

KANSAS STATE BOARD OF EDUCATION

Notice of Public Hearing on Proposed Administrative Regulations

December 4, 2023

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m., or as soon thereafter as possible, on Tuesday, March 12, 2024, in the Board Room of the Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas, to consider the adoption of proposed rules and regulations of the Kansas State Board of Education on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of the Kansas State Board of Education at the below addresses or by email to dbremer@ksde.org. The address for the Kansas State Board of Education is Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas 66612. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. The hearing shall be conducted in compliance with the public hearing procedures of the Kansas State Board of Education.

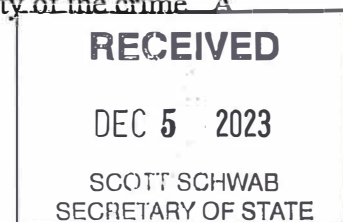
Any individual with a disability may request an accommodation in order to participate in the public hearing, and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Wendy Fritz at (785) 296-5363 (or TDD 785-296-8172) or by e-mail to wfritz@ksde.org. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

A summary of the proposed regulations and their economic impact follows.

A copy of the proposed regulations and their economic impact statement may be obtained by contacting the Office of General Counsel at the address above prior to the date of the hearing or by email to gc@ksde.org.

K.A.R. 91-22-1a Denial of a license; grounds

The regulation is amended to comply with K.S.A. 74-120 by clarifying the specific criminal records and other specific conduct for which an application for a teaching license may be denied by the Kansas State Board of Education. The current regulation indicates a license may be denied “for misconduct or other just cause, including...” convictions for any felony, and any other crime involving theft, drugs, or involving a minor. That is clarified to only reference those crimes involving a child – other than the person applying for the license -- under the age of 18 as an element or instrumentality of the crime. A



conviction for Minor in Possession of Alcohol would not be considered, but contributing to the delinquency of a minor might be a basis to deny a license.

K.A.R. 91-22-1b Suspension, revocation, or public censure of a license; grounds

To comply with K.S.A. 74-120, the bases for suspension, revocation, or censure of a license is separated from those bases for which a license may be denied.

K.A.R. 91-22-2 Commission procedure

The regulation is amended to match the actual process used by the Professional Practices Commission.

K.A.R. 91-22-5a Complaints

The regulation is amended to remove grammatical problems and to remove requirements from a filed complaint such as including the person's personal address in a public document. The amended regulation also allows voluntary surrenders to be taken directly to the State Board of Education for action rather than waiting for action by the Professional Practices Commission.

K.A.R. 91-22-9 Answer; time to file; form content; right to amend

The regulation is amended to allow unanswered complaints to proceed directly to the State Board of Education for action rather than waiting for action by the Professional Practices Commission.

K.A.R. 91-22-22 Hearing Procedure

The regulation is amended to clarify circumstances in which these regulations conflict with the Kansas Administrative Procedures Act. These regulations govern the procedures of the Professional Practices Commission. Other amendments are for grammatical corrections.

K.A.R. 91-22-25 Decision of the commission; review by state board

The regulation is amended to limit the Professional Practices Commission's authority to dismiss a complaint to only those complaints which allege a breach of contract.

The Kansas State Board of Education does not anticipate any significant financial or economic impact to this agency, other state agencies, or to the public as a result of these regulations.

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91-22-1a. Denial, suspension, or revocation of license; public censure; grounds; report.

(a) Any application for a license issued by the state board may be suspended or revoked, or the license holder may be publicly censured by the state board denied for misconduct or other just cause, including any of the following reasons:

(1) Conviction of any crime punishable as a felony; Pleading guilty, nolo contendere, or no contest to or having been otherwise found guilty of any of the following, regardless of whether sentence is imposed, or upon proof of such conduct provided during a hearing of the professional practices commission:

(A) Any crime punishable as a felony;

(B) any crime involving a child under the age of 18, other than the accused, as an element or instrumentality of the crime;

(C) any crime involving a theft;

(D) any crime involving drug-related conduct;

