

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 4, 1997 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Representative Annie Kuether  
Ken Hackler, Washburn University  
Dr. Stephen McClure, Superintendent U.S.D. 450  
Mark Tallman, Kansas Association of School Boards  
Gerry Henderson, United School Administrators of Kansas  
Susan Chase, Kansas National Education Association

Others attending: See attached list

Hearing on **HB 2095 - Municipal university use of tax levy proceeds**, were opened.

Representative Annie Kuether appeared before the committee and stated that she requested that this bill be introduced. (Attachment 1)

Ken Hackler, Washburn University, appeared before the committee as a proponent. He explained that this bill would have no fiscal impact. It would simply expand the statute intended for debt retirement and construction to permit the University to use those proceeds not only for retirement of bonds issued for construction and/or renovation projects but also for the acquisition of capitalized equipment. (Attachment 2)

Hearing on **HB 2095** were closed.

Hearing on **HB 2091 - State Board of Education, issuance or renewal of certificates of certain persons, receipt of certain information**, were opened.

Dr. Stephen McClure, Superintendent U.S.D. 450, appeared before the committee as a proponent and to explain the bill. This bill would set up an intrastate network where boards of education could look to see if individuals who are applying or who have a teaching certificate have been convicted of crimes against children or have entered into a diversion. The teaching certificate could be revoked and the information would be entered into a nationwide network. (Attachment 3)

Mark Tallman, Kansas Association of School Boards, appeared before the committee as a proponent. He explained that the bill would protect students from those who have been convicted of crimes against children. (Attachment 4)

Gerry Henderson, United School Administrators of Kansas, appeared before the committee in support of the bill. He believes that those who have been convicted of such crimes against children should not be licensed by the state. (Attachment 5)

Susan Chase, Kansas National Education Association, appeared before the committee as a opponent. She was not opposed to the intent of the bill but rather that too much power would lie in the hands of the State Board of Education when it came to the issuing/renewing of teaching certificates. (Attachment 6)

Hearings on **HB 2091** were closed.

The committee meeting adjourned at 5:30 p.m. The next meeting is schedule for February 6, 1997.

# HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: February 4, 1997

NAME	REPRESENTING
Jake Fisher	Washburn University
Annie Kuehn	State Representative
Kenneth P. Habler	Washburn University
Thad Dearden	Scott County Farm Bureau
Royce Brown	Scott City
Larry Dearden	Scott Co. FAAM Bureau
Key Bungenst	KSDE
Gerald Anderson	USA of KS
Lee Clark	KNEA
M. Kevin Ireland	KSDE
John Hill	Inter - ESU
Douglas A. Penner	
Robert Stockton	INTERIM FSU
Jim Chapman	INTERIM
Dorothy Rockefeller	L of WV
Deane Hoolick	Farm Bureau
Harold Ross	Cit.
Dorrie Brant	Pratt Co. Farm Bureau
Ann C. Burnett	USD 501#



ANNIE KUETHER  
REPRESENTATIVE, FIFTY-FIFTH DISTRICT  
SHAWNEE COUNTY  
1346 SW WAYNE AVE.  
TOPEKA, KANSAS 66604-2606  
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STATE CAPITOL—ROOM 279-W  
TOPEKA, KS 66612-1504  
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STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENT  
ECONOMIC DEVELOPMENT  
FEDERAL AND STATE AFFAIRS  
UTILITIES

TO: THE HOUSE EDUCATION COMMITTEE

FROM: REP. Annie Kuether

DATE: February 4, 1997

SUBJECT: HB 2095, Municiple Universities use of proceeds from tax levy.

I am Rep. Annie Kuether and I serve the 55th district in central Topeka. Washburn University is in the heart of this district.

As a member of the Shawnee County delegation, I was asked to have this legislation drafted and introduced.

I would like to introduce Mr. Ken Hackler of Washburn University. He is here to testify in support of HB 2095. I, too, ask for your support.

A handwritten signature in cursive script that reads "Annie Kuether". The signature is fluid and extends across the width of the page.

House Education  
2-4-97  
Attachment 1



## WASHBURN UNIVERSITY

Testimony to  
House Education Committee  
regarding House Bill 2095

by  
Kenneth P. Hackler, University Counsel  
Washburn University  
February 4, 1997

Representative O'Neal, Members of the Committee:

Thank you for permitting me to appear on behalf of Washburn University of Topeka to testify on the provisions of House Bill 2095. If enacted, HB 2095 would amend the specific enabling statute intended for debt retirement and construction, K.S.A. 13-13a23, to permit the University to use those proceeds not only for the retirement of bonds issued for construction and/or renovation projects, but also for the acquisition of "capitalized equipment." "Capitalized equipment" is placed in the University's permanent inventory and reflected in the accounts, books and records of the institution.

