. We note
that we previously received an interlocal agreement on November 19, 2014, from Larry Mears. On
December 3, 2014, we wrote to advise Mr. Mears of the results of our review, and to seek any additional
arguments and authorities he might have to address the concerns raised in our letter. On January 19,
2015, we received Mr. Mears’ emailed comments in response to our December 3, 2014, letter. We
discussed potential concerns with Mr. Mears on January 21, 2015, and received additional emailed
comments on January 23, 2015. On February 9, 2015, we received a revised interlocal agreement.
However, on February 16, 2015, we wrote to advise Mr. Mears that we were unable to approve the
interlocal agreement as submitted for the reasons set forth in that letter.

We then received an interlocal cooperation agreement in this office on May 29, 2015. We note that we
had several conversations with Mr. Mears and his office, and received modifications to the agreement
on June 19, 2015. In a letter dated June 23, 2015, we approved the agreement. However, by letter
dated July 2, 2015, the Kansas State Department of Education (KSDE) declined to approve the
agreement.

We note that two interlocal cooperation agreements involving Keystone were hand-delivered to this
office on September 16, 2015. One agreement was an amended interlocal agreement for special
education services and the other was an interlocal agreement for non-special education services. We
reviewed the above-referenced amended interlocal cooperation agreement for special education services received in this office on September 16, 2015. We then provided written comments to Mr. Mears by letter dated September 22, 2015.

On September 23, 2015, we received your email dated the same date. In your email, you stated that "Keystone has asked me to take over the issues with their Interlocal Agreements from Larry Mears." You then provided comments about the amended interlocal cooperation agreement for special education services and the interlocal cooperation agreement for non-special education services.

On October 1, 2015, we provided written comments to you regarding the amended interlocal agreement for special education services. On November 16, 2015, we received documents from you related to the amended interlocal cooperation agreement for special education services. This letter provides comments regarding the amended interlocal cooperation agreement for special education services.

As a preliminary matter, we note that K.S.A. 2015 Supp. 12-2904(g) sets out the attorney general’s responsibilities in reviewing and approving interlocal agreements. This section also provides: “[F]ailure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.” In essence, this office has 90 days from the date the interlocal is received in this office to review the submitted agreement and determine whether or not it meets the statutory requirements. On most occasions, we are able to review and approve the interlocal quickly. However, there are agreements that require further review to determine whether they meet the statutory requirements. This is one such instance.

Appropriate Action by Governing Bodies

In our letter dated September 22, 2015, we addressed the requirements of K.S.A. 2015 Supp. 12-2904(b) which requires “appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies” before an interlocal agreement may enter into force. We noted that the participating entities adopted resolutions with the following language:

Be It Resolved that the Board of Education of [USD 338] shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and . . .

We noted that the resolution submitted for USD 340 did not include a date of adoption. In addition, we noted that the resolutions submitted for USD 342 and USD 377 were signed by the presidents of the board of education by using a “signature stamp” instead of by a written signature. Use of a “signature stamp” may be a valid method of signing a resolution assuming that such a method is authorized by the boards of education. We requested that Mr. Mears provide an authorization allowing the use of a “signature stamp” or another copy of the resolution signed by the president of the board of education for USD 342 and USD 377.

In your email dated September 23, 2015, you stated that “[w]e will submit a dated resolution for USD 340 and will have the presidents of the boards of USD 342 and USD 377 sign the resolution by hand.” In
our letter dated October 1, 2015, we stated that we would appreciate receiving the appropriately dated resolution and the signed resolutions at your earliest convenience.

On November 16, 2015, we received paper copies of resolutions executed by the presidents of the boards of USD 340, USD 342 and USD 377. We note that the resolution adopted by USD 340 includes a date of adoption of September 14, 2015. We also note that the resolutions adopted by USD 342 (adopted September 14, 2015) and USD 377 (adopted October 12, 2015) are signed by the president of the board of education for USD 342 and USD 377.

We note that the three resolutions, submitted on November 16, 2015, adequately address our previous concerns regarding the appropriate action by the governing bodies of the participating school districts. We also note that we replaced the three original resolutions submitted with the amended interlocal cooperation agreement on September 16, 2015, with the three resolutions received in this office on November 16, 2015. If you would like us to return the three original resolutions to you, please contact me and we will do so.

**Financing and Budget, and Effective Date**

In our letter dated September 22, 2015, we addressed the requirements of K.S.A. 2015 Supp. 12-2904(d)(4) which requires that an interlocal agreement shall specify “the manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.” The language adopted by the parties concerning financing and budget is as follows:

2.1 Each School District, which is a party to this agreement, agrees to finance the operation of Keystone in the manner herein specified. Assessments for the current school year are based on:

2.5 The proposed Special Education Assessment shall be presented to the Board of Directors on or before the April meeting of each year. A budget shall be adopted annually by the Keystone Board of Directors no later than the July board meeting, unless the Legislature does not provide timely financial guidance. The budget shall specify the cost of all special education programs and a computation of the member district’s proportionate assessment.

We noted that an interlocal agreement can only be effective after or upon the required approvals and filings. See K.S.A. 2015 Supp. 12-2904(g) and K.S.A. 12-2905. Because the amended interlocal agreement had not yet been approved and filed, this amended interlocal agreement was not yet effective. However, the amended interlocal agreement provided a manner for establishing an assessment for “the current school year,” which is the 2015-2016 school year, and included actions required to have been taken in April 2015 and July 2015. We were unclear how an interlocal agreement may require an action to be taken in the past.

In your email dated September 23, 2015, you stated the following:
The submitted agreement does not require actions to be taken in the past. The referenced actions for April and July have already been performed under the current special education interlocal agreement. The submitted agreement did not have to be approved before those actions could be performed because the current special education interlocal agreement is perpetual.

Additionally, in our letter dated September 22, 2015, we noted that the amended interlocal agreement defined the method to be utilized in calculating the assessment for the current school year which is the 2015-2016 school year. The amended interlocal agreement did not describe the method to be utilized in calculating the assessment for any future school years. We stated that we believed the better practice is to establish a method to calculate the assessment for all school years. We also noted that if the Center wished to adopt a method to calculate the assessment on a yearly basis, that such an approach would require a yearly amendment to the interlocal agreement. Such an amendment then would require the approvals and filings as required by statute before any such an amendment would become effective.

In your email dated September 23, 2015, you stated the following:

The financing language in the interlocal agreement submitted for review is substantially similar to the language in the current interlocal agreement for special education services. The language regarding the phrase "current year" (as used in describing the method of determining the assessment) has always been interpreted as applying to the then current school year. In other words, each year, the assessment for the then current school year was calculated based on the methodology set forth in the agreement. The methodology does not change every year and, therefore, would not require an annual amendment as suggested in your letter.

In our letter dated October 1, 2015, we noted that this office was not provided with a copy of the current interlocal agreement. We also noted that the use of terms that are unclear and undefined slows down our review process. We did, however, consider your additional arguments and authorities on these matters. We stated that although we believed that the wording could be more clearly drafted, and we encouraged the parties to do so in the next revision, if any, we nevertheless found that the portions of the interlocal agreement involving financing and budget, and the effective date were compatible with the laws of the State of Kansas.

Consistency of Terms

Finally, in our letter dated September 22, 2015, we noted that paragraph one of the amended interlocal agreement refers to the Northeast Kansas Education Service Center d/b/a Keystone Learning Services as the “Center.” However, throughout the amended interlocal agreement, specifically section 2, the amended interlocal agreement refers to the “Center” as “Keystone” and “Service Center.” We stated that we believed the better practice is to utilize a consistent term to identify the Northeast Kansas Education Service Center d/b/a Keystone Learning Services. In our October 1, 2015, letter, we noted that your September 23, 2015, email concurred with our belief that the better practice is to utilize a consistent term and we encouraged the parties to utilize consistent terms in the next revision, if any, to this interlocal agreement.
Letter to Sarah Loquist  
November 17, 2015  
Page 5

After reviewing the amended interlocal cooperation agreement for special education services, along with the recently submitted resolutions, we now find that the amended interlocal cooperation agreement for special education services itself is in proper form and that the amended interlocal cooperation agreement for special education services itself is compatible with the laws of this state.

This letter will serve as our approval pursuant to K.S.A. 2015 Supp. 12-2904. This letter may be filed along with the amended interlocal agreement with the register of deeds and the secretary of state to show that the amended interlocal agreement has been reviewed and approved by this office.

Please feel free to contact me with any questions or concerns.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

[Signature]

Cheryl L. Whelan  
Assistant Attorney General

CLW:sb

Enclosure (original agreement)

cc: Andy Ewing, Director, Keystone Learning Services, 500 E. Sunflower Blvd., Ozawkie, KS 66070  
Scott Gordon, General Counsel, Kansas State Department of Education, 900 SW Jackson, Suite 102, Topeka, KS 66612
AMENDED INTERLOCAL AGREEMENT

This Amended Interlocal Agreement is made pursuant to the provisions of K.S.A. 12-2901, et seq. and K.S.A. 72-8230. It is made with the sincere desire of all cooperating Unified School District to work together for the mutual benefit of all children we serve and we, the undersigned, hereby and herein formally join together in an atmosphere of trust and confidence to modify and amend the Interlocal Agreement, which was effective July 1, 2008, which created a separate legal entity known as Northeast Kansas Education Service Center d/b/a Keystone Learning Services (hereinafter referred to as the “Center”).

The following Unified School District, by and through their respective Boards of Education, have each adopted a resolution authorizing the Unified School District to enter into this Interlocal Agreement (hereinafter referred to as “Agreement”):

Unified School District No. 338
Unified School District No. 339
Unified School District No. 340
Unified School District No. 341
Unified School District No. 342
Unified School District No. 343
Unified School District No. 377
Unified School District No. 449

PURPOSE

The purpose of the Center shall be to cooperatively provide educational services in the area of Special Education. All other educational services provided by the Center are addressed by a separate Interlocal Agreement.

1. BOARD OF DIRECTORS AND OFFICERS

1.1 The Center shall be governed by a Board of Directors consisting of at least one member from the board of education at each Unified School District entering into the Agreement. Each Board of Education shall appoint its representative to the Board of Directors on an annual basis. The term of office of the members of the Board of Directors shall expire concurrently with their term of office as Board of Education members.

1.2 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 the member by the appropriate Board of Education.

1.3 In addition to the board member appointed to serve as a member of the Board of Directors for the Center, each Unified School District may designate an alternate board member to represent their district on the Board of Directors in the absence of the appointed member. Any replacement so designated shall have the power or authority to act on behalf of the appointing board, provided the Executive Director of the Center has been informed of the name of the designated alternate.
1.4 The Board of Directors shall meet at such times and places as may be decided by said board. The board shall elect from its members a president and vice-president who shall serve in the absence or incapacity of the president. The board shall also designate three individuals, one to act as Executive Director of the Center, one as Clerk of the Center, and one as Treasurer of the Center. The Executive Director, Clerk, and Treasurer shall receive compensation and shall perform such duties as prescribed by the board.

1.5 The Board of Directors shall adopt policies, rules, and regulations to implement this 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, student policies and procedures, budget preparation and administration, establishment of curriculum, and such other polices, rules, and regulations normally adopted by a Board of Education of a Unified School District.

2. METHOD OF FINANCING

2.1 Each School District, which is a party to this agreement, agrees to finance the operation of Keystone in the manner herein specified. Assessments for the current school year are based on:

2.2 An average of the prior three years total full-time equivalence (FTE, non-weighted). The FTE will be based on the September 20 enrollment as certified by the Kansas State Department of Education. The FTE excludes 4-year-old at risk pre-school students (unless they are serving as model students for Special Education preschool classrooms) and adult education students 22 years of age or older.

2.3 An average of the prior three years full-time equivalence of Special Education students as certified based on the Federal VI-B report of December 1st of each year. The exception to this formula will be Easton USD 449. In the 2014-15 school year, their December 1, 2013 FTE for Special Education students will be used. In 2015-16, their December 1, 2013 and 2014 FTE for Special Education students will be averaged. In 2016-17 and thereafter, the three-year average formula will be used.

2.4 All mandated Special Education programs operated by Keystone shall be financed cooperatively by all member School Districts by assessments. Fifty percent of the assessment will be divided among the member districts based on the same percentage that the member’s total FTE is of the total FTE enrollment of all member districts. The other fifty percent of the assessment will be divided among the member districts based on the same percentage that the member’s special education FTE is to the total special education FTE of all member districts.

2.5 The proposed Special Education Assessment shall be presented to the Board of Directors on or before the April meeting of each year. A budget shall be adopted annually by the Keystone Board of Directors no later than the July board meeting, unless the Legislature does not provide timely financial guidance. The budget shall specify the cost of all special education programs and a computation of the member district’s proportionate assessment.
2.6 The budget shall be approved by a majority of the Keystone Board of Directors. Upon approval of the budget by the Keystone Board, each member district agrees to pay its proportionate share of the total budget as the Keystone board may direct.

2.7 Keystone agrees to be primarily responsible to assist member districts in complying with all federal and state special education laws and regulations for member districts according to the policies of Keystone. To assist in providing such assistance, each member School District agrees to purchase and maintain in effect during the term of the agreement, a board liability insurance policy in an amount determined by the local School District. Keystone shall purchase and maintain in effect during the term of this agreement, a board liability insurance policy in an amount determined by the Keystone Board. However, pursuant to K.S.A 72-8201a, the Board of Directors of Keystone shall only be responsible for the actions of Keystone, or its failure to act under this contract.

2.8 In the event there is a due process hearing or placement hearing as a result of services or special education programs maintained by the Service Center, the cost shall be paid by the Service Center. The cost shall be reduced by the amounts paid or furnished by the local district or Service Center board liability insurance carrier. Cost shall be defined to include the cost of the due process or placement hearing, any appeal therefrom and any attorney fees and court costs of the due process or placement hearing, any appeal therefrom and any attorney fees and court costs incurred by or assessed to Keystone or a local School District.

2.9 Each participating Unified School District may purchase Keystone Regional Service Center services beyond the mandated special education services, to be shared on a proportionate basis; the actual cost of such additional services will be borne entirely by the district(s) receiving them. All programs and services involving Keystone shall be approved by the Keystone Board of Directors.

3. ACQUISITION AND DISPOSITION OF PROPERTY

3.1 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 a participating Unified 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 directed by the Board of Directors of said Center.

3.2 Upon complete termination of this Agreement, the Board of Directors shall have the authority to distribute said property as herein provided, to member Unified School District that have entered into this Agreement. If the distribution of said property cannot be agreed upon by at least two-thirds of the members of the Board of Directors, the Board of Directors shall sell such property, at either private or public sale, and the proceeds of said sale shall be paid into the treasury of the Center. All monies in the treasury of the Center at the time of complete termination shall be distributed in equal shares to each member Unified School District which has entered into the Agreement and which is a member of the Center at the time of such termination.
4. TERMINATION OF AGREEMENT

4.1 A member school district may withdraw from this Agreement by following the provisions set forth in K.S.A. 72-8230. Any school district that withdraws from this agreement prior to complete termination shall not be entitled to any property of the Service Center or any cash refund.

5. INDEMNIFICATION

5.1 Pursuant to K.S.A. 72-8201a, 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 Agreement.

6. MANDATORY PROVISIONS

6.1 This Agreement shall be governed by and interpreted in accordance with the laws of the state of Kansas, as required by K.S.A. 72-8201b. In accordance with K.S.A. 72-8201c, the mandatory contract provisions prescribed by the Kansas Department of Administration in form DA-146a, as amended, are hereby incorporated by reference.

7. TERM

7.1 Upon approval by the Attorney General and the State Board of Education and filing of this Agreement with register of deeds in the county in which the Center is located and with the Secretary of State, this Agreement shall be effective on __________, 2015. The term of this Agreement shall be perpetual pursuant to K.S.A. 72-8230.

7.2 This Agreement is subject to change or termination by the Legislature.

7.3 This Agreement may be changed by affirmative vote of not less than two-thirds of the contracting school districts.

7.4 This Agreement shall not be effective unless and until approved by the Attorney General of the State of Kansas, in the manner provided in K.S.A. 12-2904(g), approved by the State Board of Education, and filed with the register of deeds in the county in which the Center is located and with the Secretary of State.