(E) any crime defined in K.S.A. 21-3601 et seq. and amendments thereto, before repeal of those statutes, or K.S.A. 21-5601 et seq. and amendments thereto; or

(F) any attempt, as defined by K.S.A. 21-3301 and amendments thereto, before its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any crime specified in this subsection;

(2) conviction of any crime involving a minor; commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation;

(3) conviction of any misdemeanor involving theft; engaging in any sexual activity with a student;

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~~(4) conviction of any misdemeanor involving drug-related conduct; engaging in any behavior that can reasonably be construed as involving an inappropriate and overly personal and intimate relationship with, conducts toward, or focus on a student;~~

~~(5) conviction of any act defined in any section of article 36 of chapter 21 of the Kansas statutes annotated; engaging in bullying, as defined in K.S.A. 72-6147 and amendments thereto;~~

~~(6) conviction of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection; engaging in conduct that results in substantiated findings of abuse by the Kansas department for children and families;~~

~~(7) commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation; failing to report abuse or neglect of any child pursuant to K.S.A. 38-2223(a) through (d), and amendments thereto;~~

~~(8) engaging in any sexual activity with a student; engaging in academic dishonesty;~~

~~(9) breach of an employment contract with an education agency by abandonment of the position;~~

~~(10) conduct resulting in a finding of contempt of court in a child support proceeding; failing to notify the commissioner of education as required in K.A.R. 91-22-1b(f) while previously licensed;~~

~~(11) entry into a criminal diversion agreement after being charged with any offense or act described in this subsection K.S.A. 72-2165(b) and amendments thereto;~~

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(12) obtaining, or attempting to obtain, a license by fraudulent means or through misrepresentation of material facts; or

(13) denial, revocation, cancellation, or suspension of a any professional license in ~~another~~ any state on grounds similar to any of the grounds described in this subsection; or

~~(b) (14) A license may be denied by the state board to any person who fails failure to meet the licensure requirements of the state board or for any act for which a license may be suspended or revoked pursuant to subsection (a) K.A.R. 91-1-200 through K.A.R. 91-1-220.~~

(b) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, written advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

(1) The details of the individual's civil or criminal record, including a copy of court records or the settlement agreement;

(2) an explanation of the circumstances that resulted in the civil or criminal record; and

(3) a check or money order in the amount of \$50.00.

(c) A certified copy of a journal entry of conviction or other court document indicating that an applicant or license holder individual has been adjudged guilty of, or has entered a plea of guilty or nolo contendere to, pled guilty, nolo contendere, or no contest or has been otherwise found guilty, regardless of whether sentence is imposed.

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of a crime shall be conclusive evidence of the commission of that crime in any proceeding instituted against the applicant or license holder individual to deny, suspend, or revoke a license.

(d) In any proceeding instituted against an ~~applicant or license holder individual~~ to deny, suspend, or revoke a license for conduct described in subsection (a) ~~of this regulation~~, the fact that the ~~applicant or license holder individual~~ has appealed a conviction shall not operate to bar or otherwise stay the ~~prevent any proceeding~~ concerning denial, suspension, or revocation of the license.

~~(e) (1) Suspension or revocation of a license shall suspend or revoke all endorsements on the license.~~

~~(2) Suspension of a license shall be for a definite period of time. A suspended license shall be automatically reinstated at the end of the suspension period if the license did not expire during the period of suspension. If the license expired during the period of suspension, the individual may make an application for a new license at the end of the suspension period.~~

~~(3) Revocation of a license shall be permanent, except as provided in subsection (g) of this regulation.~~

~~(f) (e) Any applicant for licensure~~ An individual whose professional license has been denied, suspended, canceled, revoked, or surrendered in another any state on grounds similar to any of the grounds described in subsection (a) shall not be eligible for licensure in Kansas by the state board until the applicant individual is eligible for licensure in the state in which where the denial, suspension, cancellation, revocation, or

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surrender occurred.