Since its inception as a municipal university in 1941, Washburn University of Topeka has been able to levy a tax on the tangible taxable property within its taxing district to be used for the construction, re-construction or equipping of new or existing buildings, and for payment to retire bonded indebtedness for university construction projects. The levy is statutorily capped at 3 mills. The proposal made in this bill does not include an increase in the current mill levy limit.

As K.S.A. 13-13a23 is presently worded, the University is prohibited from using any of the revenue from that source for equipment which is not intended for use in a specific building or buildings. It recites that the levy revenue can be used only for retiring the bonded indebtedness, for construction or renovation projects, for equipping of new or existing buildings or for permanent improvements. For instance, the revenue provided by the levy may be used to construct parking lots or to construct or repair streets, but may not be used for purchasing security vehicles, Physical Plant trucks which would be operated on those streets, nor for the tractors and mowers utilized for maintenance of the University's grounds.

The University is requesting the proposed amendments to K.S.A. 13-13a23 to expand the purposes to which the Debt Retirement and Construction Fund revenue can be put so that the University would have a greater degree of flexibility in the planning and budgeting process for purchasing equipment. Permitting the purchase of all capitalized equipment, which would include proposals for the acquisition of expensive movable equipment such as the security vehicles, trucks and mowers, to compete with proposals for capital projects for funding in the priority and allocation process. It would give the University more than one method to meet its critical equipment needs.

Thank you for your consideration of the requested amendments to K.S.A. 13-13a23.

House Education  
2-4-97  
Attachment 2





**SHAWNEE HEIGHTS  
UNIFIED SCHOOL DISTRICT NO. 450**

Central Services Facility  
4401 S.E. Shawnee Heights Road  
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(913) 379-5800 Fax: (913) 379-5810

Dr. Stephen G. McClure, Superintendent of Schools  
Rebecca L. Lisher, Assistant Superintendent - Instruction  
Shirley J. Martin, Assistant to the Superintendent for Business  
Kyle Goodwin, Director of Special Education

**TESTIMONY  
on  
HOUSE BILL #2091**

by  
Dr. Steve McClure  
Superintendent of Schools  
Shawnee Heights U.S.D. 450

In the late 1980's I first became aware of a need for the legislation I am supporting when I directed the Gideon prison ministry for the prisons in Leavenworth County. In that position, I spent time with a prisoner who was convicted of committing crimes against children in Johnson County. This individual worked outside the state of Kansas, but held a Kansas teaching certificate. I realized the superintendent of Shawnee Mission school district would not have the opportunity to be made aware of this individual, much less the circumstances of the crime. Therefore, I submitted the individual's name to the Director of Certification at the Kansas State Department of Education, who confirmed the report. The individual's Kansas teaching certificate was revoked.

A good interstate network exists for reporting among states, so this individual also lost the teaching certificate in Missouri and other states nationwide. However, at this point, I began to realize how "loose knit" the intrastate reporting process to the Kansas State Department of Education of individuals who have committed crimes against children was in Kansas. Basically, reliance upon the superintendent to report such incidences was the only method. Most experienced superintendents know the unwritten responsibility and makes sure this information is communicated. However, there are individuals who are convicted of crimes against children who may not work in the schools, but may hold a Kansas teaching certificate.

The Kansas certification procedure requires individuals to voluntarily disclose information about felonies. Once a teaching certificate is revoked in the state of Kansas, the information is shared nationwide through the interstate network which is well established and systematic.

House education  
2-4-97  
Attachment 3

## Brief History of the Legislation

### House Bill #2091 (1997) Formerly Senate Bill #160 (1995/96)

I have been working in this area with the Kansas Children's Service league, and prior to that, with the Kansas Child Abuse Prevention Council, which has been become part of the Kansas Children's Service League, starting in September, 1992. Unbeknownst to me, the Kansas State Department of Education was working in a parallel effort.