EXECUTED THIS __15th__ day of __September_____ __________, 2015, by the presidents and clerks of the following Unified School Districts:
RESOLUTION

Upon the 14th day of Sept., 2015, at a duly convened meeting of the Board of Education, Unified School District 338 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 338 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 338 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 338

______________________________
Jody Lockhart
President of the Board

______________________________
Print President’s Name

______________________________
BRENDA S. HENSON
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of September 2015, at a duly convened meeting of the Board of Education, Unified School District 339 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 339 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 339 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 339

Ronald Langston
President of the Board

SUSAN COPPINGER
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of Sept., 2015, at a duly convened meeting of the Board of Education, Unified School District 340 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 340 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 340 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 340

President of the Board

Scott Myers
Print President Name

Amy Adams Mitchell
AMY ADAMS - MITCHELL
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of Sept., 2015, at a duly convened meeting of the Board of Education, Unified School District 341 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 341 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 341 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 341

[Signature]
President of the Board

[Signature]
Print President Name

[Signature]
PATTI BOUCHER
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of September, 2015, at a duly convened meeting of the Board of Education, Unified School District 342 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 342 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 342 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 342

President of the Board

Kristi Carlton
Print President Name

LORIE PATTERSON
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of Sept., 2015, at a duly convened meeting of the Board of Education, Unified School District 343 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 343 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 343 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 343

President of the Board

TRAVIS O. DANIELS
Print President Name

DEBBIE WALBURN
Attest by Clerk of the Board
RESOLUTION

Upon the 12th day of October, 2015, at a duly convened meeting of the Board of Education, Unified School District 377 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 377 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, db/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 377 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 377

[Signature]
President of the Board

Jeff Martin
Print President Name

[Signature]
MEGAN E. GRACEY
Attest by Clerk of the Board
KEYSTONE INTERLOCAL SPECIAL EDUCATION AGREEMENT RESOLUTION 13-2016

Upon the 9th day of September, 2015, at a duly convened meeting of the Board of Education, Unified School District 449 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 449 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 449 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 449
Kimberly Sachse
President of the Board
Kimberly J. Sachse
Print President Name

KIMBERLY ALLISON
Attest by Clerk of the Board
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 _15_th day of ___September, 20__.

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. 44-1118; (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 statutory required approvals and certifications have been given.

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.
APPROVED BY:

Kansas State Board of Education

By ___________________________          Date ___________________________
Authorized Representative
APPROVED BY:

Kansas Attorney General's Office

See our letter dated November 17, 2015.

By ______________________  Date ______________________

Authorized Representative
December 9, 2015

Sarah Loquist
Kansas Association of School Boards
1420 SW Arrowhead Road
Topeka, KS 66604-4024

Re: Interlocal Agreement for Non-Special Education Services / Keystone Learning Services d/b/a Northeast Kansas Education Service Center, Interlocal #608 (USDs 338, 339, 340, 341, 342, 343, 377 and 449)

Dear Ms. Loquist:

We have reviewed the above-referenced interlocal cooperation agreement for non-special education services received in this office on September 16, 2015. We now take this opportunity to provide the parties with the following comments.

As way of background, we note that we have previously reviewed several interlocal agreements regarding the provision of special education and non-special education services by Keystone. We note that we previously received an interlocal agreement on November 19, 2014, from Larry Mears. On December 3, 2014, we wrote to advise Mr. Mears of the results of our review, and to seek any additional arguments and authorities he might have to address the concerns raised in our letter. On January 19, 2015, we received Mr. Mears’ emailed comments in response to our December 3, 2014, letter. We discussed potential concerns with Mr. Mears on January 21, 2015, and received additional emailed comments on January 23, 2015. On February 9, 2015, we received a revised interlocal agreement. However, on February 16, 2015, we wrote to advise Mr. Mears that we were unable to approve the interlocal agreement as submitted for the reasons set forth in that letter.

We then received an interlocal cooperation agreement in this office on May 29, 2015. We note that we had several conversations with Mr. Mears and his office, and received modifications to the agreement on June 19, 2015. In a letter dated June 23, 2015, we approved the agreement. However, by letter dated July 2, 2015, the Kansas State Department of Education (KSDE) declined to approve the agreement.

We note that two interlocal cooperation agreements involving Keystone were hand-delivered to this office on September 16, 2015. One agreement was an amended agreement for special education services and the other was an agreement for non-special education services. We reviewed the above-referenced interlocal cooperation agreement for non-special education services received in this office on September 16, 2015. We then provided written comments to Mr. Mears by letter dated September 22, 2015.
On September 23, 2015, we received your email dated the same date. In your email, you stated that "Keystone has asked me to take over the issues with their Interlocal Agreements from Larry Mears." You then provided comments about the amended interlocal cooperation agreement for special education services and the interlocal cooperation agreement for non-special education services.

On October 1, 2015, we provided written comments to you regarding the interlocal agreement for non-special education services. On October 27, 2015, we received your email which included copies of board meeting minutes. However, we considered these minutes to constitute drafts because they are either designated as "unofficial" minutes and/or the minutes include spaces for signatures but are not signed. In essence, the minutes submitted to us were not the written documentation requested because they are not final, approved minutes.

On December 8, 2015, we received copies of board meeting minutes which were final and signed minutes. We also received your email correspondence of December 9, 2015, further explaining two areas of concern regarding the submitted minutes. This letter provides comments regarding the interlocal cooperation agreement for non-special education services.

After a review of all the documents submitted to us, we find that the interlocal agreement for non-special education services is in proper form and that the interlocal agreement for non-special education services itself is compatible with the laws of this state.

This letter will serve as our approval pursuant to K.S.A. 2015 Supp. 12-2904. This letter may be filed along with the interlocal agreement for non-special education services with the register of deeds and the secretary of state to show that the interlocal agreement for non-special education services has been reviewed and approved by this office.

Please feel free to contact me with any questions or concerns.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

[Signature]

Cheryl L. Whelan
Assistant Attorney General

CLW:sb

cc: Andy Ewing, Director, Keystone Learning Services, 500 E. Sunflower Blvd., Ozawkie, KS 66070
Scott Gordon, General Counsel, Kansas State Department of Education, 900 SW Jackson, Suite 102, Topeka, KS 66612
INTERLOCAL AGREEMENT

This Interlocal Agreement is made pursuant to the provisions of K.S.A. 12-2901, et seq. and K.S.A. 72-8230. It is made with the sincere desire of all cooperating Unified School Districts to work together for the mutual benefit of all children we serve and we, the undersigned, hereby and herein formally join together in an atmosphere of trust and confidence to form a separate legal entity known as the Northeast Kansas Education Service Center d/b/a Keystone Learning Services (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 Districts to enter into this Interlocal Agreement (hereinafter referred to as "Agreement"):  

Unified School District No. 338  
Unified School District No. 339  
Unified School District No. 340  
Unified School District No. 341  
Unified School District No. 342  
Unified School District No. 343  
Unified School District No. 377  
Unified School District No. 449

PURPOSE

The purpose of the Center shall be to cooperatively provide educational services in the areas of professional development, data processing, vocational education, career education, media service, curriculum development, in-service training for staff, and any other area authorized by law, such member Unified School Districts desire to provide on a cooperative basis. The provision of Special Education Services by the Center is addressed by separate Interlocal Agreement.

1. BOARD OF DIRECTORS AND OFFICERS

1.1 The Center shall be governed by a Board of Directors consisting of at least one member from the Board of Education at each Unified School District entering into the Agreement. Each Board of Education shall appoint its representative to the Board of Directors on an annual basis. The term of office of the members of the Board of Directors shall expire concurrently with their term of office as Board of Education members.

1.2 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 the member by the appropriate Board of Education.

1.3 In addition to the board member appointed to serve as a member of the Board of Directors for the Center, each Unified School District may designate an alternate board member to represent their district on the Board of Directors in the absence of the appointed member. Any replacement so designated shall have the power or authority to act on behalf of the appointing board provided the Executive Director of the Center has been informed of the name of the designated alternate.
1.4 The Board of Directors shall meet at such times and places as may be decided by said board. The board shall elect from its members a president and vice-president who shall serve in the absence or incapacity of the president. The board shall also designate three individuals, one to act as Executive Director of the Center, one as Clerk of the Center, and one as Treasurer of the Center.

1.5 The Executive Director, Clerk, and Treasurer shall receive compensation and shall perform such duties as prescribed by the board.

1.6 The Board of Directors shall adopt policies, rules, and regulations to implement this 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, student policies and procedures, budget preparation and administration, establishment of curriculum, and such other polices, rules, and regulations normally adopted by a Board of Education of a Unified School District.

2. METHOD OF FINANCING

2.1 Each Unified School District which is a party to this Agreement, agrees to finance the operation of the Center services subject to this Agreement in the manner hereinafter specified. The funds required to operate these services shall be derived from fees charged by the Center for contracted services provided to Unified School Districts, community colleges, and other educational institutions, districts, and organizations, plus funds anticipated to be received from state and federal projects.

2.2 The budget of the Center shall be established by the Board of Directors on or before July 1 preceding the school year for which said budget is proposed.

3. ACQUISITION AND DISPOSITION OF PROPERTY

3.1 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 a participating Unified 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 directed by the Board of Directors of said Center.

3.2 Upon complete termination of this Agreement, the Board of Directors shall have the authority to distribute said property as herein provided, to member Unified School Districts that have entered into this Agreement. If the distribution of said property cannot be agreed upon by at least two-thirds of the members of the Board of Directors, the Board of Directors shall sell such property, at either private or public sale, and the proceeds of said sale shall be paid into the treasury of the Center. All monies in the treasury of the Center at the time of complete termination shall be distributed in equal shares to each member Unified School District which has entered into the Agreement and which is a member of the Center at the time of such termination.

4. COMPLETE TERMINATION OF AGREEMENT

4.1 Complete termination of this Agreement may be accomplished by two-thirds of the member districts adopting a resolution seeking termination of this Agreement. Upon complete termination of this Agreement, the Board of Directors shall have the authority to distribute any property to member school districts. A majority of the members of the Board of Directors may determine the distribution of such property. After payment of all Center’s legal obligations, all funds available upon complete termination shall be distributed in equal shares to each member school district which is a member of
the Center at the time of termination.

5. PARTIAL TERMINATION OF AGREEMENT

5.1 Any member district may withdraw from this Agreement by adopting a resolution stating its intent to withdraw from the Agreement and obtaining consent from the Center's Board of Directors. Any school district that withdraws from this agreement prior to complete termination shall not be entitled to any property of the Service Center or any cash refund.

6. INDEMNIFICATION

6.1 Pursuant to K.S.A. 72-8201a, 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 Agreement.

7. MANDATORY PROVISIONS

7.1 This Agreement shall be governed by and interpreted in accordance with the laws of the state of Kansas, as required by K.S.A. 72-8201b. In accordance with K.S.A. 72-8201c, the mandatory contract provisions prescribed by the Kansas Department of Administration in form DA-146a, as amended, are hereby incorporated by reference.

8. TERM

8.1 Upon approval by the Attorney General and the State Board of Education and filing of this Agreement with Register of Deeds in the county in which the center is located and with the Secretary of State, this Agreement shall be effective. The term of this Agreement for all purposes other than the provision of Special Education Services is for five (5) years. As stated above, the provision of Special Education Services by the Center is addressed by separate Interlocal Agreement.

8.2 This Agreement is subject to change or termination by the Legislature.

8.3 This Agreement may be changed by affirmative vote of not less than two-thirds of the contracting school districts.

8.4 This Agreement shall not be effective unless and until approved by the Attorney General of the State of Kansas, in the manner provided in K.S.A. 12-2904(g), approved by the State Board of Education, and filed with the Register of Deeds in the county in which the Center is located and with the Secretary of State.

EXECUTED by the Presidents and Clerks of the following Unified School Districts as set forth on the attached Resolutions.
RESOLUTION

Upon the 14th day of Sept., 2015, at a duly convened meeting of the Board of Education, Unified School District 338 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 338 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 338 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 338

[Signature]
President of the Board

[Signature]
Print President Name

[Signature]
BRENDA S. HENSON
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of September 2015, at a duly convened meeting of the Board of Education, Unified School District 339 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 339 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 339 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 339

[Signature]
President of the Board

Ronald Langston
Print President Name

[Signature]
SUSAN COPPINGER
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of Sept, 2015, at a duly convened meeting of the Board of Education, Unified School District 340 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 340 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 340 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 340

[Signature]
President of the Board

Scott Myers
Print President Name

Amy Adams-Mitchell
AMY ADAMS - MITCHELL
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of Sept., 2015, at a duly convened meeting of the Board of Education, Unified School District 341 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 341 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 341 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 341

[Signature]
President of the Board

[Signature]
Print President Name

[Signature]
PATTI BOUCHER
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of September, 2015, at a duly convened meeting of the Board of Education, Unified School District 342 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 342 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 342 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 342

Kristi Carlton
President of the Board

Kristi Carlton
Print President Name

LORIE PATTERSON
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of Sept., 2015, at a duly convened meeting of the Board of Education, Unified School District 343 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 343 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 343 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 343

[Signature]
President of the Board

[Printed Name]

[Print President Name]

DEBBIE WALBURN
Attest by Clerk of the Board
RESOLUTION

Upon the 14th day of Sept., 2015, at a duly convened meeting of the Board of Education, Unified School District 377 with a Quorum of the Board present at voting, to adopt the following and;

Be it Resolved that the Board of Education of USD 377 shall enter into the Interlocal Agreement as amended with the Northeast Kansas Education Service Center, d/b/a Keystone Learning Services, and

It is further Resolved that the President of the Board of Education of USD 377 is authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 377

[Signature]
President of the Board

[Signature]
Jeffrey A. Martin
Print President Name

[Signature]
MEGAN E. GRACEY
Attest by Clerk of the Board
KEYSTONE INTERLOCAL NON-SPECIAL EDUCATION AGREEMENT
RESOLUTION 14-2016

Upon the 9th day of September, 2015, at a duly convened meeting of the Board of
Education, Unified School District 449 with a Quorum of the Board present at voting, to adopt
the following and;

Be it Resolved that the Board of Education of USD 449 shall enter into the Interlocal
Agreement as amended with the Northeast Kansas Service Center, d/b/a Keystone Learning
Services, and

It is further Resolved that the President of the Board of Education of USD 449 is
authorized to sign any and all necessary documents to enter into such agreement.

Unified School District 449

Kimberly J. Sachse
President of the Board

Kimberly J. Sachse
Print President Name

KIMBERLY ALLISON
Attest by Clerk of the Board
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 15th day of September, 2015.

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.

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.
APPROVED BY:

Kansas State Board of Education

By __________________________ Date _______________________
Authorized Representative
APPROVED BY: As stated in our letter of the same date

Kansas Attorney General's Office

By Cheryl Whalen Date December 9, 2015
Assistant Attorney General
Authorized Representative
Item Title:
Executive Session

Board Goals:
Governmental Responsibility

Recommended Motion:
It is moved that the Kansas State Board of Education recess into Executive Session for the purpose of consultation with an attorney which would be deemed privileged in the attorney-client relationship, in order to protect the privilege and the Board’s communications with its attorney on legal matters.
WEDNESDAY, JANUARY 13, 2016
MEETING AGENDA

Landon State Office Bld.
900 SW Jackson St.
Board Room, Ste 102
Topeka, KS 66612

7:30 - 8:30 a.m.

9:00 a.m.

9:05 a.m.

9:35 a.m.

10:15 a.m.

10:25 a.m.

10:35 a.m.

11:15 a.m.

11:25 a.m.

12:30 p.m.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Receive Career Technical Student Organizations’ Report and presentation by CTSO officers
6. Act on recommendations of the Professional Practices Commission
7. Board Reports & Requests for Future Agenda Items
8. Act on Board Member Travel

LUNCH — Board members are invited to join the CTSO officers for lunch at the Capitol Plaza Hotel. Group transportation for Board members will be available.