~~(g)~~ (f) (1) Except as provided in K.S.A. ~~72-1307~~ 72-2165 and amendments thereto, any person who has engaged in conduct ~~been denied a license or who has had a license revoked for conduct~~ described in subsection (a) of this regulation may apply for a license by completing an application for a license and submitting evidence of rehabilitation to the Kansas professional practices commission. The evidence shall demonstrate that the ~~grounds for denial or revocation have~~ conduct has ceased to be a factor in the fitness of the person seeking licensure. Factors relevant to a determination as to rehabilitation shall include the following:

(A) The nature and seriousness of the ~~conduct that resulted in the denial or revocation of a license;~~

(B) the extent to which a license may offer an opportunity to engage in conduct of a similar type ~~that resulted in the denial or revocation;~~

(C) the present fitness of the person to be a member of the profession;

(D) the actions of the person after the denial or revocation;

(E) the time elapsed since the denial or revocation;

(F) the age and maturity of the person at the time of the ~~conduct resulting in the denial or revocation;~~

(G) the number of incidents of improper conduct; and

(H) discharge from probation, pardon, or expungement.

(2) A person who has ~~been denied a license or who has had a license revoked for~~ engaged in conduct described in subsection (a) ~~of this regulation~~ shall not be eligible

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to apply for a license until one of the following conditions is met:

(A) If convicted of a felony, at least five years have elapsed from the date of conviction;

(B) if convicted of a misdemeanor, one year has elapsed since the date of conviction or the person has completed probation, whichever is later;

(C) of the offense or commission of the act or acts resulting in the denial or revocation of, in the case of a person who has entered into a criminal diversion agreement for any crime described in K.S.A. 72-2165(b) and amendments thereto, until the person has satisfied the terms and conditions of the agreement; or

(D) at least one year has elapsed since the date of the offense or commission of the act or acts for which there was no conviction or diversion.

~~(h) (g)~~ Before any license is denied, ~~suspended,~~ or ~~revoked~~ by the state board for any act described in subsection (a) of this regulation, the person shall be given notice and an opportunity for a hearing to be conducted before the professional practices commission in accordance with ~~the provisions of the Kansas administrative procedure act~~ this article of the department's regulations.

~~(i) The chief administrative officer of a public or private school accredited by the state board shall promptly notify the commissioner of education of the name, address, and license number of any license holder who is dismissed, resigns, or is otherwise separated from employment with a school for any act described in subsection (a) of this regulation. (Authorized by article 6, section 2 of the Kansas Constitution and K.S.A. 74-120; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-8506~~

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72-2155, 72-2165, 72-2313, and 74-120; effective May 19, 2000; amended P-

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91-22-1b. Suspension or revocation of license; public censure; grounds; report.

(a) Any license issued by the state board may be suspended or revoked, or the licensee may be publicly censured by the state board, for misconduct or other just cause, including any of the following reasons:

(1) Pleading guilty, nolo contendere, or no contest to or having been otherwise found guilty of any of the following, regardless of whether sentence is imposed:

(A) Any crime punishable as a felony;

(B) any crime involving a child under the age of 18, other than the accused, as an element or instrumentality of the crime;

(C) any crime involving a theft;

(D) any crime involving drug-related conduct;

(E) any crime defined in K.S.A. 21-3601 et seq. and amendments thereto, before repeal of those statutes, or K.S.A. 21-5601 et seq. and amendments thereto; or

(F) any attempt, as defined by K.S.A. 21-3301 and amendments thereto, before its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any crime specified in this subsection;

(2) commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation;

(3) engaging in any sexual activity with a student;

(4) engaging in any behavior that can reasonably be construed as involving an inappropriate and overly personal and intimate relationship with, conducts toward, or focus on a student;

(5) engaging in bullying, as defined in K.S.A. 72-6147 and amendments thereto;

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(6) engaging in conduct that results in substantiated findings of abuse by the Kansas department for children and families;

(7) failing to report abuse or neglect of any child pursuant to K.S.A. 38-2223(a) through (d), and amendments thereto, for a period not to exceed five years from the failure to report;

(8) engaging in academic dishonesty;

(9) breach of an employment contract with an education agency by abandonment of the position;

(10) failing to notify the commissioner of education as required in subsection (f);

(11) entry into a criminal diversion agreement after being charged with any offense or act described in this subsection;

(12) obtaining, or attempting to obtain, a license by fraudulent means or through misrepresentation of material facts; or

(13) denial, revocation, cancellation, or suspension of any professional license in any state on grounds similar to any of the grounds described in this subsection.