#### 1995 SESSION

The first hearing was on February 13, 1995. The Senate Judiciary Committee heard Senate Bill 160, 161, and 185. During that hearing, various testimony was given and the Kansas State Department of Education testimony recommended that the Intrastate Network reporting requirement of Senate Bill 185 be amended into Senate Bill 160. As a result of that, Senator Emert consolidated the various senate bills in the Judiciary Committee on this topic. Kyle Smith, with the K.B.I., talked about problems with the K.B.I. data network system and the costliness of finger printing of all those who would receive certification. Also, there were various comments made by the Senate Committee members, themselves. Kevin Ireland, from the Kansas State Department of Education, then developed balloons that addressed the previous mentioned areas. They had come to the committee meeting with a balloon on combining S.B. 185 and 160. The next Senate Judiciary Committee hearing was on February 17, 1995. At that hearing, the various balloons were discussed. There were more comments from the committee members, themselves. At the end of that meeting, they approved S.B. 160 (including the S.B. 185 reporting system) with the understanding that all reference to S.R.S. would be removed. Mr. Ireland made those changes.

The Bill was then brought to the House Education Committee on March 15, 1995. At that hearing, Paul Shelby, Senate Judicial Administrator from the Court Administrator Office at the Judicial Center, expressed concerns about the requirements that Court Clerks provide Court Records. The wording was broader than what was intended. He was concerned about having to send transcripts. He felt that the "Abstract of Conviction" that is held by the K.B.I. was enough information where, experience has shown, that a court certified copy of a "Judicial Entry of Judgment" is satisfactory records according to the Kansas Supreme Court.

The State Department of Education's reasoning for having that reference in the Bill was to be able to receive a free copy of the "Judicial Entry of Judgment" from the district court. That has been the practice for the last ten years. At this time, Shawnee County is the only county that charges the State Department, rather than

"muddy the waters." All reference to district court was struck in a new balloon, maintaining the county attorney reporting portion as it was originally in S.B. 185. The Kansas Senate passed S.B. 160 and it was referred back to the House Education Committee.

Rep. Reardon had received calls of concern from both, Paul Shelby and the Wyandotte County Court Administrator, Bill Barnes. There was a meeting held between Sue Chase, Kevin Ireland, Rep. Reardon and Avis Swarts. A fifth balloon was added that included the recommended changes by Paul Shelby, which was to drop the provision, and all of the recommended changes by Avis Swarts, except that the length of time was held to five years as the original bill intended. That balloon was then sent to Sen. Hensley's office.

There was a delay in informing Rep. Reardon that the concerns of Mr. Barnes and Mr. Shelby had been addressed. On receiving that information with only a couple of days left in the session, Rep. Reardon met with Chairman Chronister. Chairman Chronister, who had been supportive, felt there were bigger "fish to fry."

**S 0160 Bill by Bogina**

**State board of education, applicants for issuance or renewal of certificates, information relating to criminal offences.** Effective date: Statute Bk.

01/31/95 Senate -- Introduced -- SJ 79  
02/01/95 Senate -- Referred to Education -- SJ 85  
02/09/95 Senate -- Withdrawn from Education; Referred to Judiciary -- SJ 126  
02/21/95 Senate -- CR: Be passed as am. by Judiciary -- SJ 188  
02/23/95 Senate -- COW; CR be adptd; by passed as am. -- SJ 217  
02/24/95 Senate -- FA; Passed as am.; Yeas 40 Nays 0 -- SJ 222  
02/27/95 House -- Received and introduced -- JH 312  
02/28/95 House -- Referred to Education -- HJ 341  
05/23/96 Senate -- Died in House committee

1996 SESSION

Sen. Bogina took a position with the Kansas Board of Tax Appeals. The progress of S.B. 160 came to a screeching halt. The Bill needed to be passed out of the House Education Committee and passed by the Kansas House of Representatives to go to the Governor for signature. However, in 1996 I was unable to get Chairman Mason to schedule the Bill for a hearing.





TO: House Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: February 4, 1997

**RE: Testimony on H.B. 2091 - Certification**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today as proponents of H.B. 2091, which would prohibit the State Board from issuing or renewing certificates for persons convicted of certain crimes.

The Kansas Legislature has shown considerable concern during the past several sessions over school safety, and has increased both criminal reporting requirements for school officials and penalties for students. Equal efforts should be made to protect students from individuals who should not be in the classroom or even the school building.

This bill would reinforce and hopefully strengthen efforts by the State Board, the Department of Education and the Professional Practices Commission in this regard. We urge its favorable passage.

House Education  
2-4-97  
Attachment 4



## HB 2091

Testimony presented before the House Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
February 4, 1997

Mister Chairman and Members of the Committee:

Our support for **HB 2091** is based on a simple premise. We believe that persons convicted of crimes against children or who have entered into a criminal diversion agreement in order to avoid prosecution for such crimes should not be licensed by the state to work with children.

We urge the committee to report **HB 2091** favorably.