ADJOURN

Next Meeting: February 9 and 10, 2016 in Topeka
To: Commissioner Randy Watson

From: Jay Scott

Subject: Receive Career Technical Student Organizations' Report and State Officer Presentation

Date: 12/7/2015

Board Goals: Provide a flexible and efficient delivery system to meet our students’ varied and changing needs

CTSO Citizenship Day offers the Kansas State Board of Education a chance to meet the elected student-officers of the various career and technical student organizations, and provides these officers a unique opportunity to gain a better awareness of the roles individuals such as members of the State Board, have in Kansas public education. Student officers will make brief remarks during the presentation.
To: Commissioner Randy Watson
From: Colleen Riley
Subject: Receive Findings and Recommendations of the Emergency Safety Intervention Task Force and Annual Report on Emergency Safety Intervention Data
Date: 12/10/2015

Board Goals: Governmental Responsibility

The emergency safety intervention statutes set up the Emergency Safety Intervention Task Force to study and review the use of emergency safety interventions and prepare a report on its findings and recommendations concerning the use of such interventions to be submitted to the governor and the legislature. KSDE staff will share these findings and recommendations with the state board.

The emergency safety intervention statutes also require KSDE to report aggregate data on the use of emergency safety interventions annually to the governor and the House and Senate Education Committees. KSDE staff will discuss a draft of this report with the State Board.
REQUEST AND RECOMMENDATION FOR BOARD ACTION

Item Title:

Act on the Recommendations of the Professional Practices Commission

Board Goals:

Governmental Responsibility

Recommended Motion:

It is moved that the Kansas State Board of Education adopt the findings of the Professional Practices Commission and its recommendation for licensure approval.

Explanation of Situation Requiring Action:

1. Adam McElwain 15-PPC-54

Mr. McElwain applied for an Emergency Substitute License. He disclosed he had been convicted of misdemeanor theft in October 2014 for participating in the removal of fence boards for a bonfire. After hearing Mr. McElwain’s testimony and reviewing all the evidence, the Professional Practices Commission recommended Mr. McElwain’s application be granted.
BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION

In the Matter of the Application of Adam McElwain

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the application of Adam McElwain for an emergency substitute license.

This matter convened on November 23, 2015. Appearing for the Commission were chairperson, Linda Sleek, and members, Tavis Desormiers, Dorsey Burgess, Jessica Snider, Justin Henry, John McKinney, and Clingor Riddle.

Kelli Broers appeared as counsel for KSDE.

Adam McElwain appeared in person.

FINDINGS OF FACT

1. On October 26, 2014, Mr. McElwain, then 34 years old, was a part of a group that removed boards from a fence and used them in a bonfire. None of the individuals owned the fence.

2. As a result, Mr. McElwain was charged with misdemeanor theft and criminal damage to property in the Municipal Court of Hays, Kansas. He entered a plea of no contest and paid restitution for the fence. He also offered to help the fence owner build a new fence.

3. Mr. McElwain disclosed his conviction on his application for an emergency substitute license and provided the related documents.

4. Mr. McElwain was not licensed as an educator or any legally recognized profession at the time of his misconduct.

5. There was no evidence Mr. McElwain engaged in any other prohibited conduct.

6. Mr. McElwain acknowledged the wrongfulness of his past conduct and expressed remorse for the conduct.
CONCLUSIONS OF LAW AND DISCUSSION

1. The State Board may deny a teacher’s license to any person for misconduct or other just cause including a criminal conviction for misdemeanor theft. K.A.R. 91-22-1a(a)(3),(11) and (b).

2. The Commission, in determining whether to recommend to the State Board that an individual’s application should be granted, determines the extent of the applicant’s efforts at rehabilitation as well as the fitness of the applicant to be a member of the teaching profession. See K.A.R. 91-22-1a(g).

3. The Commission finds Mr. McElwain has clearly demonstrated a present recognition of the wrongfulness of his conduct and expressed remorse for his conduct. The Commission believed Mr. McElwain sincere and credible.

4. The Commission finds that while only one year has passed since the criminal conduct occurred, it was an isolated incident. Furthermore, Mr. McElwain accepted responsibility for his actions, paid restitution, and offered to rebuild the fence. The Commission believes Mr. McElwain is rehabilitated and is fit to teach.

THEREFORE the Professional Practices Commission concludes, by a vote of 7-0, subject to the State Board’s review, that Mr. McElwain’s application for a substitute teaching license should be granted.

This Initial Order is made and entered this November 23, 2015.

PROFESSIONAL PRACTICES COMMISSION

[Signature]
Linda Sieck, Chairperson
Order signed on December 14, 2015.
NOTICE TO APPLICANT

This Initial Order is not a Final Order and must be reviewed by the State Board in accordance with the provisions of the Kansas Administrative Procedure Act. You may submit to the State Board for its consideration as part of its review of the Initial Order, a written brief outlining legal authority as to why the above recommendation should not be accepted. The legal brief must be filed with the Secretary of the Professional Practices Commission at the address below within ten days after service of the Initial Order for transmittal to the State Board.

Theresa Coté
Secretary, Professional Practices Commission
Kansas State Department of Education
900 SW Jackson Street
Topeka, Kansas 66612-1182

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of December, 2015, a true and correct copy of the above and forgoing 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:

Adam McElwain
1205 Donald Drive, Apt. B
Hays, Kansas 67601

And via interoffice mail to:

Kelli Broers
Assistant General Counsel
900 SW Jackson Street, Ste. 102
Topeka, Kansas 66612

Theresa Coté
Secretary, Professional Practices Commission
REQUEST AND RECOMMENDATION FOR BOARD ACTION

Agenda Number: 6 (b)

Staff Initiating:  Director:  Commissioner:  
Kelli Broers  Scott Gordon  Randy Watson

Meeting Date: 1/13/2016

Item Title:

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

Board Goals:

Governmental Responsibility

Recommended Motion:

It is moved that the Kansas State Board of Education adopt the findings of the Professional Practices Commission and its recommendations for licensure revocation.

Explanation of Situation Requiring Action:

1. Debra Ellebracht 15-PPC-30

While licensed, Ms. Ellebracht entered into a criminal diversion agreement after being charged with felony theft in Douglas County, Kansas. Over the course of two years, Ms. Ellebracht embezzled $30,000 while serving as treasurer for the Omicron Chapter of Delta Kappa Gamma. KSDE filed a complaint. Ms. Ellebracht submitted a voluntary surrender of her license. The Professional Practices Commission recommended that Ms. Ellebracht's license be revoked.

2. Loc Ha 15-PPC-58

Mr. Ha has been licensed since 2010. He submitted a voluntary surrender of his license on or about Nov. 6, 2015. The Professional Practices Commission recommended that Mr. Ha's license be revoked.

3. Wesley Loewen 15-PPC-59

While licensed, Mr. Loewen served as a substitute teacher. Mr. Loewen misused school district property which led to student exposure to sexual internet content. Mr. Loewen submitted a voluntary surrender of his license. The Professional Practices Commission recommended Mr. Loewen's license be revoked.
BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION

In the Matter of
the Professional License
of Debra Ellebracht

15-PPC-30
OAH No. 16ED00001

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the matter of the professional license of Debra Ellebracht.

This matter convened on November 23, 2015. Appearing for the Commission were chairperson, Linda Sieck, and members, Tavis Desormiers, Dorsey Burgess, Jessica Snider, Justin Henry, John McKinney, and Ginger Riddle. Ms. Ellebracht appeared not. KSDE appeared by and through its attorney, Kelli Broers.

FINDINGS OF FACT

1. Debra Ellebracht has been licensed as a Kansas teacher since 1998. She was most recently licensed on November 29, 2014. Her license expires on November 29, 2019.

2. While licensed, Ms. Ellebracht also served as treasurer for the Omicron Chapter of Delta Kappa Gamma. Ms. Ellebracht used that position to embezzle $30,000 from the organization. As a result, she was charged in the District Court of Douglas County, Kansas, in Case No. 2014-CR-000926 with felony theft in violation of K.S.A. 21-5801(a)(1)(b)(2).

3. Ultimately, Ms. Ellebracht entered into a diversion agreement in her criminal case where she stipulated that over the course of two years she took $30,000 from the Omicron Chapter of Delta Kappa Gamma without permission and for her personal use. She also stipulated she attempted to conceal her crime by creating fake bank statements.

4. Ms. Ellebracht is scheduled to complete diversion on April 9, 2017.

5. After receiving the Complaint filed in this matter and conducting discovery, Ms. Ellebracht agreed to voluntarily surrender her license as a consequence of the acts that resulted in her criminal charges and her subsequent entry into a diversion agreement. She submitted an executed and notarized voluntary surrender on November 9, 2015.
CONCLUSIONS

1. A member of the teaching or school administration profession may voluntarily surrender his license to the Commission. The surrender shall be investigated by the Commission. A recommendation shall be made by the Commission to the State Board for disposition of the license. K.A.R. 91-22-5a(e).

2. A license may be revoked by the State Board for misconduct or other just cause including entering into a diversion agreement after being charged with a felony. K.A.R. 91-22-1a. Ms. Ellebracht’s entry into a diversion agreement in Case No. 2014-CR-000926 is grounds for revocation of her teaching license.

THEREFORE the Professional Practices Commission recommends, by a vote of 7 – 0, subject to review by the State Board, that Debra Ellebracht’s voluntary surrender of her license should be accepted and her professional teaching license should be revoked immediately.

This Initial Order is made and entered this November 23, 2015.

PROFESSIONAL PRACTICES COMMISSION

Linda Sieck, Chairperson
Order signed on December 14, 2015.

NOTICE TO LICENSEE

This Initial Order is not a Final Order and must be reviewed by the State Board in accordance with the provisions of the Kansas Administrative Procedure Act. 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. The legal brief must be filed with the Secretary of the Professional Practices Commission at the address below within ten days after service of the Initial Order for transmittal to the State Board.

Theresa Coté
Secretary, Professional Practices Commission
Kansas State Department of Education
900 SW Jackson Street
Topeka, Kansas 66612-1182
CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December, 2015, 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:

Mark Stafford
Attorney for Respondent
107 Southwest 6th Avenue, Suite 210
Topeka, Kansas 66603

And via interoffice mail to:

Kelli Broers
Assistant General Counsel
900 SW Jackson Street, Ste. 102
Topeka, Kansas 66612

[Signature]
Theresa Coté
Secretary, Professional Practices Commission
BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION

In the Matter of  
the License  
of Loc Ha

15-PPC-58

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the matter of the license of Loc Ha.

This matter convened on November 23, 2015. Appearing for the Commission were chairperson, Linda Sleek, and members, Tavis Desormiers, Dorsey Burgess, Jessica Snider, Justin Henry, John McKinney, and Ginger Riddle. Mr. Ha appeared not. KSDE appeared by and through its attorney, Kelli Broers.

FINDINGS OF FACT

1. Loc Ha has been licensed as a Kansas teacher since 2010.

2. Mr. Ha submitted an executed and notarized voluntary surrender on or about November 6, 2015.

CONCLUSIONS OF LAW

1. A member of the teaching or school administration profession may voluntarily surrender his license to the Commission. The surrender shall be investigated by the Commission. A recommendation shall be made by the Commission to the State Board for disposition of the license. K.A.R. 91-22-5a(e).

THEREFORE having reviewed Mr. Ha’s voluntary surrender and heard Ms. Broers’s presentation, the Professional Practices Commission recommends, by a vote of 7-0, subject to review by the State Board, that Loc Ha’s voluntary surrender of his license should be accepted and his teaching license should be revoked immediately.

This Initial Order is made and entered this November 23, 2015.

PROFESSIONAL PRACTICES COMMISSION

Linda Sleek, Chairperson
Order signed on December 14, 2015.
NOTICE TO LICENSEE

This Initial Order is not a Final Order and must be reviewed by the State Board in accordance with the provisions of the Kansas Administrative Procedure Act. 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. The legal brief must be filed with the Secretary of the Professional Practices Commission at the address below within ten days after service of the Initial Order for transmittal to the State Board.

Theresa Coté  
Secretary, Professional Practices Commission  
Kansas State Department of Education  
900 SW Jackson Street  
Topeka, Kansas  66612-1182

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2015, 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:

Ross Stewart  
Attorney for Respondent  
9270 Glenwood St., Ste C  
Overland Park, KS 66212

And via interoffice mail to:

Kelli Broers  
Assistant General Counsel  
900 SW Jackson Street, Ste, 102  
Topeka, Kansas 66612

Theresa Coté  
Secretary, Professional Practices Commission
BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION

In the Matter of
the License
of Wesley Loewen

15-PPC-59

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the matter of the license of Wesley Loewen.

This matter convened on November 23, 2015. Appearing for the Commission were chairperson, Linda Sleek, and members, Tavis Desormiers, Dorsey Burgess, Jessica Snider, Justin Henry, John McKinney, and Ginger Riddle. Mr. Loewen appeared not. KSDE appeared by and through its attorney, Kell Broers.

FINDINGS OF FACT

1. Wesley Loewen has been licensed as a Kansas teacher since 2008.

2. While serving as a substitute teacher with USD 229, Mr. Loewen misused school district property which led to student exposure to sexual internet content.

3. After receiving a letter from KSDE and discussing the matter on the telephone, Mr. Loewen agreed to voluntarily surrender his license as a consequence of his actions. He submitted an executed and notarized voluntary surrender on or about October 13, 2015.

CONCLUSIONS

1. A member of the teaching or school administration profession may voluntarily surrender his license to the Commission. The surrender shall be investigated by the Commission. A recommendation shall be made by the Commission to the State Board for disposition of the license. K.A.R. 91-22-5a(e).

2. A license may be revoked by the State Board for misconduct or other just cause. K.A.R. 91-22-1a. Mr. Loewen’s conduct are grounds for the revocation of his license.

THEREFORE the Professional Practices Commission recommends, by a vote of 7 – 0, subject to review by the State Board, that Wesley Loewen’s voluntary surrender of his license should be accepted and his teaching license should be revoked immediately.

1
This Initial Order is made and entered this November 23, 2015.

PROFESSIONAL PRACTICES COMMISSION

[Signature]
Linda Sleek, Chairperson
Order signed on December 14, 2015.

NOTICE TO LICENSEE

This Initial Order is not a Final Order and must be reviewed by the State Board in accordance with the provisions of the Kansas Administrative Procedure Act. 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. The legal brief must be filed with the Secretary of the Professional Practices Commission at the address below within ten days after service of the Initial Order for transmittal to the State Board.

Theresa Coté
Secretary, Professional Practices Commission
Kansas State Department of Education
900 SW Jackson Street
Topeka, Kansas 66612-1182

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of December, 2015, 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:

Wesley Loewen
11704 W. 100th Terrace
Overland Park, Kansas 66214

And via interoffice mail to:

Kelli Broers
Assistant General Counsel
900 SW Jackson Street, Ste. 102
Topeka, Kansas 66612

[Signature]
Theresa Coté
Secretary, Professional Practices Commission
Item Title:

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

Board Goals:

Governmental Responsibility

Recommended Motion:

It is moved that the Kansas State Board of Education not adopt the findings of fact or recommendation of the Professional Practices Commission.

Explanation of Situation Requiring Action:

Ms. Ramos entered a criminal diversion agreement after having been charged with misdemeanor theft for using a co-worker’s credit card on five separate occasions. Ms. Ramos successfully completed diversion after a formal complaint was filed by the Kansas State Department of Education. Her criminal case was subsequently dismissed. A full evidentiary hearing was held on Nov. 23, 2015, after which the Professional Practices Commission recommended Ms. Ramos be publicly censured. KSDE filed a Petition for Review and Ms. Ramos filed a response. All evidence admitted during the evidentiary hearing is provided.

The video link below is of the Nov. 23, 2015, hearing. Ms. Ramos’s hearing begins at approximately the 41st minute.

http://mediastream.ksde.org/media/Board/KSBOE%20Videos/23Nov15%20PPC.wmv
BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Suzette Ramos

15-PPC-32
OAH No. 16 ED0003

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BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Suzette Ramos

15-PPC-32
OAH No. 16 ED0003

PETITION FOR REVIEW

COMES NOW the Kansas State Department of Education (KSDE) by and through its attorney, Kelli M. Broers, and requests, pursuant to K.S.A. 77-527, K.S.A. 72-8506, and K.A.R. 91-22-25, that the Kansas State Board of Education (State Board) review the Initial Order entered in this matter. Exhibit 1. Additionally, KSDE requests that the State Board not adopt the Professional Practice Commission’s (Commission) recommendations in this matter, and, instead, enter a Final Order revoking Ms. Ramos’s teaching license. KSDE makes the request for the following reasons:

Introduction

Suzette Ramos is a licensed special education teacher. While licensed, she used her co-worker Gabriela Moreno’s credit card five times without authorization. Though Ms. Ramos claimed she found the credit card in the school parking lot, it was undisputed Ms. Ramos had unsupervised access to Ms. Moreno’s purse earlier that same day. In addition to claiming she found the card in a parking lot where she did not usually park, Ms. Moreno’s card was bright yellow and Ms. Ramos’s card was blue. Despite the difference in appearance and the probability of using the wrong card five times, Ms. Ramos claims to have accidentally used Ms. Moreno’s card instead of her own because they were in the same coat pocket. Ms. Ramos never returned the card and never reported she used Ms. Moreno’s card. The theft was uncovered when Ms. Moreno realized her card was missing and contacted the bank and the police began investigating. Ms. Ramos wasn’t identified as the suspect until two weeks later.
After an evidentiary hearing, and by a vote of 5 - 2, the Commission recommended the State Board publically censure Ms. Ramos for her actions. This recommendation is not supported by substantial and competent evidence.

