

CHAPTER 45

SENATE BILL No. 436

AN ACT concerning school districts and community colleges; relating to personnel evaluations; amending K.S.A. 72-9002 and K.S.A. 2005 Supp. 72-9003 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 72-9002 is hereby amended to read as follows: 72-9002. As used in this act:

(a) "Board" means the board of education of a school district, the governing authority of any nonpublic school offering any of grades kindergarten through 12 in accredited schools; *and* the board of control of an area vocational-technical school; ~~and the board of trustees of a community college.~~

(b) "State board" means, in the case of school districts and nonpublic schools, the state board of education; and in the case of area vocational-technical schools ~~and community colleges~~, the state board of regents.

(c) "Employees" means all ~~certificated~~ *licensed* employees of school districts and of nonpublic schools; *and* all instructional and administrative employees of area vocational-technical schools ~~and all full-time employees of community colleges.~~

~~(d) "Full-time employees of community colleges" means instructional and administrative employees who are under contract for services to a community college for a term of not less than nine months and whose services to a community college are considered their principal employment.~~

~~(e)~~ (d) "School year" means the period from July 1 to June 30.

~~(f)~~ (e) "Accredited" means accredited by the state board of education.

Sec. 2. K.S.A. 2005 Supp. 72-9003 is hereby amended to read as follows: 72-9003. ~~Every~~ *Each* board shall adopt a written policy of personnel evaluation procedure in accordance with ~~this act~~ K.S.A. 72-9002 *et seq.*, *and amendments thereto*. Every policy so adopted shall:

(a) Be prescribed in writing at the time of original adoption and at all times thereafter when *any* amendments ~~thereto~~ are adopted.

(b) Include evaluation procedures applicable to all employees.

(c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three years from the date each evaluation is made.

(d) ~~(1)~~ Except as provided herein, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester by not later than the 60th school day of the semester. Any employee who is not employed for the entire semester shall not be required to be evaluated. During the third and fourth years of employment, every employee shall be evaluated at least one time each school year by not later than February 15. After the fourth year of employment, every employee shall be evaluated at least once in every three years not later than February 15 of the school year in which the employee is evaluated.

~~(2) The provisions of this subsection apply to employees of school districts, nonpublic schools and area vocational-technical schools.~~

~~(c) (1) Except as provided herein, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester. Any employee who is not employed for the entire semester shall not be required to be evaluated. During the third and fourth years of employment, every employee shall be evaluated at least one time each school year. After the fourth year of employment every employee shall be evaluated at least once in every three years.~~

~~(2) The provisions of this subsection apply to full-time employees of community colleges.~~

New Sec. 3. As used in sections 4 through 7, and amendments thereto:

(a) "Board" means the board of trustees of a community college.

(b) "Employees" means all full-time employees of community colleges.

(c) "Full-time employees of community colleges" means instructional and administrative employees who are under contract for services to a

community college for a term of not less than nine months and whose services to a community college are considered their principal employment.

(d) "School year" means the period from July 1 to June 30.

New Sec. 4. Each board shall adopt a written policy of personnel evaluation procedure in accordance with this act. Every policy so adopted shall:

(a) Be prescribed in writing at the time of original adoption and at all times thereafter when any amendments are adopted.

(b) Include evaluation procedures applicable to all employees.

(c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three years from the date each evaluation is made.

(d) Except as provided herein, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester. Any employee who is not employed for the entire semester shall not be required to be evaluated. During the third and fourth years of employment, every employee shall be evaluated at least one time each school year. After the fourth year of employment every employee shall be evaluated at least once in every three years.

New Sec. 5. Evaluation policies adopted under section 4, and amendments thereto, shall meet the following guidelines or criteria:

(a) Consideration shall be given to the following employee attributes: Efficiency, personal qualities, professional deportment, ability, results and performance and such other matters as may be deemed material.

(b) Community attitudes toward, support for and expectations with regard to educational programs shall be reflected.

(c) The original policy and any amendments thereto shall be developed by the board in cooperation with the persons responsible for making evaluations and the persons who are to be evaluated, and, to the extent practicable, consideration shall be given to comment and suggestions from other community interests.

(d) Evaluations of the chief administrator employed by a board shall be made by the board. The board shall place primary responsibility upon members of the administrative staff in making evaluations of other employees.

(e) Persons to be evaluated shall participate in their evaluations, and shall be afforded the opportunity for self-evaluation.

(f) The contract of any person subject to evaluation shall not be non-renewed on the basis of incompetence unless an evaluation of such person has been made prior to notice of nonrenewal of the contract and unless the evaluation is in substantial compliance with the board's policy of personnel evaluation procedure.

New Sec. 6. Whenever any evaluation is made of an employee, the written document thereof shall be presented to the employee, and the employee shall provide written acknowledgment of such presentation. At any time not later than two weeks after such presentation, the employee may respond thereto in writing. Except by order of a court of competent jurisdiction, evaluation documents and responses thereto shall be available only to the evaluated employee, the board, the appropriate administrative staff members designated by the board, the community college attorney upon request of the board, the board and the administrative staff of any community college to which such employee applies for employment, and other persons specified, in writing, by the employee to the employee's board.

Sec. 7. K.S.A. 72-9002 and K.S.A. 2005 Supp. 72-9003 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.