LEG/HB2091

House Education  
2-4-97  
Attachment 5



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase Testimony on HB 2091  
before House Education Committee  
Tuesday, February 4, 1997

Thank you Mr. Chairman and members of the committee. I am Susan Chase and I represent the Kansas National Education Association. I appreciate your allowing me to appear before the committee on HB 2091.

Kansas NEA is appearing in opposition to HB 2091. We are not opposed to the intent of the bill. We, too, believe that it is very important to screen potential candidates for certification as well as recertification. We believe that that power currently lies in the hands of the State Board of Education and that to the extent possible the State Board is performing that function appropriately.

According to the Constitution of the State of Kansas, Article 6 Section 2(a) (see Attachment A), the State Board of Education shall have general supervision of public schools, educational institutions and all the educational interests of the state. This provision has been interpreted to include teacher certification and recertification. KSA 72-1388 (see Attachment B) authorizes the State Board to adopt rules and regulations surrounding the issuance, renewal, reinstatement, and registration of certificates. Kansas law, in KSA 72-8503 (see Attachment C), also establishes the Professional Practices Commission to exercise disciplinary and advisory functions and hear cases arising under the rules and regulations involving the issuance, suspension, revocation, or reinstatement of certificates. The recommendations from the Practices Commission are reviewed and acted upon by the State Board in accordance with the adopted regulations.

The rules surrounding the cancellation, revocation, suspension, denial, or recall of certification appear in regulation 91-1-61(see Attachment D). These regulations and the history of their application coincide with the procedures outlined in HB 2091. The Professional Practices Commission has consistently worked to assure the safety of the students in the classroom.

The one weakness in the system is the ability of the Practices Commission to obtain information on convictions or inappropriate behavior either prior to issuance or renewal or during the term of a certificate. Currently the commission must rely on newspaper articles, reports of other people and the integrity of the applicant to find the referrals they act upon. This issue has been repeatedly discussed by the Practices Commission and they have been told the situation would be remedied with the implementation of the criminal justice information system.

House Education  
2-4-97  
Attachment 6



KNEA is very concerned about the possible certification of an educator that would be a danger to students. We do not believe that passing a law that duplicates the process already in place will solve the problem. We would rather see the efforts of this legislature be used to speed up the implementation of a system that would provide the information necessary for the Professional Practices Commission to better identify those individuals who should appear before the commission.

I would like to thank the committee for allowing me to speak and I urge the committee to not pass this bill out favorably.



activities. The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.

**History:** Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 58; original subject matter stricken and new subject substituted, L. 1966, ch. 10—Spec. Sess.; Nov. 8, 1966.

**Revisor's Note:**

Prior to 1966, section related to state and county superintendent of public instruction.

For annotations to original section, see K.S.A. Vol. 6, p. 936; copyright 1964.

**Research and Practice Aids:**

Schools and School Districts ⇐ 9.

Hatcher's Digest, School Districts §§ 1 to 5.

C.J.S. Schools and School Districts §§ 13, 15.

**Law Review and Bar Journal References:**

Discussed in comment on the 1973 Kansas School District Equalization Act by James L. McNish, 22 K.L.R. 229, 235 (1974).

"Student Fees in Public Schools: New Statutory Authority," Joe Allen Lang, 16 W.L.J. 439, 442, 459 (1977).

"Constitutional Law: Privacy Penumbra Encompasses Students in School Searches [New Jersey v. T.L.O., 105 S.Ct. 733 (1985)]," J. Lynn Entriiken Goering, 25 W.L.J. 135, 142 (1985).

**Attorney General's Opinions:**

Public television; works of internal improvement. 80-55.

Schools; teachers' contracts; constitutionality of binding arbitration provision in Senate Bill No. 718. 80-63.

Education; state board of education. 81-236.

State board of education; gifts and bequests; management and expenditure through trust fund. 83-58.

Education; legislature; authority. 83-154.

Schools; vocational education; plan for establishment; approval by state board of education. 83-169.

School attendance; G.E.D. 87-46.

**CASE ANNOTATIONS**

1. Constitution grants general supervisory powers over district boards directly to state board of education. State, ex rel., v. Board of Education, 212 K. 482, 485, 495, 497, 511 P.2d 705.

2. Article construed with Article 2, Section 1; 72-7108 not unconstitutional as unlawful delegation of legislative power. State, ex rel., v. State Board of Education, 215 K. 551, 554, 555, 556, 561, 562, 564, 527 P.2d 952.

3. Order dismissing action to determine constitutionality of 1973 School District Equalization Act as moot, vacated and remanded; rights hereunder unresolved. Knowles v. State Board of Education, 219 K. 271, 272, 273, 547 P.2d 699.