**Standard of Review**

The State Board exercises de novo review of the Commission’s Initial Orders. K.S.A. 77-527; See also Tire Disposal Facilitators, Inc. v. State ex rel. Harder, 22 Kan.App.2d 491, 492 (1996). This includes the ability to determine witness credibility. 22 Kan.App.2d at 492.

**I. The Commission’s Findings and Recommendation Are Not Supported by Substantial and Competent Evidence**

Substantial competent evidence is evidence which possesses both relevance and substance and which furnishes a substantial basis of fact from which the issues can reasonably be resolved.” Wiles v. Am. Family Life Assur. Co. of Columbus, 302 Kan. 66, 73 (2015). The Commission’s Conclusions of Law and its recommendation of public censure are not supported by substantial and competent evidence.

a. The Commissions’ finding regarding a letter of recommendation was contrary to the evidence presented

The Commission stated two facts were the foundation for its recommendation that Ms. Ramos only be publicly censured. First, the Commission gave great weight to a letter of recommendation provided by Dr. Karen Johnson, Director of Special Education at USD 457 and Ms. Ramos’s previous supervisor. The Initial Order states in paragraph 12, “In addition, Dr. Karen Johnson . . . was willing to provide a glowing letter of recommendation for Ms. Ramos, on district letterhead, to be presented in this matter.” This is false.
Ms. Ramos testified she did not tell Dr. Johnson the letter would be used at the hearing. See hearing DVD 1:52:40 – 1:53:50. Had Ms. Ramos testified otherwise, KSDE had rebuttal evidence available that would demonstrate Dr. Johnson was unaware of Ms. Ramos’s scheduled hearing before the Commission when she updated the letter of recommendation.

Additionally, Ms. Ramos’s less that forthright request of Dr. Johnson is further evidence of her continued lack of integrity. It is not a factor in her favor.

Because the Commission gave this piece of evidence significant weight when determining Ms. Ramos’s discipline and the Commission misremembered the actual nature of the evidence, the Commission’s recommendation is not supported by this evidence.

b. The Commission’s finding regarding USD 457’s acceptance of Ms. Ramos’s resignation is not supported by the evidence

As noted above, the Commission stated two facts in particular were the bases for its public censure recommendation. However, this second factor is not necessarily a “fact,” but a conclusion the Commission wrongly drew from the testimony. More specifically, the Commission found compelling that USD 457 permitted Ms. Ramos to resign rather than dismissing her. Standing alone, this fact does not support Ms. Ramos.

USD 457 Deputy Superintendent, Heath Hogan,1 testified that on May 2, 2014, he provided Ms. Ramos notice that her contract would not be renewed. He testified his decision was based on Ms. Ramos’s actions, i.e., he did not believe she had mistakenly used Ms. Moreno’s credit card five times. Upon receiving the notice of non-renewal, Ms. Ramos submitted her resignation, which the local board accepted. Mr. Hogan testified that upon receiving a notice to non-renew, “an employee can choose to resign in lieu of termination.” That is, the district policy was to permit employees who had received non-renew notices to resign

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1 Mr. Hogan was Ms. Ramos’s principal/supervisor at the time of her crime.
instead of being terminated. Rather than accepting that USD 457 permits employees to resign when presented with a notice of non-renewal, the Commission erroneously inferred that the board’s decision to allow Ms. Ramos to resign must signal some sort of board approval of Ms. Ramos’s misconduct. This was contrary to the evidence presented and therefore the Commission’s recommendation is not supported by substantial and competent evidence.

c. The Commission stated Ms. Ramos immediately tried to make restitution to Ms. Moreno, which is not supported by the evidence

In paragraph 8 of the Initial Order, the Commission notes that Ms. Ramos immediately tried to make restitution to Ms. Moreno. This is inaccurate. Ms. Ramos only offered restitution after police arrived to interview her two weeks later. To the extent this factor played a role in the Commission’s recommendation, the recommendation is not supported by substantial and competent evidence.

II. The State Board Should Review All Evidence and Judge Witness Credibility

KSDE requests that the State Board review all evidence submitted at the hearing so it may judge the witnesses’ credibility for itself.\(^2\) KSDE makes that request for the following reasons:

a. The evidence shows none of the witnesses believed Ms. Ramos

Ms. Moreno testified she did not believe Ms. Ramos found her card in the parking lot nor did she believe Ms. Ramos accidently used her credit card. She testified Ms. Ramos had control of her purse the same day the unauthorized purchases were made. Additionally, the gas receipt which was with her credit card remained in her purse. Ms. Moreno also testified Ms. Ramos did not park in the same parking lot as her (thereby refuting Ms. Ramos’s claim she picked up the credit card in the parking lot). Ms. Ramos’s response to this allegation was that not only had she

\(^2\) All evidence admitted and a recording of the hearing are being provided to the Board electronically. Respondent is being provided a DVD copy of the hearing.
found Ms. Moreno’s unattended purse earlier in the day, but upon returning from lunch she had parked in a parking lot different from her normal routine.

Mr. Hogan testified he did not believe Ms. Ramos. More specifically, he did not believe she accidently used the wrong card five different times. He testified he believed it was “more than just a mistake,” which was he provided Ms. Ramos with the notice of non-renewal and why she would not be eligible for rehire with the district in the future.

b. The Commission did not believe the witness

The Commission notes in paragraph 14 of its Initial Order that it questioned whether Ms. Ramos “fully understands the seriousness of her conduct” because she continued to call the incident “an unfortunate accident.” Ms. Ramos’s story throughout has been that it was an accident, a result of chance and her state of mind surrounding her health. If the Commission believed Ms. Ramos, the incident was not “serious conduct” that requires her understanding. Instead, the Commission believed there was some wrong doing. But the Initial Order is unclear regarding what exactly the Commission believes Ms. Ramos did that is discipline worthy, other than it objected to Ms. Ramos categorizing the event as an “unfortunate accident.”

III. Requested Action

For these reasons, KSDE requests that the State Board exercise its authority to review de novo all of the evidence presented in this case and reach its own conclusion regarding the type of discipline warranted. K.S.A. 72-8506 and K.S.A. 77-527(d). KSDE continues to believe revocation is appropriate because the evidence shows Ms. Ramos is a bad actor, she knowingly took Ms. Moreno’s card, and she knowingly used it five separate times. Yes, this is the only time Ms. Ramos has been charged criminally with theft. But she also misrepresented to Dr. Johnson the circumstances for which she was requesting an updated letter of recommendation.
The question remains whether Ms. Ramos can be trusted with her co-workers' possessions, or, more importantly the possessions of the special education children with whom she works.

Alternatively, KSDE requests that the State Board remand this matter for further consideration by the Commission because its findings that were contrary to the evidence presented at the hearing, for entry of an Initial Order that is supported by substantial and competent evidence, and for clarification regarding which of Ms. Ramos's actions are subject to discipline.

Respectfully submitted,

By: Kelli M. Broers
Kelli M. Broers - #23906
Kansas State Department of Education
900 SW Jackson Street
Topeka, Kansas 66612
Phone: 785-296-3204
Fax: 785-296-7933
kbroers@ksde.org

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December, 2015, a true and correct copy of the above and foregoing was filed with the Secretary of the Professional Practices Commission and one (1) copy mailed to:

Mike Francis
Attorney for Respondent
434 SW Topeka Boulevard
Topeka, Kansas 66603

Kelli M. Broers
BEFORE THE PROFESSIONAL PRACTICES COMMISSION
KANSAS STATE DEPARTMENT OF EDUCATION

In the Matter of the Professional License of Suzette Ramos

Case No. 15-PPC-32
OAH No. 16BD0003

INITIAL ORDER

Statement of Case

The above-captioned case comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the complaint filed by the KSDE seeking revocation of Suzette Ramos' professional teaching license.

The hearing was held on November 23, 2015. Appearing for the Commission were chairperson, Linda Sleck, and members, Tavis Desormiers, Dorsey Burgess, Jesslea Snider, Justin Henry, John McKinney, and Ginger Riddle. The licensee, Suzette Ramos, appeared in person and with her attorney, Mike Francis. The KSDE appeared by and through its attorney, Kelli Broers.

Findings of Fact

1. With the exception of approximately one month, Ms. Ramos has been licensed as a teacher in Kansas since 2009. Ms. Ramos was employed as a licensed teacher at USD 457 in Garden City, Kansas, from August 2010 through May 2012, and then from August 2013 through May 2014. Prior to becoming a licensed teacher, she had worked at USD 457 as a paraeducator beginning in 1997.
2. Ms. Ramos is currently employed at USD 480 in Liberal, Kansas.

3. On February 25, 2014, Ms. Ramos found a purse in the workroom/lounge at Victor Ornealas Elementary School, where she was employed.

4. Ms. Ramos took the purse to the office where the school nurse identified it as belonging to Gabriela Moreno, a paraeducator, also employed at the school.

5. Ms. Moreno, noticing she did not have her purse after returning from lunch, went to the office and was told it had been turned in by Ms. Ramos.

6. Ms. Ramos stated that later that same day as she was leaving the school, she found Ms. Moreno’s credit card, a yellow Gold Plains card, in the parking lot. She stated that she was in a hurry to pick up her children so she put it in her pocket, intending to turn it in the following day. Ms. Ramos stated that her credit card, a blue Teachers Credit Union card, was also in her pocket.

7. Ms. Ramos then proceeded to use Ms. Moreno’s card five times that evening; first, at Wheatlands Conoco in Garden City for $31.01; second, at Dillons in Garden City for $10.44; third, at Dillons in Garden City for $48.70; fourth, at Wal-Mart in Garden City for $298.17; and fifth, at Oasis Car Wash and Gas in Garden City for $63.00. The total of the purchases was $452.32.

8. Ms. Ramos testified that after using Ms. Moreno’s card she did not know what happened to it. She testified that her coat had a hole in the pocket and that it may have fallen out. She, however, never returned the card to Ms. Moreno.

9. At around 5:00 that evening, Ms. Moreno went to buy groceries and discovered that her credit card was not in her purse. She then checked in her car and at
home. Remembering that she had put gas in her car the day before, she believed that the card was lost and contacted the company to cancel the card.

10. The next morning, Ms. Moreno went to the bank and discovered that her card had been used five times at four different places the prior day by someone other than herself.

11. The police were then contacted and Ms. Moreno provided a statement.

12. On March 11, 2014, police officers with the Garden City Police Department contacted Ms. Moreno, at school, and showed her a photo of the individual using her card at Oasis Car Wash and Gas on February 25, 2014. Ms. Moreno identified the individual as Ms. Ramos. The police also used the tag number on Ms. Ramos’ vehicle to identify her as the individual using the card.


14. On March 12, 2014, Ms. Ramos spoke with Ms. Moreno and apologized numerous times for using the card.


16. On May 27, 2014, Ms. Ramos submitted her application to upgrade her license. The application was granted with her new license expiring on March 2, 2020.

17. On June 4, 2014, the Board of USD 457 accepted her letter of resignation.
18. Ms. Ramos was then hired as a special education teacher at USD 480 in Liberal, Kansas, for the 2014-2015 school year.

19. In December 2014, Ms. Ramos was charged in the District Court of Finney County, Kansas, in Case No. 2014-CR-000689-MD with misdemeanor theft in violation of K.S.A. 21-5801(a)(1) and (b)(4) and misdemeanor criminal use of a financial card in violation of K.S.A. 21-5828(a)(1).

20. Ms. Ramos entered into a diversion agreement in February 2015, wherein she stipulated to the facts alleged in the complaint and the attached affidavit, i.e., that she deprived the victim [Ms. Moreno] of $452.32 by using her credit card, five different times at four different locations.

21. On July 6, 2015, the Kansas Department of Education filed its complaint against Ms. Ramos seeking revocation of her license based on the above-referenced criminal conduct.

22. By order dated July 17, 2015, the criminal complaint against Ms. Ramos in Case No. 2014-CR-000689-MD was dismissed due to the fact that she successfully completed the terms and conditions of her diversion agreement.

23. On July 20, 2015, Ms. Ramos filed her request for hearing on the complaint.

Conclusions of Law
and
Discussion

1. K.A.R. 91-22-1a provides that "[a]ny 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,” including entering into a diversion agreement after having been charged with a misdemeanor involving theft.

2. Educators, as licensed professionals, are held to a higher standard. Educators are in a position of public trust and are role models not only for the students but for the community.

3. For the following reasons, the Commission finds that revocation of Ms. Ramos’ license is too severe under the circumstances in this matter.

4. Initially, the Commission finds that there is insufficient evidence to conclude that Ms. Ramos stole the credit card from Ms. Moreno’s purse.

5. The evidence was disputed as to where Ms. Ramos typically parked, however, she testified that on February 25, 2014, she parked in the same parking lot as Ms. Moreno, and that is where she found the credit card.

6. No one saw Ms. Ramos remove the credit card from Ms. Moreno’s purse and Ms. Moreno did not discover the credit card missing until after she had left the school.

7. There was no evidence presented that Ms. Ramos has ever been in any trouble or has engaged in similar conduct in the past.

8. Ms. Ramos immediately tried to make restitution to Ms. Moreno and worked to complete her diversion in only four to five months rather than the year that had been ordered.
9. Without any prior evidence that Ms. Ramos has a propensity to engage in criminal conduct such as stealing or shoplifting, the Commission does not believe that such behavior will be repeated by Ms. Ramos.

10. All of the evidence presented, with regard to her professional conduct, indicates that Ms. Ramos is a dedicated member of the teaching profession and does a good job in the classroom.

11. This was supported by USD 457 letting Ms. Ramos resign rather than immediately dismissing her.

12. In addition, Dr. Karen Johnson, the Director of Special Education for USD 457, was willing to provide a glowing letter of recommendation for Ms. Ramos, on district letterhead, to be presented in this matter. She did so, knowing about the February 25, 2014 incident.

13. These two actions were important to the Commission in its decision here in, as Ms. Ramos had been a long-time employee in the district.

14. Notwithstanding the above-mentioned, while Ms. Ramos expressed her remorse for her behavior in the letter she provided as part of her diversion to Ms. Moreno, her characterization of the incident during her hearing as “an unfortunate accident,” caused the Commission to question whether Ms. Ramos fully understands the seriousness of her conduct.

15. Accordingly, the Commission finds that discipline is warranted and in this case, recommends the public censure of Ms. Ramos.
IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education that Ms. Ramos be disciplined by public censure.

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

The parties may submit to the Kansas State Board of Education for its consideration as a part of its review of the Initial Order, a written brief citing legal authority as to why the above recommendation should not be accepted. The legal brief must be filed with the Secretary of the Professional Practices Commission, Kansas State Department of Education, 120 SE 10th Avenue, Topeka, Kansas 66612, within ten days after service of the Initial Order for transmittal to the Kansas State Board of Education.

This Initial Order is made and entered this 8th day of December, 2015.