(b) A certified copy of a journal entry of conviction or other court document indicating that an individual has pled guilty, nolo contendere, or no contest or has been otherwise found guilty, regardless of whether sentence is imposed, of a crime shall be conclusive evidence of the commission of that crime in any proceeding instituted against the individual to publicly censure, suspend, or revoke a license.

(c) In any proceeding instituted against an individual to publicly censure, suspend, or revoke a license for conduct described in subsection (a), the fact that the

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individual has appealed a conviction shall not prevent any proceeding concerning public censure, suspension, or revocation of the license.

(d)(1) Suspension or revocation of a license shall suspend or revoke all endorsements on the license.

(2) Suspension of a license shall be for a definite period of time. A suspended license shall be automatically reinstated at the end of the suspension period if the license did not expire during the period of suspension. If the license expired during the period of suspension, the individual may submit an application for a new license, which may be issued only after the suspension period.

(3) Revocation of a license shall be permanent, except as provided in K.A.R. 91-22-1a.

(e) Before any license is suspended or revoked by the state board for any act described in subsection (a), the person shall be given notice and an opportunity for a hearing to be conducted before the professional practices commission in accordance with this article of the department's regulations.

(f) The chief administrative officer of a public or private school accredited by the state board shall notify the commissioner of education within 30 days of the name, address, and license number of any licensee who resigns or is dismissed, suspended, placed on administrative leave, or otherwise separated from employment with a school for any act described in subsection (a). (Authorized by article 6, section 2 of the Kansas Constitution and K.S.A. 74-120; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-2155, 72-2165, 72-2313, and 74-120; effective P-

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91-22-2. Commission procedure. (a) A majority of the full membership of the commission shall constitute a quorum for the purpose of conducting business. A majority vote of the full membership of the commission shall be required for the passage of any motion or resolution.

(b) ~~Secretary. Upon receiving a complaint, the chairperson shall be notified by the commission's secretary. The chairperson shall determine and give authorization for the secretary to initiate processing procedures. An~~ The commission's secretary shall keep an accurate file of all votes, official acts, and proceedings of the commission shall be kept by the secretary. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. ~~72-8507~~ 72-2314; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 19, 2000; amended P-_____.)

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91-22-5a. Complaints. (a) The commission, on its own motion, or a member of the teaching or school administration profession may initiate proceedings before the commission by filing a written complaint ~~in writing~~ alleging that a license holder or applicant has engaged in any conduct for which a license issued by the state board may be denied, suspended, or revoked under K.A.R. 91-22-1a or 91-22-1b ~~and amendments thereto~~. The complaint shall be filed with the commission's secretary.

(b) Each person filing a complaint shall ~~set forth~~ provide in the complaint the following information:

- (1) The name and address of the complainant;
- (2) the name ~~and last known address~~ of the license holder or applicant charged;
- (3) the act or acts for which the license is sought to be denied, suspended, or revoked; and
- (4) the relief sought.

The complaint shall be typed, signed, and either sworn to ~~verified~~ by the complainant or accompanied by an affidavit attesting to the veracity of the contents of the complaint. Written instruments or documents under the control of or known to a complainant that are relevant to the charges shall be ~~attached as exhibits~~ or, if ~~unavailable~~ referenced in the complaint and made available to the license holder or applicant upon request.

(c) A complaint that does not state a good faith or prima facie case shall be tabled by the commission. The complainant shall be notified in writing of the action. ~~The complainant~~ and shall be permitted to withdraw or amend the complaint. If the complainant decides to file an amended complaint, that complaint shall be filed within

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10 days after service of the notice of action by the commission.