4. Teachers' collective negotiations within "related activities" category; constitutionality of act (72-5413 et seq.) upheld. NEA-Fort Scott v. U.S.D. No. 234, 225 K. 607, 608, 609, 612, 592 P.2d 463.

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

(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or postbaccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

(c) Any municipal university shall be operated, supervised and controlled as provided by law.

**History:** Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 58; original subject matter stricken and new subject substituted, L. 1966, ch. 10—Spec. Sess.; Nov. 8, 1966.

**Revisor's Note:**

A proposition to amend this section was submitted to the electors Aug. 6, 1974 and was rejected (see L. 1974, ch. 465; SCR No. 22).

Prior to 1966, section related to the establishment of schools.

For annotations to original section, See K.S.A. Vol. 6, p. 937; copyright 1964.

**Research and Practice Aids:**

Colleges and Universities ⇐ 7; Schools and School Districts ⇐ 47.

Hatcher's Digest, Colleges and Universities § 3; School Districts § 68.

C.J.S. Schools and School Districts §§ 86 to 90.

**Law Review and Bar Journal References:**

"Student Fees in Public Schools: New Statutory Authority," Joe Allen Lang, 16 W.L.J. 439, 447 (1977).

**Attorney General's Opinions:**

Schools; teachers' contracts; constitutionality of binding arbitration provision in Senate Bill No. 718. 80-63.

Education; state board of education. 81-236.

State board of education; gifts and bequests; management and expenditure through trust fund. 83-58.

Education; legislature; authority. 83-154.

Schools; vocational education; plan for establishment; approval by state board of education. 83-169.

**CASE ANNOTATIONS**

1. Cited in holding local school board authorized to close attendance facility. Brickell v. Board of Education, 211 K. 905, 916, 917, 508 P.2d 996.

6-3

TEACHERS' CERTIFICATESK.S.A. 72-1383. CANCELLATION OF TEACHERS' CERTIFICATES; GROUNDS.

Any certificate issued by the state board of education or institutions under the state board of regents may be canceled by the state board of education in the manner provided by law, on the grounds of immorality, gross neglect of duty, annulling of written contracts with boards of education without the consent of the board which is a party to the contract, or for any cause that would have justified the withholding thereof when the same was granted.

K.S.A. 72-1388. ISSUANCE, RENEWAL, REINSTATEMENT AND REGISTRATION OF CERTIFICATES; RULES AND REGULATIONS; REQUIREMENTS.

(a) The state board of education, in accordance with law, is authorized to adopt rules and regulations providing for the issuance, renewal, reinstatement and registration of certificates for teachers and other personnel in the state department of education and in schools and institutions under the general supervision of the state board of education.

(b) In addition to other requirements and subject to the provisions of K.S.A. 72-1396, and amendments thereto, the rules and regulations of the state board of education shall include after May 1, 1986, the requirement that applicants for initial issuance of certificates to teach shall take and satisfactorily pass an examination prescribed by the state board.

(c) The privilege to teach at any level or in any field or subject, if such privilege is or has been granted when a certificate is issued, may not be withheld during the term for

which the certificate is issued except as provided in K.S.A. 72-1383 or 72-5412, and amendments to such sections.

K.S.A. 72-1396. SAME; EXEMPTIONS.

(a) Any person holding a teaching certificate valid in the state of Kansas which was issued prior to May 1, 1986, is exempt from the examination required by this act.

(b) The following persons, or any class or classes thereof, may be exempted by the state board of education from the examination required by this act:

(1) Any person holding a teaching certificate valid in any other state if the requirements under which the certificate was issued are comparable, in the opinion of the state board, to the requirements of this state, other than examination, for issuance of a teaching certificate.

(2) Any person applying for a one-year, nonrenewable certificate if the person meets all certification requirements, other than examination, for issuance of a teaching certificate.

(3) Any person applying for certification by the state board to provide services in a position for which the state board deems the examination is inappropriate or unnecessary if the person meets the certification requirements which have been established by the state board as appropriate and necessary for the position.

(6) One administrator from an area vocational school or an area vocational-technical school.

(7) One special education administrator from the public schools.

(8) One classroom teacher from an accredited nonpublic school.

(9) One school administrator from an accredited nonpublic school.

(10) One dean or head of the school of education of a university under the supervision and control of the state board of regents.

(11) One representative of the faculty or administration of a private four-year college or university.

(12) One representative of the membership of a parent-teacher association who has never served on or been employed by a board of education.