Linda Sieck, Chairperson
Professional Practices Commission
CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December 2015, a true and correct copy of the above and foregoing Initial Order was deposited in the U.S. Mail, postage paid, addressed to:

Suzette Ramos
207 S 7th Street
Garden City, KS 67846

Michael B. Francis
Attorney at Law
434 SW Topeka Blvd.
Topeka, KS 66603

Kelli Broers, Attorney
Kansas State Department of Education
900 SW Jackson
Topeka, KS 66612

Theresa Coté
Secretary to the Professional Practices Commission
Kansas State Department of Education
900 SW Jackson
Topeka, KS 66612

[Signature]
Staff Person
BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION

In the Matter of
the Professional License
of Suzette Ramos

15-PPC-32
OAH No. 16 ED0003

KSDE’S EXHIBITS
1. Complaint, Case No. 14CR689, in the District Court of Finney County, Kansas

2. Diversion Agreement, Case No. 14CR689, in the District Court of Finney County, Kansas

3. Motion and Order Dismissing Case, Case No. 14CR689, in the District Court of Finney County, Kansas

4. May 2, 2014, Letter from Heath Hogan regarding contract non-renewal

5. Ms. Ramos’s letter of resignation


7. Ms. Ramos’s apology letter

8. March 24, 2015, NASP letter

9. Letter from Ms. Ramos to KSDE received March 19, 2015

10. Letter from Ms. Ramos to KSDE received July 20, 2015

11. September 10, 2015, letter from Dr. Johnson

12. Ms. Ramos’s interrogatory responses

13. Ms. Ramos’s 2014 application for Professional License upgrade
IN THE DISTRICT COURT OF FINNEY COUNTY, KANSAS

STATE OF KANSAS, PLAINTIFF

VS

SUZETTE RAMOS, DEFENDANT

a/k/a

207 S 7th St

Garden City, KS 67846

COMPLAINT/INFORMATION

Nicholas Vrana, the undersigned, Assistant Finney County Attorney, of lawful age, being first duly sworn on oath, for complaint against the above shown defendant, in the name and by the authority on behalf of the State of Kansas, gives the Court to understand and be informed:

COUNT ONE

That on or about the 25th day of February, 2014, in Finney County, Kansas, Suzette Ramos, then and there being present did unlawfully obtain or exert unauthorized control over property or services worth less than $1,000.00, to-wit: United States Currency; with the intent to permanently deprive the owner, to-wit: Gabriela Guadalupe Moreno, of the possession, use or benefit of such property or services. In violation of K.S.A. 2013 Supp. 21-5801(a)(1) & (b)(4), Theft, a class A nonperson misdemeanor. [21.5801.a.1.B4]

COUNT TWO

That on or about the 24th day of February, 2014 and the 26th day of February, 2014, in Finney County, Kansas, Suzette Ramos, then and there being present did unlawfully, knowingly and with the intent to defraud and for the purpose of obtaining money, goods, property or services, used a financial card, to wit: Golden Plains Bank Card, without the consent of the cardholder, to-wit: Gabriela Guadalupe Moreno, and within a seven day period of time, the value of the wrongfully obtained item(s), or service(s), was less than $1000.00. In violation of K.S.A. 2013 Supp. 21-5828(a)(1) & (b)(3), Criminal Use of a Financial Card, a class A nonperson misdemeanor. [21.5828.a.1.B3]
Witnesses: Gabriela Guadalupe Moreno, Dillons #5, Conoco, Wal-Mart, Oasis Gas & Wash, Golden Plains Credit Union, Daniel Guillermo Moreno, Gabriel Calvillo, David Gibson, Douglas Heit, and Hailey Knoll.

2014-TC-008222-

Nicholas Vrana, 26530
Assistant Finney County Attorney
409 N 9th
Garden City, KS 67846
(620) 272-3568

Subscribed and sworn to before me on this 30 day of December, 2014.

Krysta Harvey
Notary Public

Term Expires:

State of Kansas
County of Finney

I do hereby certify the foregoing to be a true copy of
the document which is on file or is of record in my

Deputy

Ramos PPC 018
IN THE DISTRICT COURT OF FINNEY COUNTY, KANSAS

STATE OF KANSAS, Plaintiff

vs.

SUZETTE RAMOS, Defendant

DIVERSION AGREEMENT

THIS DIVERSION AGREEMENT, made and entered into on February 235, 2015, by and between the Finney County Attorney and the above-named Defendant, Suzette Ramos, all as provided by K.S.A. 22-2906 et.seq., as amended.

WHEREAS, the above-named Defendant has made application for Diversion to the Finney County Attorney

AND WHEREAS, it appears to the Finney County Attorney, upon careful consideration of all the factors set forth in K.S.A. 22-2908, as amended, and upon finding that the Defendant has not previously participated in a diversion agreement, that a deferred prosecution would be in the best interest of justice and to the mutual benefits of the Defendant and the community;

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. That a "Diversion Agreement" means the specification of formal terms and conditions which the Defendant must fulfill over a specified term in order to have the charge(s) of Theft of property or services; Value less than $1,000 Criminal use of a financial card; W/o consent of owner less than $1,000 against him/her dismissed.

2. That the term of this Diversion Agreement shall be for a period of 12 months beginning on February 25 and ending on February 25, 2016, or until all conditions have been completed whichever is later.

3. That if the Defendant fulfills the obligations set forth herein, as determined by the County Attorney, the charges against said Defendant shall be dismissed with prejudice. However, should it come to the attention of the County Attorney that Defendant, during the term of this Agreement or extension thereof, has failed to fulfill the terms or obligations as set forth herein, then, and in that event, the County Attorney shall consider the Agreement breached, and shall so inform the Defendant and the District Court. The Court may resume the criminal proceedings on the complaint against the Defendant, upon finding the Defendant has failed to fulfill the terms of this Agreement.

4. Upon execution of this Agreement, the same shall be filed with the Clerk of the District Court of Finney County, Kansas, and shall serve to stay and further proceedings on the complaint until further order of the Court.
IT SHALL BE THE SPECIFIC CONDITIONS OF THIS AGREEMENT THAT:

1. Defendant shall not violate any federal, state or local laws. Provided further that Defendant shall immediately contact his/her Diversion Supervisor if arrested, charged or have any contact with Law Enforcement Officers.

2. Defendant shall continue to live in the State of Kansas or his/her state of residence. If the Defendant intends to move out of his or her state of residence, Defendant shall inform the Diversion Supervisor in writing and obtain permission before moving. Defendant shall notify the Diversion Supervisor of any change of address in writing, within five (5) days of any such change. Any mail addressed to the Defendant at the last known address as shown on the most recent reporting document, returned to the Supervisor as not deliverable, no forwarding address on file, etc., will be considered prima facie evidence that he/she has failed to meet this condition of his Diversion Agreement.

3. Defendant shall report to his/her Diversion Supervisor in person, by telephone, or by mail BETWEEN THE 15TH AND 21ST DAY OF EACH MONTH. FAILURE TO DO SO WILL RESULT IN THE AUTOMATIC REVOCATION OF THIS DIVERSION AGREEMENT.

The Defendant Shall Pay the following amounts:

1. The Diversion fee of $175.00 less the $40.00 application fee shall be due within thirty (30) days of signing this Agreement. NO EXTENSIONS WILL BE GRANTED.

2. The Defendant shall pay Court costs of $158.00 the day of the conference.

3. Defendant shall contribute $225.00 to a non-profit organization in Garden City, due the day of the Diversion Conference and payable to the Finney County Attorney’s Office, who in turn will pay out the contribution to the designated agency.

4. The Defendant shall pay a $10.00 Community Service Fee and then complete forty (40) hours of community service work to be monitored by the Diversion Supervisor. Said work is to be completed within the time allotted by the Diversion Supervisor. Defendant shall follow the rules as outlined in the community service agreement which is attached and incorporated herein. All hours shall be provided to the Diversion Supervisor in writing.

5. The Defendant shall pay restitution in the amount of $452.32 with monthly payments of at least $100.00 due by the 15th day of each month. The first payment shall be due by March 15, 2015, payable to the Finney County Attorney’s Office for distribution to the appropriate party.

The Defendant shall further abide by the following special conditions imposed by the Finney County Attorney:

1. The Defendant shall complete the Larceny Program through Community Corrections and provide proof of competition of said program to the Diversion Supervisor in writing.

Ramos PPC 020

151
2. The Defendant shall write an apology letter to the victim and submit it to the Diversion Supervisor for review. Once approved, the Diversion Supervisor will forward the apology letter to the victim.

DEFENDANTS WAIVER OF RIGHTS & STIPULATIONS

I, the Defendant named above, by agreeing to this Diversion Agreement, do hereby waive all my rights to a speedy arraignment, preliminary examination and hearings and a speedy trial under the laws and statutes of Kansas and under the Constitutions of Kansas and the United States, and I further waive my right to trial by jury under the Constitutions of the United States and the State of Kansas and the laws and statutes of the State of Kansas. If I do not have retained or appointed counsel, then I hereby waive my right to counsel evidenced by my signature below.

I understand and agree that if I violate the terms and conditions of this agreement, this case will proceed to trial based solely upon the charge and facts stipulated to as shown above in the attached exhibit(s), including all evidence attached to this Agreement, if any, which attached exhibit(s) or evidence is hereby incorporated herein by reference; and I will not be entitled to present additional evidence concerning guilt or innocence at that trial. Therefore, in return for acceptance into the diversion program, I hereby stipulate and agree to the facts stated in the attached exhibit and all evidence attached to this Agreement and the facts alleged in the complaint filed in this case.

I do hereby state that I have read and reviewed the above Diversion Agreement, including the above waiver of rights and stipulations and the same have been explained to me. I understand this Diversion Agreement and will comply with its terms.

[Signature]
Diversee – Defendant

[Signature]
Attorney for Diversee – Defendant

[Signature]
Finney County Attorney’s Office
Diversion Supervisor
IN THE DISTRICT COURT OF FINNEY COUNTY, KANSAS

STATE OF KANSAS, Plaintiff

vs.

SUZETTE RAMOS, Defendant

Case No. 2014-CR-000689-MD

EXHIBIT
DEFENDANTS STIPULATION OF FACTS

The Defendant, Suzette Ramos stipulates to the facts in the attached Affidavit submitted by Officer H. Knoll of the Garden City Police Department. Said events occurred on or about the 25th day of February, 2015 in Finney County, Kansas. Said Affidavit is attached hereto and labeled as Exhibit A.

** SEE EXHIBIT A **

Suzette Ramos
Defendant

Linda McVey
Diversion Supervisor
FINNEY COUNTY LAW ENFORCEMENT CENTER

IN JAIL: NO GCPD #: 14-0570168

LAW ENFORCEMENT AFFIDAVIT
FOR ARREST WARRANT

STATE OF KANSAS, COUNTY OF FINNEY, ss:

1. Halley Knoll, a duly sworn and authorized law enforcement officer of the
Garden City Police Department, having served in law enforcement for 10.9 years, in support of the criminal
Complaint to which this affidavit is attached, do under oath allege and state as follows:

1. NAME OF ACCUSED: Suzette Ramos
ADDRESS: 207 S. 7th Garden City Ks 67846
DOB: [Redacted]

2. If the accused is a juvenile, list parents:

FATHER: N/A
ADDRESS: N/A

MOTHER: N/A
ADDRESS: N/A

3. Statute Number(s) Local Number(s) Specific Offenses(s)
KSA: 21-5801 (a2B4) --- Theft (F)
KSA: 21-5828 (a1B3) --- Unlawful use of credit card x6
KSA: ---
KSA: ---
KSA: ---
KSA: ---
KSA: ---

4. Date of alleged offense(s): 02242014/02262014

5. Location of occurrence: 3401 E Spruce (Victor Ormealeas) , Garden City, Finney County, Kansas.

6. VICTIM'S NAME: Gabriela Moreno
ADDRESS: [Redacted] Finney County Ks 67846
DOB: [Redacted]

(Affiant's Initials)
ACCUSED: Suzette Ramos

1. Hailey Knoll, being duly sworn, depose and state that I am an Officer with the Garden City Police Department (GCPD) and have been in law enforcement for 10.9 years. Routine duties of my employment include the investigation of violations of federal and state laws. The following information set forth in this affidavit is known to me personally, or was reported to me by other law enforcement officers.

1. On February 26th, 2014 officers were dispatched to Garden City Finney County Ks, 67846, in reference to a theft of a credit card, that had also been found to have been used six times, at different locations.
2. Officers met with the victim, Gabriela Moreno (Gabriela) who stated her credit card had been missing for approximately two days and she discovered on her Golden Plains Bank statement the card had been used six times.
3. The first unauthorized purchase was at Wheatlands Conoco in Garden City Finney County Ks, 67846 for the amount of $32.01 on February 25th, 2014.
4. The second unauthorized purchase was at Dillons in Garden City Finney County Ks, 67846 for the amount of $10.44 on February 25th, 2014.
5. The third unauthorized purchase was also at Dillons in Garden City Finney County Ks, 67846 for the amount of $48.70 on February 25th, 2014.
6. The fourth unauthorized purchase was at Sam’s Club in Garden City Finney County Ks, 67846 for the amount of $67.50 on February 25th, 2014.
7. The fifth unauthorized purchase was at Wal-Mart in Garden City Finney County Ks, 67846 for the amount of $298.17 on February 25th, 2014.
8. The sixth and final unauthorized purchase was at Oasis Car Wash and Gas in Garden City Finney County Ks, 67846 for the amount of $63.00 on February 25th, 2014.
9. On March 11th, 2014 Officers were able to identify Suzette Ramos (Suzette) through video footage of her using the car wash and fuel at Oasis Car Wash and Gas in Garden City Finney County Ks, 67846 on February 25th, 2014. She was identified with the assistance of the vehicle bearing 892FLH on a white Dodge Pick-up.
10. Officers met with Suzette at the Law Enforcement Center on March 11th, 2014 at approximately 3:45PM. Suzette was advised of the case and advised of her rights pursuant to Miranda. Suzette stated she understood her rights and she would answer officers questions.

[Signature]
(Affiant)
11. Suzette stated she located a credit card in the parking lot of the school she works at, Victor Ormeals Garden City Finney County Ks, 67846. Suzette stated she put the card in her pocket as she was in a hurry, to pick up her children.

12. Suzette stated after she picked up her children she went to "The Conoco, Dillons then Wal-Mart". Suzette stated she repeatedly used the credit card from her pocket, thinking it was hers, forgetting she had picked up one earlier and placed it in her pocket. Suzette stated her bank card is a blue Teachers Credit Union Card, and the one she used was a yellow Golden Plains Card. $452.32

13. The estimated total loss is $1,194.00. Due to the fact of Suzette using the card over three consecutive times at different locations, charges of Theft (F) and Criminal Use of a Financial Card (F) are requested.

(Handwritten Signature)

(Affiant)

Number of Attachments: 0

SUBSCRIBED AND SWORN TO before me on this _4_ Day of April, 2014_.

[Notary Public Stamp]

(Notary Public)
TO: Suzette Ramos, 207 S. 7th St., Garden City, KS 67846

In accordance with authority conferred by the laws of Kansas, you have been placed on Diversion this date, February 23, 2015, for a period of 12 months.

In order to avoid further prosecution, you have agreed to follow these conditions:

1. Refrain from violating the law.
2. Avoid persons of disreputable or harmful character as designated by your Diversion Supervisor.
3. Work faithfully at suitable employment.
4. Remain within the area specified by the Diversion Supervisor.
5. Support your dependents, if any, to the best of your ability.
6. Pay fines, costs, contributions or restitution applicable to the offense in one or several sums as directed by this office.
7. Refrain from using or possessing any firearms or other dangerous weapons.
8. Refrain from using and/or possessing any illegal drugs.
9. Refrain from using and/or possessing marijuana in ANY State.
10. Obtain the Diversion Supervisor's advice before changing employment or residence.
11. Report to the Diversion Supervisor between the 15th and 21st day of each month.
12. Attend and complete the Larceny Program through Community Corrections and provide proof of completion to the Diversion Supervisor.
13. Perform community service as designated by the Diversion Supervisor.

This office has placed you on Diversion, believing that if you sincerely try to live up to the conditions of your diversion, your attitude and conduct will improve both for the benefit of society and yourself.

[Signature]
Diversion Supervisor

I have read and understand the foregoing conditions and I will abide by them.

Date 2-25-15

[Signature]
Signature of Defendant

Date

[Signature]
Signature of Attorney

Ramos PPC 026
RULES AND REGULATIONS FOR COMMUNITY SERVICE WORKERS

1. AVOID DANGEROUS ACTIVITIES: Community Service workers shall not participate in any dangerous activities while performing community service work for the Finney County Attorney Office Diversion Program.

2. POWER TOOLS FORBIDDEN: Community Service workers shall not use power tools of any kind while performing community service work for the Finney County Attorney Office Diversion Program.