(d) A Each complaint or amended complaint that states a good faith cause of action shall be served on the person charged in the complaint by certified mail, return receipt requested.

(e) ~~Surrender of license.~~ A member of the teaching or school administration profession may voluntarily surrender the member's license to the commission. The action of surrender shall may be investigated by the commission. ~~A recommendation shall be made by the commission to the state board for disposition of the license or, at the discretion of the complainant, may be taken directly to the state board for disposition.~~

(f) ~~Complainant motivated by malice.~~ A Any complainant who is found by the commission to have been maliciously motivated in filing a complaint or to have acted fraudulently may be disciplined by the state board by public censure or by the suspension, cancellation, or revocation of the complainant's license. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. ~~72-8507~~ 72-2314; effective May 1, 1979; amended May 19, 2000; amended P-_____.)

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91-22-9. Answer; time to file; form; content; right to amend. (a) ~~Any~~ Each person charged in a complaint shall have ~~20~~ 15 days after receipt of the complaint in which to file an answer. Each answer to a complaint shall be submitted to the commission's secretary by certified mail, return receipt requested, or by personal delivery.

If no answer is filed within the prescribed period, the person shall be deemed to have admitted the allegations contained in the complaint and to have acquiesced in the proposed ~~action~~, and the complaint shall proceed directly to the state board for default findings. ~~Any answer to a complaint shall be filed with the commission's secretary by certified mail, return receipt requested, or by personal delivery.~~

(b) Each person filing an answer shall type, sign, and ~~verify~~ swear to the contents of the answer. The caption of any answer shall repeat the caption of the complaint in response to which ~~it~~ the answer is filed, except that the title shall state "answer" instead of "complaint."

(c) Each person filing an answer shall ~~set forth~~ specify each responsive allegation or defense in clear and concise language and in separately numbered paragraphs. The person filing the answer shall admit or deny each allegation contained in the complaint. If the person is without knowledge or information sufficient to form a belief as to the truth of an allegation, the person shall state this in the answer, and this shall have the effect of a denial. Each person filing an answer shall attach to the answer as exhibits or, if unavailable, shall reference in the answer any written instruments or documents under the control of, or known to, the person filing the answer that are relevant to the charges in the complaint or that the person intends to use in

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defending the charges.

(d) Any person filing an answer may amend the answer once ~~as a matter of course~~ at any time within 30 days after service of the complaint. Each amended answer shall be filed with the commission's secretary by ~~restricted~~ certified mail, return receipt requested, or by personal delivery.

(e) Upon application to, and order of, the commission's secretary, the time in which to file an answer may be extended once ~~as a matter of course~~ for a period not to exceed 10 additional days. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. ~~72-8507~~ 72-2314; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 19, 2000; amended P-_____.)

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91-22-22. Hearing procedure. (a) Except as otherwise provided for in this article of the department's regulations, All hearings each hearing before the commission shall be conducted in accordance with ~~the provisions of~~ the Kansas administrative procedure act. The chairperson to the commission, or another member designated by the chairperson, shall serve as the presiding officer.

(b) ~~Continuance; extensions of time and adjournments.~~

(1) Upon showing good cause in a timely manner, ~~any person having a substantial interest in the outcome of the proceedings~~ each party to a complaint shall be entitled to one continuance or extension of time. Additional continuances may be granted by the chairperson. When the commission is not in session or conducting a prehearing or hearing, the ~~interested person~~ requesting party shall send a written motion for a continuance or extension of time to the commission's ~~chairperson or~~ secretary. When sending the motion, the ~~interested~~ requesting party shall allow sufficient time to postpone any hearing that has been set.