(13) One person who is a member of the board of education of a school district

(e) The members appointed under paragraphs (12) and (13) may advise, consult with and make recommendations to the other members of the professional standards board, but shall not have the power to vote.

(f) The commissioner of education or a member of the staff of the state department of education recommended by the commissioner shall serve the professional standards board as secretary.

**K.S.A. 72-8503. PROFESSIONAL PRACTICES COMMISSION; ESTABLISHMENT; COMPOSITION; QUALIFICATIONS.**

(a) There is hereby established a professional practices commission to consist of

nine members who shall be appointed by the state board of education.

(b) Candidates for the practices commission shall have the following qualifications;

(1) Be certificated and actively practicing in Kansas; and

(2) have at least five years professional educational experience; and

(3) have been in active practice the immediately preceding three years and at the time of appointment.

(c) The state board of education shall obtain nominees for the professional practices commission from the sectors of the profession to be represented on the commission according to rules and procedures established by the state board.

(d) The appointments made by the state board of education shall include the following;

(1) Five classroom teachers from the public schools of whom at least one shall be an elementary school teacher, at least one shall be a junior high or middle school teacher and at least one shall be a senior high school teacher.

(2) One chief school administrator from the public schools.

(3) One senior high school principal from the public schools.

(4) One junior high or middle school principal from the public schools.

(5) One elementary school principal from the public schools.

(e) The commissioner of education or a member of the staff of the state department



of education recommended by the commissioner shall serve the practices commission as secretary.

**K.S.A. 72-8504. SUBSEQUENT APPOINTMENTS TO PROFESSIONAL STANDARDS BOARD AND PRACTICES COMMISSION.**

After appointment of the initial members as soon as practicable after the effective date of this act, later appointments to full or unexpired terms of members to the professional standards board and the professional practices commission shall be made by the state board of education following the same procedure as that provided in K.S.A. 72-8502 and 72-8503, and amendments thereto.

**K.S.A. 72-8505. RESPONSIBILITIES AND DUTIES OF PROFESSIONAL STANDARDS BOARD.**

The professional standards board shall have the following responsibilities and duties:

(a) To develop through the professions of teaching and school administration and recommend for adoption, or amendment and adoption, by the state board of education the rules and regulations for professional standards governing teacher and school administration pretraining selection, teacher and school administrator preparation, admission to and continuance in the professions of teaching and school administration, including the requirements of continuing education for teachers and school administrators. Nothing in this section shall be construed to preclude the state board of education from initiating and adopting rules and regulations on the matters specified in this section, irrespective of any action or lack thereof by the professional standards board. However, in such instance, the proposed rule and regulation governing a matter specified in this subsection shall be submitted to the professional standards board for its recommendation at least 30 days prior to a motion for adoption

by the state board of education. Notwithstanding the foregoing provisions of this subsection, if the state board of education finds that an emergency exists, it may immediately adopt any rules and regulations without submission to the professional standards board and without a waiting period.

(b) To develop and recommend to the state board of education for adoption thereby a code of professional responsibility and competency for teachers and school administrators.

**K.S.A. 72-8506. RESPONSIBILITIES AND DUTIES OF PROFESSIONAL PRACTICES COMMISSION.**

The professional practices commission shall exercise disciplinary and advisory functions and shall hear cases arising under rules and regulations adopted by the state board of education, involving the issuance, suspension, revocation, or reinstatement of teachers' and school administrators' certificates and render initial orders for disposition thereof, and the state board of education shall review such initial orders in accordance with the provisions of K.S.A. 77-527. The practices commission may conduct, upon request and at the direction of the state board of education, investigations of departures from the code of professional responsibility and competency which may be adopted by the state board of education upon recommendation made under subsection (b) of K.S.A. 72-8505, and amendments thereto, and report findings thereon to the state board.

**K.S.A. 72-8507. SAME; INVESTIGATIONS; HEARINGS.**

(a) The professional practices commission shall have responsibility, power and authority to investigate problems relating to the matters specified in K.S.A. 72-8506, and the amendments thereto. Nothing in this section shall be construed to preclude the state board of education from initiating and



adopting rules and regulations on matters relating to the professions of teaching and school administration, irrespective of any action or lack thereof by the professional practices commission.

(b) The practices commission shall have, upon request by and at the direction of the state board of education, the responsibility, power and authority to conduct hearings relating to any case arising under this act, or the act of which this act is amendatory, or the rules and regulations adopted by the state board of education.