3. TRANSPORTATION: Each community service worker shall be responsible for his/her transportation to and from the site where his/her community service work shall be performed.

4. SATISFACTORY QUALITY SERVICE IS NECESSARY CREDIT: All community service workers shall perform their task in a satisfactory and workman-like manner, and failure to do so shall result in the volunteer not receiving credit for hours worked by said volunteer. Firing from any Community Service work placement due to unsatisfactory behavior by you will be grounds for immediate motion to revoke Diversion.

5. As part of this agreement, you understand that you are not considered in any way to be an employee or agent of the Finney County Attorney’s Office. Nor will you receive or make claim for wages from any source because of work done. Furthermore, you assume all liability for any bodily or personal injury that may arise from involvement in the voluntary service.

6. TIME SHEETS: Each community service worker is responsible for his/her time sheets and is responsible for having said time sheets turned into their Diversion Supervisor within a timely manner. It is required to be turned in by the end of every month with a minimum of 10 hours a month. WORKED HOURS MUST BE INITIALED BY A REPRESENTATIVE OF WHOEVER YOU ARE COMPLETING YOUR HOURS FOR. THIS CANNOT BE AN INDIVIDUALS FAMILY MEMBER.

7. OBLIGATION TO BE RELIABLE: If you make arrangements to work somewhere, it is your responsibility to BE THERE. If a problem develops where it is impossible to be present, you must notify the Community Service provider you are working for.

8. FORBIDDEN WORK ACTIVITIES: Because of their nature, the following work activities will not be done by any volunteer: Operation of Heavy Equipment, this also includes the grading of land, excavating, burrowing, filling or back filling, pile driving, coffer dam work, calsson work, tunneling move building, underpinning buildings, raising buildings, demolishing buildings.

9. Community Service Providers: Community Service work must be completed at a location approved by your Diversion Supervisor. You will be given a list of approved places with this packet. It is your responsibility to contact any of them and set up a time for you to complete your hours. You may work at as many places as you like. Just make sure to turn in the required amount of hours per month.
10. **TIME LIMITS:** The below time guideline MUST be followed:

<table>
<thead>
<tr>
<th>HOURS TO COMPLETE</th>
<th>TIME LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 hours</td>
<td>4 months (120 days)</td>
</tr>
<tr>
<td>50 hours</td>
<td>5 months (150 days)</td>
</tr>
<tr>
<td>60 hours</td>
<td>6 months (180 days)</td>
</tr>
<tr>
<td>80 hours</td>
<td>8 months (240 days)</td>
</tr>
<tr>
<td>100 hours</td>
<td>10 months (300 days)</td>
</tr>
</tbody>
</table>

**NOTE:** **YOU MUST TURN IN A MINIMUM OF 10 HOURS A MONTH.**

*I have read and understand the Rules and Regulations for me to follow.

---

Defendant  
Defendant  
Defendant  

Counsel for Defendant  
Counsel for Defendant  
Counsel for Defendant  

---

Ramos PPC 028  
Ramos PPC 028  
Ramos PPC 028
Receipt #: 299172

Received of:
RAMOS, SUZETTE
207 S 7TH ST
GARDEN CITY, KS 67846

Nine Hundred Eighty and 32/100 Dollars

$980.32

For:  State of Kansas vs. Suzette Ramos
Case #: 2014-CR-000689-MD

Diversion Fee
$135.00

Humane Society
$225.00

Clerk of the Court - Court Costs
$158.00

Community Service Fee
$10.00

Victim Restitution
$452.32

Payment by: Cash
Next Payment: n/a
Balance Due: .00

LINDAM
IN THE DISTRICT COURT OF FINNEY COUNTY, KANSAS

STATE OF KANSAS, Plaintiff

vs.

SUZETTE RAMOS, Defendant

Case No. 2014-CR-000689-MD

MOTION

COMES NOW, the Plaintiff, on this 17th day of July, 2015, by and through Susan H. Richmeier, Finney County Attorney, and respectfully moves the Court for its order dismissing the complaint in the above-captioned cause.

In support of said motion, Plaintiff would show the Court that the Defendant freely and voluntarily, entered into a Diversion Agreement with the Plaintiff; that the Defendant has now successfully completed the terms and conditions of said Agreement and that in accordance with the diversion program, said complaint should be dismissed, costs assessed to the Defendant.

SUSAN H. RICHMEIER, #16758
Finney County Attorney
ORDER

NOW, on this 14th day of July, 2015, Plaintiff's motion is hereby granted and the above-captioned complaint is dismissed with costs assessed to the Defendant.

Honorable Riedlin R. Pierce
District Magistrate Judge

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Motion and Order was deposited in the United States mail, postage prepaid on this 17th day of July, 2015, and properly addressed to:

Suzette Ramos
207 S. 7th St
Garden City KS 67846

Linda McVey
Finney County Attorney's Office
5-2-14

Suzette Ramos,

I am recommending the non-renewal of your teaching contract for the 2014-2015 school year.

Heath L. Hogan
Principal- Victor Ornelas Elementary School

[Signature]

Employee Signature
May 2, 2014

To whom it may concern:

I, Suzette Ramos, resign from my position as special education teacher at Victor Ornelas Elementary.

Thank you,
Suzette Ramos

[Signature]
June 4, 2014

Suzette Ramos
207 S 7th St
Garden City, KS 67846

Dear Suzette,

The Board of Education, Unified School District No. 457, meeting in an open session on May 5, 2014, voted to accept your letter of resignation effective May 23, 2014 and release you from your contract.

Enclosed is an Exit Interview Form that we would like for you to complete and return to the Personnel Office. We appreciate you taking the time to complete the form. We find the responses to the questions informative in evaluating the district.

The Board of Education and USD 457 administration wish you the very best in any future career which you choose to pursue.

Sincerely,

[Signature]

Steven R. Karlin, Ed.D.
Deputy Superintendent

Enc
/rp
OFFICE OF THE COUNTY ATTORNEY
FINNEY COUNTY, KANSAS

SUSAN H. RICHMEIER, COUNTY ATTORNEY
William C. Voypka, Deputy County Attorney
Brian R. Sherwood, Assistant County Attorney
Tamara S. Hicks, Assistant County Attorney
Mandy L. Johnson, Assistant County Attorney
Cathleen Abell, Assistant County Attorney
Nicholas C. Vrana, Assistant County Attorney
Denise Kitch, Victim/Witness Coordinator

409 N. Ninth Street
Garden City, Kansas 67846
Telephone (620) 272-3568
Facsimile (620) 272-3584
E-Mail: attorney@finneycounty.org

February 26, 2015

Gabriela Moreno
617 N. Sarah St.
Garden City, KS 67846

Re: State of Kansas vs. Suzette Ramos
Finney County Case No. 2014 CR 689

Dear Ms. Moreno:

Suzette Ramos signed a Diversion Agreement on February 26, 2015 for the above captioned matter. One of the conditions of her diversion was to write an apology letter to you. Ms. Ramos has completed this letter and I am forwarding it to you. You will find it enclosed, attached to this letter.

Should you have any questions or concerns, please do not hesitate to contact me at the number listed above.

Sincerely,

Linda McVey
Criminal Diversion Supervisor

Cc: File
Habdy,

I would like to take this time to apologize again. I did not intentionally mean to use your credit card. It was a terrible mistake. I did not mean to cause you any harm. I had been struggling with some side effects of my surgery and was just not myself. I was having a very stressful day and I wasn't paying attention and for that I am deeply sorry. I know this does not make it okay, but I needed to explain. Again... I am sorry for the stress this caused you and I hope all is forgiven.
March 24, 2015

Ms. Suzette Ramos
207 S 7th Street
Garden City, KS 67846

Dear Suzette:

We are pleased to inform you that you satisfactorily completed the Home-Study segment of the Shoplifters Alternative Course (SA Course) on 03/24/2015 and received a grade of "B".

From your responses to the questions asked during the course, it appears that your shoplifting behavior may be less related to criminal intent and more the result of personal stress or other factors that are or were affecting your life at the time of the incident. In our experience, others in the same situation have been helped by short-term counseling or psychotherapy. Therefore, we recommend that you enter some form of counseling for evaluation and additional help with this issue. If you cannot find a psychotherapist on your own, we will be pleased to assist you in finding a qualified psychotherapist in your area.

Remember to review your NASP Wallet Card/Support Summary which was at the end of your program. It contains recommendations regarding what to do:

1) Before You Enter A Store  2) After You Enter A Store  3) When In The Store

We also recommend the following for your future rehabilitation:

1. Review any portion of the program again whenever you feel the need.
2. Contact us directly if you need assistance.
3. Visit our website for access to support services such as Telephone Coaching, Online Self-Help Groups and a Referral to a Psychotherapist at www.ShopliftingPrevention.org/WhatNASPOffers/NSHC.htm.

You have taken a big step toward taking responsibility for your actions by completing the SA Course. We now encourage you to pay any outstanding fees to the court and/or civil fines that you owe to the store. By satisfying all criminal and civil sanctions associated with this event, you will avoid any further action against you and move on with your life knowing this incident and shoplifting are behind you.

Please accept our best wishes for your future and remember that we are always here for you.

Sincerely,

Gina Hoelderlin
Program Administrator

Be Sure To Keep This Letter As Verification That You Have Completed Your SA Course Requirements.
To whom it may concern:

I would first like to start off by saying thank you for taking the time to read this letter. I am truly mortified by what happened. I am NOT, nor have EVER been, a thief. I have apologized numerous times for my actions on that day. I had tried to make it right ever since I found out what happened. I called the police department every week trying to rectify my wrong. I cannot tell you how very sorry I am. I talked with Gabby and apologized to her and told her how ashamed I was the very next day. I had been going through some very emotional things in my life. I had just had my second cancer scare and just came back to work from my second major surgery within two years. I had been having panic attacks, felt anxious all the time, I had insomnia and wasn’t sleeping more than 3 hours a night and I was battling with depression. I was wrong and I am not trying to justify my actions. I just want you to know the circumstances of my actions on that day. I was having a very demanding day. There were a lot of things going on at work. I was very late picking up my daughter, I should have paid closer attention to what I was doing and for that I am so truly sorry. I am so embarrassed by my actions on that day! I can’t take it back. I wished I could. I did do everything I could to fix my wrong.

I have been in education for 18 years. I started out as a Para-educator. I absolutely loved working with children so I went back to school. I worked during the day and went to school at night. I had two small children and a husband at home to take care of. I am an honest, hard-working woman who would NEVER intentionally hurt anyone. I am a teacher, a mother, and I’m a wife. I help others; I don’t hurt them. I ask that you please not revoke my teaching license. I love my job and I love being a teacher there is nothing else I’d rather be doing with my life! I am a very dedicated teacher not only to my student’s, but to all staff members as well.
Linda McVey from the county attorney's office gave me permission to give you her number. She said please feel free to call her and she will let you know how cooperative I've been through this whole ordeal. She then stated she would help me file a petition for expungement when this is over. Again, I am so truly sorry for my actions. I did not mean to hurt anyone.

Sincerely,

Suzette Ramos

Tell me and I forget. Teach me and I remember. Involve me and I learn.

- Benjamin Franklin

Linda McVey
Finney County Attorney's office
620-272-3568
To Whom It May Concern:

Linda McVey, from the Finney County Attorney's Office, wanted me to let you know you can call her with any questions. She reminded me that this was not a conviction and she is willing to speak with you on my behalf.

Linda McVey 620-272-3508 lmcvym@finneycounty.org

Enclosed you will find a letter stating I have been dismissed from Diversion and a family picture. I thought it might be nice for you to put a face to the name.

Sincerely,

Suzette Ramos

RECEIVED
JUL 20 2015
LEARNING SERVICES
KSB E

Ramos PPC 041
172
Suzette Ramos
15 July 2015

I am writing this letter today to ask that my teaching license not be revoked. I had been going through a very tough time when this incident took place back in February 2013. I had just had my second cancer scare. I just returned back to work from my second major surgery in two years. I'd been battling with depression, anxiety, and panic attacks for quite some time as well. This was a very difficult time in my life. I was brought up in a Christian home with Christian values. I would never intentionally hurt anyone or take things that don’t belong to me. I was truly devastated when I found out what had happened.

I was charged with misdemeanor theft, but I did not steal anything. I don’t dispute the fact that I used the card, but I do dispute the fact that I stole it. I found a credit card in the parking lot while I was leaving work. In a hurry to pick my daughter up from school I put the card in my coat pocket with every intention of taking it into work the next day to find out whose it was. While at the gas station my daughter got into my purse and handed me my credit card. I put it in my pocket. I used the wrong card. I made a huge mistake and was clearly not paying attention to what I was doing. It was not done maliciously or with cruel intentions to hurt anyone. Gabriella and I talked. I had told her how truly sorry I was. She forgave me. We both stated how we
needed to be more careful. I thought that was the end of it. Until a year later when I received a letter stating I was being charged.

My family and I need my income. We will not survive without it. I am supporting one child in college and another in 9th grade. I would never jeopardize my career over $400.00. I absolutely love my job. I love those I work with and most of all I love coming to work every day to see my students. I beg you please have mercy in your hearts and do not revoke my license. Teaching is all I have ever wanted to do. I have so much love and passion for my job. I don’t know what I’d do if I could not teach anymore.

I don’t envy your job. I know it must be difficult at times to try and judge someone through their words on a piece of paper. But I beg you please don’t judge me because of this one act. I am a good and decent person who deserves to keep her teaching license. Please don’t revoke my license. I have worked way too hard to get to where I’m at, not only for myself, but for my children as well.

Sincerely,

Suzette Ramos

[Signature]

JUDY SCHWEER
Notary Public - State of Kansas
My Appt. Expires 2/3/17
Finney County
September 10, 2015

To Whom It May Concern:

It is my privilege to write this letter of recommendation for Ms Suzette Ramos. I have worked with Ms Ramos off and on for the past 15 years. She was a special education para educator, for several years, and then switched to general education para as she worked on her elementary education degree. After completing her degree, she became an early childhood special education teacher for a year. She left the district for a year and when she returned, she was an elementary special education resource teacher.

During the time I have worked with Ms Ramos, I have found her to be a very conscious employee. She quickly learned new paperwork and routines. She has been a responsible teacher in all ways from service to students to completing her paperwork promptly and correctly. She has taken changes in processes and procedures over the years in stride and implemented student programs with fidelity. She deals with parents in a positive and respectful manner.

Ms Ramos is always concerned about the students she works with and uses a variety of strategies to work with students needing assistance. She does a good job of keeping the students involved and learning through the use of multiple activities that address different learning styles. The students respond to her sense of humor, discipline, expectations, and caring. Ms Ramos has established specific routines for her students and they understand and follow those routines. When students get off task or are not behaving appropriately, Ms Ramos brings them back to task and has consequences established if they are needed.

Ms Ramos is a very organized and responsive teacher. She is perceptive, and able to delve beyond the surface to see the ultimate source of concerns or problems. She is not afraid to take risks, when she believes it will lead to improvement for her students. She is willing to ask questions and takes suggestions and implements them ably.

Sincerely,

Dr. Karen Johnson  
Director Special Education  
Garden City Public Schools  
Garden City, KS 67846  
620-805-7141
IN THE MATTER OF

THE PROFESSIONAL LICENSE

Of Suzette Ramos

License No. 13-115907-071

Case No. 15-PPC-32

OAH No. 16ED0003

LICENSEE’S ANSWERS TO INTERROGATORIES

1. Provide your full name and contact information including telephone number and e-mail address.
   Answer:
   Suzette Ramos
   207 S. 7th St.
   Garden City, Ks 67846
   Suzette.ramos@usd480.net
   (620) 640-4772

2. Describe in detail your educational background, and include the names and addresses of all institutions that you have attended, the dates of attendance and a description of the degrees or certificates that you have obtained.
   Answer:
   I feel it is important to let you know that I had been working for the Garden City School District since 1997. I began as a para professional. I loved my job and working with kids so much that I went back to school to obtain my teaching license. I worked as a para professional during the day and went to school at night while raising children and taking care of my family as well.