(2) While the commission is in session and conducting a prehearing or hearing, the presiding officer may entertain oral motions for continuances, extensions of time, and adjournments. Oral motions may be granted or denied by the presiding officer or the commission. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. ~~72-8506~~ 72-2313 and ~~72-8507~~ 72-2314; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982; amended May 1, 1985; amended May 19, 2000; amended P-
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91-22-25. Decision of the commission; review by state board. (a) Following a hearing, an initial order shall be entered by the commission, in accordance with the provisions of the Kansas administrative procedure act, ~~setting forth its~~ specifying the commission's decision and recommended action. ~~The evidence may be deliberated upon by the commission and its decision may be voted upon by the commission in the presence of all parties, or it may recess into executive session to deliberate and then vote upon the matter in open session.~~ The decision in each case shall include a recommended disposition of the case, which may be any of the following:

(1) Imposition of no discipline;

(2) dismissal of the complaint, if the complaint is based upon an allegation of breach of contract;

~~(2)~~ (3) denial, suspension, or revocation of the respondent's license; or

~~(3)~~ (4) public censure of the respondent.

(b) The initial order of the commission shall be delivered by the commission's secretary to the commissioner of education, to be placed on the state board's agenda. A final order, ~~in accordance with~~ pursuant to K.S.A. 77-527 and amendments thereto, shall be made by the state board. (Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. ~~72-8507~~ 72-2314; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 19, 2000; amended P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement (EIS)**

The Kansas State Department of E
Agency

R. Scott Gordon
Agency Contact

785-296-3204
Contact Phone Number

91-22-1a; 91-22-1b; 91-22-2; 91-22-5a; 91-22-9; 91-22-22; 91-22-25 Permanent Temporary
K.A.R. Number(s)

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
 - Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
 - No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

Brief description of the proposed rule(s) and regulation(s).

The Kansas State Board of Education is charged with the licensure and certification of professional K-12 educators for the State of Kansas. By way of K.S.A. 72-2310, the State Board-appointed Professional Practices Commission investigates allegations of professional misconduct, conducts evidentiary hearings, and makes recommendations to the State Board. K.A.R. 91-22-1a et sec. are the regulations under which the Professional Practices Commission operates. This body of regulations outlines the specific basis and manner by which a license may be denied, suspended, censured, or revoked by the State Board.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

Every state education agency has specific rules and regulations pertaining to teacher licensure, but there is no federal requirement to do so.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed amendments to K.A.R. 91-22-1a et sec. will have no impact on business activity and growth.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The proposed amendments to K.A.R. 91-22-1a et sec. will have no impact on compliance costs for any specific businesses, sectors, ratepayers, individuals, local governments, or on the state economy as a whole.

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C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

None

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There are no costs unique to the new version of these regulations that do not also apply to the current version of 91-22-1a. The benefit of the proposed change is the provision of clarity to licensed teachers and licensure applicants as to the grounds by which the State Board may take disciplinary action.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no alternative measures available, and there are no costs or impacts on business and economic development.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The Kansas State Department of Education compared the cost of implementing the changes to this body of regulations with the cost of implementing the current version of 91-22-1a et sec. and found no changes in cost to the State Board, to the Kansas State Department of Education, or to any other state agency. At most, there may be more requests for information sent to the Department for Children and Families but the cost of fulfilling those requests should be negligible and easily handled by its current infrastructure.

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- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There will be no changes to state revenue or expenditures for the implementation of the proposed regulations.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

There will be no immediate or long-range economic impact of the proposed regulation on any individual, small employer, or the general public.

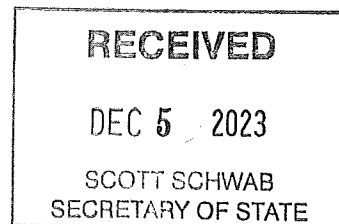
- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The State Board sought input from the Kansas Association of School Boards and incorporated many suggested changes in language. No indication of an increase or decrease in revenues or increases in expenditures or fiscal liability was indicated.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The Kansas State Department of Education consulted the Kansas Department for Children and Families (DCF) to inform them of our desire to find out if DCF substantiated any allegations of child abuse against a licensee or applicant. DCF has been very supportive of this desire. The two agencies have an MOU in place to facilitate information exchange.

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Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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