(c) For the purpose of any investigation which the professional practices commission conducts, the commission shall have power to conduct such investigation, administer oaths, take depositions, and by order of the state board of education, to issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents and testimony. If any person refuses to obey any subpoena so issued, or refuses to testify or produce any books, papers, or documents, the state board of education, or any member thereof, may present a petition to the district court of the judicial district in which any investigation is being conducted, setting forth the facts, and thereupon the court shall, in a proper case, issue its subpoena to such person, requiring attendance before the court and there to testify or to produce such books, papers and documents as may be deemed necessary and pertinent by the practices commission or any member of it. Any person failing or refusing to obey the subpoena or order of the district court may be proceeded against for contempt in the same manner as for refusal to obey any other subpoena or order of the court. Hearings before the practice commission, and any review of orders of the practices commission by the state board, shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

**K.S.A. 72-8508. TERMS OF MEMBERS OF PROFESSIONAL STANDARDS BOARD AND PRACTICES COMMISSION.**

Members of the professional standards board and the professional practices commission shall be appointed for three-year terms, and no person shall be appointed to serve longer than two full terms in addition to any term of a period less than three years. The initial appointments shall be made for terms so that approximately 1/3 of the terms expire each year.

**K.S.A. 72-8509. REMOVAL OF MEMBERS OF PROFESSIONAL STANDARDS BOARD AND PRACTICES COMMISSION; HEARING.**

The state board of education, either on its own initiative or on the recommendation of the professional standards board or the professional practices commission, may remove a member of such standards board or practices commission. Prior to removal of a member, the member shall be given reasonable notice and hearing in accordance with the provisions of the Kansas administrative procedure act. Removal of such member shall be accomplished only by a majority vote of the entire membership of the state board. Grounds for removal shall be misconduct or malfeasance in office, incompetence or neglect.

**K.S.A. 72-8510. OFFICERS, MEETINGS AND RULES OF PROFESSIONAL STANDARDS BOARD AND PRACTICES COMMISSION.**

The professional standards board and the professional practices commission shall each select a chairperson and such other officers as shall be respectively determined by such board and such commission. The professional standards board and the professional practices commission shall meet independently, but may meet jointly by common consent of the members of both the board and

- (J) French. Each applicant shall have completed 15 semester hours.
- (K) German. Each applicant shall have completed 15 semester hours.
- (L) Latin. Each applicant shall have completed 15 semester hours.
- (M) Russian. Each applicant shall have completed 15 semester hours.
- (N) Spanish. Each applicant shall have completed 15 semester hours.
- (O) Any other foreign language. Each applicant shall have completed 15 semester hours.

## (b) Renewal requirements.

- (1) Any endorsement issued under the provisions of subsection (a) of this regulation may be renewed once for an additional two-year period, if the applicant submits:
  - (A) an application for renewal; and
  - (B) a statement from the institution at which the deficiency plan is filed, verifying that progress has been made toward completing the state-approved program.
- (2) A secondary endorsement shall not be granted under this regulation for any subject or field which is not specifically listed in paragraph (2) of subsection (a). *(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1986; amended August 15, 1994.)*

## 91-1-56. Certificate renewal based upon age.

- (a) Subject to the provisions of subsection (b), any person holding a valid Kansas certificate issued by the state board who is 60 years of age or older may be issued a renewal without recent college credits if the applicant presents:
  - (1) Evidence of serving 150 days of the school year immediately preceding the effective date of renewal;
  - (2) evidence of serving 150 days in each of five of the six school years immediately preceding the effective date of the renewal; and
  - (3) a request for certificate renewal from the employing official of the school in which the applicant is to serve.
- (b) Any certificate issued after July 1, 1994 shall not be eligible for renewal under this regulation. *(Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended April 25, 1994.)*

**91-1-63. Junior reserve officer training corps.** Any person certified by a branch of the United States military service to teach a course or courses in the Junior Reserve Officer Training Corps (J.R.O.T.C.) may, upon application and evidence of this military certificate, be issued a Kansas certificate to teach the same course or courses. The Kansas certificate shall be valid for a period of five years and shall be renewable for an additional five-year period with evidence of continuing certification by a branch of the U.S. military service. *(Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983.)*