   Garden city community college -school of cosmetology Fall 1992-1993
   801 Campus Dr, Garden City, KS 67846
   (620) 276-7611

   Garden city community college-2007 associates degree
   801 Campus Dr, Garden City, KS 67846
   (620) 276-7611

   Newman University fall 2008-2010 bachelor’s degree
   3100 McCormick St, Wichita, KS 67213
   (316) 942-4291
Dodge City community college 2009 classes taken for Newman
2501 N 14th Ave, Dodge City, KS 67801
(620) 225-1321

Fort Hays state university-spring 2011 working towards masters in special education
600 Park St #1, Hays, KS 67601
(785) 628-4000

3. Identify all jurisdiction where you previously held or currently hold a teaching license. Provide dates for when each license was obtained and for when each license lapsed or was revoked, if applicable. Explain any lapses in licensure or revocations.

Answer

**State of Kansas**
08/13/2010-06/30/2011 1 yr. non-renewal
5/12/2012- expiration 5/21/2014 initial teaching license
05/27/2014 through 03/02/2020 professional teaching license

**State of Wisconsin**
1-year initial educator license 7/1/2012 through 6/30/2013

3. Identify any other professional licenses you hold or have held.

Answer:

None

5. List all places of employment from the time you matriculated from undergraduate school to present. Include the name and address of each employer, the dates of employment for each and the reason for leaving each position.

Answer:
Unified school district 457 August 2010/May 2012
1205 Fleming
Garden City, Ks 67846

Reason for leaving: I moved back home to Wisconsin to help take care of my father. He was gravely ill and almost dying.

School District of Beloit October 2012/June 2013
Kodak Education Center
1633 Keeler Avenue
Beloit, Wisconsin 53511
Reason for leaving: I came back to Kansas after my father’s health improved.

Unified School District 457 August 2013/May 2014
1205 Fleming
Garden City, Ks 67846

Reason for leaving: I felt it would be best if I resigned due to the circumstances at hand.

Unified School District 480 August 2014 to current
401 N. Kansas Ave.
Liberal, Kansas 67901

6. If you are no longer employed by the School District that was your employer during the 2013-2014 school year, explain the circumstances under which your employment there ended.

Answer:
I was very mortified and ashamed by what had happened by what I had unknowingly done. I had brought shame to my family and myself. I felt that it would just be best if I resigned and started over if at all possible.

7. Identify all supervisors, including name, title, work address and work telephone number during the 2013-2014 school year.

Answer.
Heath Hogan- principal
Unified School District 457
1205 Fleming
Garden City, Ks 67846
(620) 276-5270

Mercedes Ramos-Assistant Principal
Unified School District 457
1205 Fleming
Garden City, Ks 67846
(620) 276-5270

Dr. Karen Johnson-Director of Special Education
Unified School District 457
1205 Fleming
Garden City, Ks 67846
(620) 805-7000
Phyllis McVey- Cooperating Teacher
address unknown
(620)272-6137

8. Identify all law enforcement agencies that investigated the criminal misconduct that led to you charged in the District Court of Finney County, Kansas, in Case No. 14 CR 689.
Garden City Police Department
9th St #2, Garden City, KS 67846
(620) 276-1300

9. Identify each location where you used Ms. Moreno’s credit card. For each location, provide a list of items you purchased.
Answer.
First, let me start off by stating that I DID NOT knowingly use Gabby’s card. I thought that it was mine I was using. This was not done with malicious intent or to harm her. It was an unfortunate accident on my part. One I tried to rectify as soon as I found out what I had done. I called the Garden City Police Department every other day to find out what I could do. They told me if they needed me they would contact me.

I had told Linda McVey, my diversion supervisor that I did not agree with all the places Gabby said I had used her card. She had put Sam’s club gas station. I did not have a Sam’s Club card, therefore could not use it there. I did not agree with a few other purchases that were on the complaint either. I was informed that if I did not agree, I could just go to court. I thought it would be easier if I just signed the diversion agreement so this nightmare could be over. I never imagined all this happening.

First, the Oasis gas station where I purchased gas.

Then I went to Dillons. I cannot recall what I had gotten. I believe they were having a sale on paper towels. It has been almost 3 years. A lot has happened since then.

Next was Wal-Mart. I purchased groceries and again a long time has passed and I cannot recall everything I had gotten.

Lastly, I believe I stopped at the station before heading home.

10. For each fact witness, other than yourself, whom you intend to call at the time of your hearing before the Professional practices Commission to testify, please state:

a. Name, address and telephone number of witness
b. The relationship between you and the witness; and

c. The substance of the expected testimony for each witness.
Answer:
A. Linda McVey
409 N. 9th
Garden City, Ks
67846
(620)272-3568
LMCVEY@FINNEYCOUNTY.ORG

B. Diversion Coordinator

C. My attitude towards what happened and how cooperative I was throughout the whole process. My early release from the diversion program ...did 7 months.

A. Karen Hyman
908 Howerton Pl
Garden City, Kansas
67846
(620) 277-8937
khyman@gcnet.com

B. Character Witness- Friend of 22 years.

C. How distraught and sorry I felt after I found out what I had done. Frame of mind before, during and after the incident.

A. Traci Mettlen
840 N Washington Ave
Liberal, KS 67901
(620) 604-2100
Traci.mettlen@usd480.net

A. Current Principal

B. Work Ethic

A. Clairinda Weatherwax
840 N Washington Ave
Liberal, KS 67901
(620) 604-2100
Clairinda.weatherwax@usd480.net

A. Current Assistant Principal

B. Work Ethic
A. Dr. Karen Johnson  
Unified School District 457  
1205 Fleming  
Garden City, Ks 67846  
(620) 805-7000  
kjohnson@gckschools.com

B. Director of Special Education

C. Work Ethic

A.

11. Please list the name, address, and telephone number and the employer's name, address, and telephone number of each expert witness you expect to call as a witness at trial, and with respect to each individual please state:

Answer:

I do not anticipate calling any expert witnesses.

12. Please identify each document or other item which you intend to offer as an exhibit at trial, and if such exhibit is a document, please attach a copy to your answers.

Answer:

Licensee's Performance Evaluations  
Complaint filed in Finney County District Court case no. 2014CR689  
Diversion Agreement filed in Finney County District Court case no. 2014CR689  
Motion to Dismiss the above case filed by the Finney County Attorney  
Letter of apology from Ms. Ramos to theft victim  
Certificate of Completion of NASP course  
Letters from colleagues concerning Licensee's abilities as a teacher.  
Garden City USD 457 2013 teacher evaluation
VERIFICATION

STATE OF KANSAS

COUNTY OF SHAWNEE

I, Suzette Ramos, being of lawful age, being first duly sworn on oath, state that I am one of the defendants in the above entitled action, that I have read the above and foregoing Interrogatories and the answers thereto, and that said answers are true and correct to the best of my knowledge and belief.

Suzette Ramos

Subscribed and sworn to before me this 4th day of November, 2015.

Notary Public
My appointment expires Oct 15, 2018

CERTIFICATE OF SERVICE

I do hereby certify that I have served a true and correct copy of the above and foregoing document on counsel of record by ( ) placing the same in the U.S. mail, postage prepaid, ( ) facsimile to the phone number(s) listed below, and that the transmission was reported as complete and without error and that the facsimile machine complied with Supreme Court Rule 119(h)(3), or ( ) hand delivery, on November 4, 2015, to:

Michelle Tunnell
Administrative Law Judge/Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Avenue
Topeka, KS 66612-1327
Fax: 785/296-4848

And

Kelli Broers, Attorney
Kansas State Department of Education
900 Jackson, Suite 1051
Topeka, Kansas 66612
Fax: 785/296-7933

And

Theresa Cole
Kansas State Department of Education
900 Jackson, Suite 1051
Topeka, Kansas 66612

MICHAELLE. FRANCIS, KS. # 8783

Ramos PPC 052
Application for Kansas Upgrade to PROFESSIONAL LICENSE

SECTION A - TO BE COMPLETED BY APPLICANT:

1. Social Security Number [REMAINDER REDACTED]

2. Legal Name (First) [REMAINDER REDACTED]
   (Middle) [REMAINDER REDACTED]
   (Last) [REMAINDER REDACTED]

3. List all prior names (maiden, alias, previous married, etc.)
   [REMAINDER REDACTED]

4. Mailing Address
   207 S. 7th St.
   Garden City, KS 67846

5. Birthdate (MM/DD/YYYY) 6. Gender 7. Phone:
   [REMAINDER REDACTED] 9. Race (Choose one or more)
   [REMAINDER REDACTED]
   [REMAINDER REDACTED]
   [REMAINDER REDACTED]

8. Ethnicity (Mark only if applicable) [REMAINDER REDACTED]

9. Have you honorably served in any branch of the US Armed Forces, including the National Guard and Reserves? [REMAINDER REDACTED]

10. Have you ever been convicted (by a judge) of a felony? [REMAINDER REDACTED]

11. Email Address (Please provide an email address that will be active throughout the application process so that we may notify you of the changing status of your application.) [REMAINDER REDACTED]

12. a. Have you ever been convicted of a felony? [REMAINDER REDACTED]
   If yes, please attach a copy of the court documents regarding conviction.
   b. Have you ever been convicted of ANY crime involving theft, drugs, or a child? [REMAINDER REDACTED]
   If yes, please attach a copy of the court documents regarding conviction.
   c. Have you entered into a criminal diversion agreement after being charged with an offense described in question 8a or 8b? [REMAINDER REDACTED]
   If yes, please attach a copy of the diversion agreement.
   d. Are you currently charged with any criminal offenses? [REMAINDER REDACTED]
   If yes, please attach a copy of the court documents regarding your case.
   e. Have you had a teacher's or school administrator's certificate or license denied, suspended, revoked or been the subject of other disciplinary action in any state? [REMAINDER REDACTED]
   If no, please indicate the action taken: [REMAINDER REDACTED]
   Which state(s)? [REMAINDER REDACTED]
   Please attach a copy of the documents regarding the official action taken.
   f. Is there any disciplinary action pending against you in any state regarding a teacher's or administrator's certificate or license? [REMAINDER REDACTED]
   If yes, please attach a copy of the official documents regarding the action pending against you.
   g. Have you ever been suspended or had a professional license or state issued certificate denied, suspended, revoked or been the subject of other disciplinary action regarding any profession in Kansas or any other state? [REMAINDER REDACTED]
   If yes, please indicate the action taken: [REMAINDER REDACTED]
   Which state(s)? [REMAINDER REDACTED]
   Please attach a copy of the documents regarding the official action taken.
   h. Have you ever been inflicted or altered assessment data, documents, or test score reports required for licensure? [REMAINDER REDACTED]
   If no, please indicate the action taken: [REMAINDER REDACTED]
   Which state(s)? [REMAINDER REDACTED]
   Please attach a copy of the documents regarding the official action taken.
   i. Have you ever been suspended or otherwise disciplined by a local Board of Education for falsifying or altering student test scores? [REMAINDER REDACTED]

13. List all degrees earned: (example: BA, MS, EDS, etc.) [REMAINDER REDACTED]

Form 21 - Professional License

Ramos PPC 053

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14. I certify that I am of good moral character and that the information on this application is true and complete to the best of my knowledge. I understand that any misrepresentation of facts may result in the denial or revocation of my license.

Signature of Applicant: [Signature] Date: 5-14-14

Include a $45.00 Application Fee made payable to the Kansas State Department of Education. Money order or cashier’s check preferred. Personal checks accepted. DO NOT SEND CASH.

Mail to: Teacher Education and Licensure, KSDE, Landon State Office Building, 900 SW Jackson Street, Suite 106, Topeka, KS 66612-1212.
Processing fee CANNOT be refunded and does not guarantee a license will be issued.

KSDE is no longer printing and mailing paper licenses

You can view, save or print a copy of your license online at License Look-up at https://swapp15586.ksde.org/TLL/SearchLicense.aspx. Enter the requested information and hit “search”. When the search is completed, your license information page will display and you will see a button to “Print License”. You may save a PDF and/or print a copy of your newly issued license using the Print License button.

You may also track your application processing through License Look-up. As soon as your status goes to “Issued” or “Not Active”, the Print License button will become available and will remain available to you throughout the validity of your license. A license or certificate printed from the License Look-up website may be considered an “official copy” for district files.
On that day at around 1:45 p.m., I was in my office heading to the intercom to contact a teacher. At that time Suzette Ramos came to the office holding a white purse, and stated that she found that purse in the lounge. Lora Aguilera, the school secretary grabbed it, and I immediately recognized it as Gabriela Moreno’s purse. Lora grabbed the purse and placed it on the back counter, and she said she will contact Gabriela about it. I normally eat lunch from 1:00 to 1:30 p.m. in the teacher’s lounge. Gabriela usually comes into the lounge at about 1:20 p.m. from her lunch. That’s how I know it was her purse.

Luz Galeano
V.O. School Nurse
On February 25th I forgot my purse in the workroom for about one hour. When I came back there I couldn’t find my purse. I went to the office and I was going to ask about it when Lora told me “we have your purse”. I thanked her and asked who brought my purse in? She responded Suzette Ramos.

That evening when I tried to pay with my credit card I couldn’t find it anywhere. I checked my car, my house and every possible place. I thought I lost my credit card in the last place that I used it which was Sam’s gas station.

It was around 7p.m. when I called the credit card company to notify them that I had lost my credit card and they cancelled it. The next morning February 26th, I went to my bank to let them know and to confirm that my credit card was actually cancelled.

The bank clerk gave me an updated statement to check for any fraudulent charges. I found five unauthorized purchases. There were five different purchases from four different places and totaled $452.32.

I notified the police and gave police officer Gibson a statement and a copy of the unauthorized charges. He said they will start an investigation.

On March 11th the police officer Heit visited me at Victor Ornelas Elementary School. He showed a photo from his cell phone to see if I can recognize the woman in the image. At first instance I responded no, then he expanded the image and he said “are you sure? She has a school district ID.” I recognized it was Suzette but I couldn’t believe it. Officer Heit went into the office and asked Lora who was that person and she immediately responded Suzette Ramos.

On the morning of March 12th, Mrs. Mcvey approached me and said that Mrs. Ramos wanted to talk to me if I would agree to speak to her. She also said that Mrs. Ramos told her that the police officer said she could contact me (later on I found out that the police officer told her do not contact me). Mrs. Mcvey stayed in the classroom as a witness.

Mrs. Ramos said to me “I couldn’t sleep last night. I’m sorry that I used your credit card by mistake. That was a stupid mistake; she doesn’t want jeopardize her job”. I asked her did you take my credit card from my purse. She responded “no, I’d never do that. I found it in the VO parking lot. I put it in my purse because I was in a hurry and then I accidentally used it to pay for my purchase”. She repeated several times” I’m sorry, I’m so sorry”. I first asked her do you have a yellow Golden Plains Credit Card? She responded, “no, I don’t have that kind.” Next I asked her where my credit card is at. She replied she is looking for it but so far she can’t find it. She said that she was going to ask her husband to help her find it. That is what Mrs. Ramos said to me the last time she spoke to me.

Gabriela Moreno
To whom it may concern,

It was about 1:45 almost 2:00pm, when Suzette Ramos brought a white purse in with black letters on it, she said someone had left it by the microwave in the lounge. I thanked her for bringing it in, as I was taking it from Suzette, Luz Galeano our school nurse seen the purse and said that it belonged to Gabriela Moreno.

I looked for Gabriela’s schedule to see where she would be at to call her down to office to come and get it and by that time Gabriela was already coming to the office to look for her purse.

Lora Aguillera

[Signature]
Dear Mr. Hogan and Dr. Johnson,

I just received the e-mail about the meeting. I have been doing everything in my power to get this situation resolved. I have contacted the officer in charge several times, but she has told me that she will get a hold of me if she needs to. I have shared with her the urgency of getting this resolved because of its affect on my employment.

I would like to address both of you and say a few things before you make your final decision about my employment here at VO and with the school district. I would first like to start out by saying that I will not make any excuses for my foolishness. However, I would like for you both to know a few things that I have been dealing with before you make up your mind about me. I have not been myself since my surgery. I have been battling with depression, insomnia, and I get panic attacks, just to name a few. I tried self medicating myself, but it has not helped. I finally made a conscious decision and went and seen my Doctor. I am on the right track hopefully, but feel that might be too late. I want you both to know how truly sorry I am. I cannot apologize enough for what has happened. This was not a malicious act, but merely a huge mistake on my part, one that I have been deeply and truly sorry for. I should have paid closer attention to what I was doing and been more responsible. Anyone who knows me knows that I am a very honest and heart felt person. This act of cruelty is not in my nature. This was NOT intentional nor did I mean to hurt anyone. I LOVE my job and working with students is my passion. I have been with USD #457 for almost 20 years. I would never do anything to jeopardize that purposely. Thank you for taking the time to read this.