## 91-1-61. Cancellation or revocation, suspension, denial or recall of certification.

- (a) Any certificate may be cancelled or revoked, suspended, or denied by the state board for the following reasons:
  - (1) Conviction of, or a plea of guilty for violation of any law punishable as a felony; or
  - (2) Evidence that a certificate holder has injured the health or welfare of a child through physical or sexual abuse or exploitation. For the purposes of this paragraph, a certified copy of a court record showing that a certificate holder was convicted in a state or federal court of the commission of an act involving the physical or sexual abuse, exploitation of a child, or any of the acts in subsection (a)(1) within the previous five years shall be considered sufficient evidence.
- (b) Cancellation or revocation or suspension of a certificate shall cancel, revoke or suspend all endorsements on the certificate. Cancellation or revocation of a certificate shall be permanent, subject to the reinstatement provisions in subsection d; suspension of a certificate shall be for a definite period of time.
  - (1) Certification may be denied if the applicant fails to meet the requirements of the state board or for any of the grounds for which a certificate may be suspended, cancelled or revoked;
  - (2) A certificate shall be recalled if such certificate was issued by or through error.
- (c) Any applicant for certification whose certificate has been suspended, cancelled or revoked in another state shall not be eligible for certification in Kansas until the applicant's certificate is reinstated by the state in which the suspension, cancellation or revocation occurred.
- (d) The state board may reinstate a certificate which has been suspended, cancelled or revoked upon finding that the applicant otherwise meets requirements for certification and that the grounds for suspension, cancellation or revocation no longer exist.

- (1) Any person whose certificate has been revoked may petition for the right to apply for a new certificate by submitting evidence to the Kansas professional practices commission that the reason or reasons for the revocation have ceased to be a factor in the performance of the educator seeking reinstatement.
- (2) The professional practices commission shall make a recommendation regarding such application to the state board of education.
- (3) No application for a certificate of a person whose prior certificate was revoked or cancelled shall be considered by the state board for new certification until at least five years have elapsed from the time of the conviction for the act or acts causing revocation or cancellation. Such a person shall meet all other state board requirements for certification. *(Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended (temporary) December 14, 1984; amended (permanent) May 1, 1985.)*

#### 91-1-60. Emergency substitute teacher certificate

- (a) An emergency substitute teacher certificate may be issued to any applicant who has:
  - (1) Submitted an application and fee;
  - (2) completed a minimum of 60 semester hours of college credit; and
  - (3) been recommended for certification as an emergency substitute teacher by a local education agency administrator and the president of the local education agency governing board.
- (b) An applicant for an emergency substitute teacher certificate only shall not be required to:
  - (1) Take and satisfactorily pass the precertification examination; or
  - (2) have a 2.5 cumulative grade point average on a 4.0 grade point average.
- (c) This regulation shall take effect on and after July 1, 1989. *(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1984; amended July 1, 1989.)*

#### 91-1-57. Out-of-state applicants and foreign exchange teachers.

- (a) If the applicant meets the requirements of S.B.R. 91-1-27, a certificate, valid for three years, shall be issued to any out-of-state applicant on the basis of credentials from an institution that has been approved by the authority responsible for issuance of that state's initial regular certification. The accreditation and approval shall be based upon:

- (1) Officially adopted state standards comparable to Kansas state standards for accrediting institutions of higher education; and
- (2) On-site evaluation team visits to verify that standards have been met.
- (b) Certificates from other states shall not be valid for teaching in Kansas.
- (c)
  - (1) If any out-of-state applicant has credentials from a state-accredited teacher education institution that does not have state-approved programs as specified in subsection (a) of this regulation, a one-year endorsement shall be issued to that applicant, if the applicant has a recommendation from a Kansas accredited teacher education institution and has developed a deficiency plan to meet the requirements of a program approved by the Kansas state board. If no deficiencies exist, the Kansas teacher education institution may recommend full endorsement. The conditions specified in S.B.R. 91-1-26 (u) (1) and (2) shall not apply to the recommendation process described in this subsection.
  - (2) One additional one-year endorsement shall be issued upon the recommendation of the teacher education institution if evidence that progress has been made toward completing the deficiency plan is provided.
- (d) Foreign exchange teachers. The state board may issue a certificate which is valid for one year to a person who participates in the foreign exchange teachers program. The applicant shall submit an application, fee and verification of participation in the foreign exchange program. *(Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1982; amended May 1, 1984; amended May 1, 1985.)*

#### 91-1-146a. Inservice education definitions.

- (a) Education agency means a local school district, accredited non-public school, area professional development center, institution of post-secondary education, which is authorized to award academic degrees. The Kansas department of education and any other organization which serves districts.
- (b) Individual development plan means a plan describing the professional development activities and studies to be completed during a specified period of time by the individual filing such a plan.
- (c) Inservice education means any planned learning opportunity which is engaged in by a person, after entry into a given position, for the purpose of improving effectiveness or upgrading skills in an area of certification.
- (d) Inservice education plan or plan means a detailed and precise program for provision of inservice education. The plan shall be effective for five years.