My deepest apologizes,
Suzette Ramos
BEFORE THE KANSAS STATE DEPARTMENT OF EDUCATION

IN THE MATTER OF
THE PROFESSIONAL LICENSE
Of Suzette Ramos
License No. 13-115907-071

Case No. 15-PPC-32
OAH No. 16ED0003

LICENSEE’S EXHIBITS
Melten Letter - 9/6/15  
Weatherwax Letter – 9/10/15  
USD 480 Evaluation 10/14/14  
USD 457 Evaluation 10/30/13  
USD 480 Evaluation 11/4/15
September 9, 2015

Dear Sir or Madam,

Mrs. Suzette Ramos has been employed as a pre-k teacher at USD 480 for the past year. I have been very impressed with her dedication and performance in her work at Washington Elementary. Suzette is very professional in her duties and rarely absent. She is always willing to do what is asked of her.

Suzette's work with children is exceptional. During her experience at Washington Elementary, Suzette has worked with children with various learning styles, socioeconomic backgrounds and cultures. Suzette treats all students in a warm, caring and empathetic manner, and students respond to her well. She is very responsible and reliable with all children.

Suzette's enthusiasm and enjoyment of teaching serve as strong student motivators. I would recommend Suzette to work in any capacity especially with children and parents.

Suzette shows many positive professional qualities. She is enthusiastic, motivated, creative, warm, caring and committed to the teaching profession. Each of these qualities makes Suzette a wonderful candidate for a Kansas teaching license.

Sincerely,

Traci Mettlen, Principal

Ramos PPC 061
Washington Elementary School
840 N. Washington
Liberal, Ks 67901
(620) 604-2100 Fax (620) 604-2101

September 10, 2015

To whom it may concern:

It is my pleasure to be writing a letter of recommendation on behalf of Suzette Ramos. I have known Mrs. Ramos since last school year. I have observed her classroom teaching on multiple occasions and she is always prepared for her students and takes great pride in making sure she is organized for her students.

Mrs. Ramos is a wonderful asset to the Washington staff. She is always open to learning and wants the best for her students. She is a team player amongst her colleagues. In the classroom, she enlightens her students and wants to see every student succeed. She uses our data, in regards to Literacy First, and uses that data to guide her instructions to the students’ need and where to push them academically.

I am confident in Mrs. Ramos’s teaching ability and her ability to work with any type of student. If you have any further questions, please feel free to contact me with the information below.

Best regards,

Clairinda Weatherwax
Assistant Principal
Washington Elementary
Liberal, KS 67901
(602)629-3469
Clairinda.weatherwax@usd480.net
<table>
<thead>
<tr>
<th>Domain Summaries</th>
<th>Teacher</th>
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<td>Domain 2</td>
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Summary Ratings

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Summary Rating for Domains 1 - 4

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Administrator

Teacher*

Signature

Date

* A signature notes your evaluator has reviewed the evaluation with you. It does not necessarily mean agreement.

Ramos PPC 063
Domain 1 Notes

Mrs. Ramos aligns her lessons with the standards. The lessons are motivating and engage most students. Lessons are adjusted to meet the needs of all students. Mrs. Ramos is familiar with resources and materials available. She frequently checks for understanding and gives students helpful information if they seem confused.

Domain 2 Notes

Mrs. Ramos is fair and respectful toward students and builds positive relationships. She fosters positive interactions among students and teaches useful social skills. Mrs. Ramos maximizes student learning through smooth transitions. The room environment creates an inviting climate that maximizes learning.
Domain 3 Notes

Mrs. Ramos presents material clearly and explicitly, with examples and appropriate language. Mrs. Ramos is flexible and takes advantage of teachable moments. Students are actively engaged in the lesson.

Something to consider: Have students think about and actively discuss the skills being taught.

Domain 4 Notes

Mrs. Ramos communicates respectfully with parents and is sensitive to different families' cultures and values. Mrs. Ramos uses conferences and report cards to give parents feedback of their child's progress. She is a positive team player and contributes ideas and expertise to the team.
### Domain Summaries

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#### Summary Ratings

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#### Teacher Evaluation

- **Teacher**: Ramos, Suzette
- **Building**: WASHINGTON ES
- **Year**: 2014-2015
- **Eval #**: 2
- **Years Employed**: 0
- **Number of Evaluations this year**: 2

---

**Summary Rating for Domains 1 - 4**

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**Administrator**

Signature: [Signature]

**Date**: 2-18-15

**Teacher**

Signature: [Signature]

**Date**: 2-13-15

* A signature notes your evaluator has reviewed the evaluation with you. It does no necessarily mean agreement.

Ramos PPC 066
Domain 1 Notes
Mrs. Ramos designs lessons that are motivating and likely to engage all students. Miss Ramos occasionally misses deadlines for lesson plans. She designs lessons that target several learning needs, styles and interests.

Domain 2 Notes
Mrs. Ramos teaches routines and has students maintain them all year. She fosters positive interactions among students. Mrs. Ramos clearly communicates and consistently enforces high standards for student behavior.
Domain 3 Notes

Mrs. Ramos is flexible about modifying lessons to take advantage of teachable moments. She uses clear expectations and appropriate language.

Domain 4 Notes

Mrs. Ramos collaborates with colleagues to share teaching ideas. She demonstrates professional demeanor and maintains appropriate boundaries. Mrs. Ramos is a positive team player.
GARDEN CITY USD 457
Summative Evaluation (Teacher)

Teacher: Suezette Ramos
Assignment: SPED resource

Evaluation Conf. Date: 10-30-13
Conference Dates: 10-25-13, 10-30-13

Please check here if the teacher completed a portfolio: ☐

**Explanation of Ratings**
- E - Exceeds Expectations
- M - Meets the High Quality Standards
- B - Below Expectations

Note: All E ratings require a comment.

Established by the District
Note: All B ratings require a comment.

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>RATING</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. PROFESSIONAL PERFORMANCE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Planning and Preparation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Demonstrates effective planning for all students</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>2. Develops coherent instruction</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>3. Assesses student learning</td>
<td>M</td>
<td>Continue to use the tools available to you to check the progress of the students towards their goals.</td>
</tr>
<tr>
<td>4. Demonstrates knowledge of students</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>B. Instruction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Demonstrates appropriate instructional skills</td>
<td>M</td>
<td>Ms. Ramos uses a variety of instructional strategies to keep her students on task</td>
</tr>
<tr>
<td>2. Communicates clearly and accurately</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>3. Uses effective questioning and discussion techniques</td>
<td>M</td>
<td>Continue to push higher level questions</td>
</tr>
<tr>
<td>4. Engages students in learning</td>
<td>M</td>
<td>The use of visuals and hands-on materials helps with this.</td>
</tr>
<tr>
<td>5. Provides feedback to students</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>C. Classroom Environment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Creates an environment of rapport and respect</td>
<td>E</td>
<td>Ms. Ramos treats all of her students with respect.</td>
</tr>
<tr>
<td>2. Establishes a culture for learning</td>
<td>M</td>
<td></td>
</tr>
</tbody>
</table>

Ramos PPC 069

200
3. Manages the classroom

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>M</td>
<td>Ms. Ramos does a good job with classroom management. She has all of her materials out and ready to go.</td>
</tr>
</tbody>
</table>

4. Delegates appropriate responsibilities and tasks to students

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>M</td>
<td></td>
</tr>
</tbody>
</table>

II. PROFESSIONAL RESPONSIBILITY

1. Grows and develops professionally

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>M</td>
<td>Ms. Ramos is willing to take instructional feedback from the administration</td>
</tr>
</tbody>
</table>

2. Shows professionalism

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
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</thead>
<tbody>
<tr>
<td>M</td>
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</tbody>
</table>

3. Communicates effectively about the instructional program

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</thead>
<tbody>
<tr>
<td>M</td>
<td></td>
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</tbody>
</table>

4. Student Achievement (as defined by staff member goal)

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
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</thead>
<tbody>
<tr>
<td>M</td>
<td></td>
</tr>
</tbody>
</table>

III. PORTFOLIO (Teacher Option)

NOTE: Renewal/non-renewal recommendations to be completed by the Supervisor after the second Summative Evaluation for non-tenured employees.

☐ Recommended Renewal  ☐ Recommended Renewal with Plan of Assistance  ☐ Recommended Non-renewal

Teacher Signature

Evaluator Signature

Signature does not necessarily indicate agreement. Teacher comments may be made within 2 weeks.
**Teacher Evaluation**

**Domain Summaries**

<table>
<thead>
<tr>
<th>Domain 1</th>
<th>Domain 2</th>
<th>Domain 3</th>
<th>Domain 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
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<td>P</td>
<td>P</td>
</tr>
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<td>P</td>
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**Summary Ratings**

<table>
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<tr>
<th>Domain 1: Planning and Preparation</th>
<th>Unsatisfactory</th>
<th>Basic</th>
<th>Proficient</th>
<th>Distinguished</th>
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<tbody>
<tr>
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**Domain 2: Classroom Environment**

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<th>Proficient</th>
<th>Distinguished</th>
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<tbody>
<tr>
<td>TOTALS</td>
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<td>5</td>
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</table>

**Domain 3: Instruction**

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<th>Proficient</th>
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<tbody>
<tr>
<td>TOTALS</td>
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**Domain 4: Professional Responsibilities**

<table>
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<tr>
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**Summary Rating for Domains 1 - 4**

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</thead>
<tbody>
<tr>
<td>TOTALS</td>
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<td>0</td>
<td>21</td>
</tr>
</tbody>
</table>

**Administrator**

signature: [signature]

Date: 11/4/15

**Teacher**

signature: [signature]

Date: 11/4/2015

* A signature notes your evaluator has reviewed the evaluation with you; it does not necessarily mean agreement.

Ramos PPC 071
Domain 1 Notes

Mrs. Ramos is organized and has lessons geared towards her students. She usually has some type of lessons with actions and movement for the students to enhance the learning.

Domain 2 Notes

Mrs. Ramos' classroom is clean and student friendly. The students know the procedures and follow her directions. There are routines that she has taught at the beginning of the year and the students know and understand those routines. She is polite and friendly with the parents, staff and students at Washington Elementary.
Domain 3 Notes

Mrs. Ramos gives clear expectations of her students. She walks around and makes sure her students are understanding and learning the material. The way she interacts with the students makes them want to learn. They seem to enjoy her class and her para. Whenever admin asks her to complete something she is on top of it and is usually the first one to say we can do this.

Domain 4 Notes

Mrs. Ramos is in constant contact with her parents. For the most part she is on time and ready to work. She works well with her colleagues and staff at Washington Elementary. She does attend PD days and even attends parent engagement nights.
BEFORE THE KANSAS STATE DEPARTMENT OF EDUCATION

IN THE MATTER OF )
THE PROFESSIONAL LICENSE )
Of Suzette Ramos ) Case No. 15-PPC-32
License No. 13-115907-071 ) OAH No. 16ED0003

LICENSEE'S RESPONSE TO PETITION FOR REVIEW

For her response to the Petition for Review filed herein, Licensee requests that the Kansas State Board of Education (State Board) adopt the recommendations of the Professional Practice Commission (Commission) and enter a Final Order of public censure for the following reasons:

BACKGROUND

This matter arises out of the unlawful use of another's credit card.

The evidence, as accepted by the Commission, was that Licensee, Suzette Ramos, found a purse in the workroom or lounge at the elementary school at which she was employed on February 25, 2014. She immediately took the purse to the school office, where the school nurse identified it as belonging to a paraeducator, Gabriella Moreno.

When Ms. Moreno discovered her purse was missing, she went to the office recovered the purse turned in by Licensee.

Later, Ms. Moreno discovered her credit card was missing from the purse.

Ms. Ramos found a credit card on school property later that day in a parking lot and as she was in a hurry to pick up her children after school, put the card in her pocket.
Her own credit card was in her pocket.

Ms. Ramos made five purchase that day with Ms. Moreno’s card, totaling $452.32.

When Ms. Moreno discovered the card missing, she had her card company cancel the card and contacted the police.

On March 11, 2014, the police showed Ms. Moreno a photo of a person using her card on February 25, 2014. The person in the photo was Ms. Ramos. Thereafter, the police met with Ms. Ramos on that day and the next day, Ms. Ramos apologized to Ms. Moreno for using the card.

Ms. Ramos submitted a letter of resignation from her position, as she was advised by her school principal, Heath Hogan, on May 2, that he was not going to recommend renewal of her contract. The letter of resignation was accepted by the USD 457 Board on June 4.

On May 27, 2014, Ms. Ramos applied to upgrade her license, which was granted. Subsequently, Ms. Ramos was hired as a special education teacher by USD 480 for the 2014-2015 school year.

In December, 2014, Ms. Ramos was charged with misdemeanor theft and misdemeanor criminal use of a financial card in the District Court of Finney County, Kansas.

Ms. Ramos entered into and successfully completed a diversion program and repaid the $452.32.

ARGUMENT

Was the Commission recommendation supported by substantial, competent evidence, that is: was there such evidence presented that was relevant and of substance
that furnished a substantial basis of fact from which the issues could be resolved in the manner in which the Commission resolved them? The answer is yes.

Here, the Commission found a complete lack of evidence that Ms. Ramos has some propensity to commit theft or other criminal conduct and based on the observations at the hearing also found such behavior as occurred would not be repeated.

As to Board Counsel's comments regarding the letter of recommendation written by Dr. Johnson that Dr. Johnson was unaware the scheduled hearing before the Commission when the letter was written, there is absolutely no evidence to suggest that anything different would have been stated by Dr. Johnson than what appears in the letter. If this issue was crucial to counsel's case, counsel should have produced Dr. Johnson and give Licensee and the members of the Commission the opportunity to examine Dr. Johnson.

Indeed, Dr. Johnson's letter was identified as KSDE exhibit 11 at the hearing and was not included in the exhibits submitted to the Commission by Licensee.

Board Counsel also argues that none of the witnesses believed Licensee. However, the question is not whether other witnesses believed licensee, but what weight did the members of the Commission give to the testimony of the witness who appeared and testified.

When the members retired to consider their recommendation, they came to the conclusion that public censure is appropriate, under the evidence produced by both parties.

CONCLUSION

Based on the forgoing, it is respectfully submitted that the State Board adopt the
recommendations of the Commission and publicly censure Licensee.

MICHAEL E. FRANCIS, KS. #8783  
434 SW Topeka Boulevard  
TOPEKA, KS 66603  
Phone: (785) 235-3415  
Fax: (785) 235-8089  
ATTORNEY FOR LICENSEE

CERTIFICATE OF SERVICE
I do hereby certify that I have served a true and correct copy of the above and foregoing document on counsel of record by (___) placing the same in the U.S. mail, postage prepaid, (___) facsimile to the phone number(s) listed below, and that the transmission was reported as complete and without error and that the facsimile machine complied with Supreme Court Rule 119(b)(3), or (___) hand delivery, on December 22, 2015, to:

Kelli Broers, Attorney  
Kansas State Department of Education  
900 Jackson, Suite 1051  
Topeka, Kansas 66612  
Fax: 785/296-7933

And

Theresa Cole'  
Kansas State Department of Education  
900 Jackson, Suite 1051  
Topeka, Kansas 66612  
Fax: 785/291-3791

MICHAEL E. FRANCIS, KS. #8783
To: Kansas State Board of Education

From: Peggy Hill

Subject: Monthly Board Reports & Requests for Future Agenda Items

These updates will include:

1. Committee Reports
2. Board Attorney’s Report
3. Individual Board Member Reports and Requests for Future Agenda Items
4. Chairman’s Report
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:

<table>
<thead>
<tr>
<th>Pay Period Begins</th>
<th>Pay Period Ends</th>
<th>Deadline to Report</th>
<th>Pay Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/20/2015</td>
<td>01/02/2016</td>
<td>12/30/2015</td>
<td>01/15/2016</td>
</tr>
<tr>
<td>01/03/2016</td>
<td>01/16/2016</td>
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<td>01/30/2016</td>
<td>01/28/2016</td>
<td>02/12/2016</td>
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