

KANSAS STATE BOARD OF EDUCATION

Notice of Public Hearing on Proposed Administrative Regulations

June 9, 2021

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m., or as soon thereafter as possible, on Tuesday, September 14, 2021, 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 address or by email to plhill@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 statements 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.

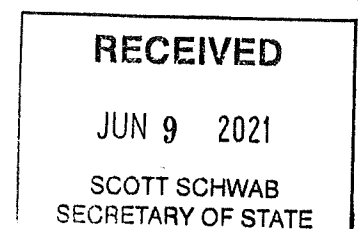
A summary of the proposed regulations and economic impact follows.

A copy of the proposed regulations and economic impact statements 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 ogc@ksde.org.

K.A.R. 91-31-31

Accreditation is the manner by which the Kansas State Board of Education recognizes Kansas schools' abilities to meet the minimum requirements established by the State Board. Amendments to this regulation are made to update definitions of terms used throughout the accreditation regulations.

K.A.R. 91-31-32



This regulation is amended to change the accreditation model from the Quality Performance Accreditation system to Kansas Education Systems Accreditation. The regulation explains the manner and timing by which Kansas education systems will receive and/or maintain their accreditation status. Public school districts and private education systems which voluntarily participate in the accreditation process must fully participate in the accreditation system, must have in place a method of collecting kindergarten-entry data approved by the Kansas State Board of Education, must have an individual plan of study program for each student starting in the 8th grade, must have a method of assessing all students' social emotional growth, must provide evidence of the foundational structures for each accreditation cycle, must offer curricula that allow students to meet the requirements of the State Scholarship Program, and offer appropriate instruction to allow students to achieve the Rose Capacities listed in K.S.A. 73-3218.

K.A.R. 91-31-33

As amended, this regulation requires each education system participating in Kansas Education Systems Accreditation to provide any data requested by the Kansas State Board of Education.

K.A.R. 91-31-34

The governing body of each education system, whether that be the locally-elected public school board or other decision-making body for private systems, must hire appropriately licensed staff, maintain a minimum enrollment of 10 or more students as of September 20th of each year, allow credit to transfer from one accredited education system to another, and permanently maintain each student's records. The governing body must also follow certain specified rules pertaining to interscholastic athletics.

K.A.R. 91-31-35

The governing body of each education system, whether that be the locally-elected public school board or other decision-making body for private systems, must adopt policies specifying that pupils are eligible for graduation after completion of the following graduation requirements: four units of English language arts, three units of history and government, three units of science, three units of mathematics, one unit of physical education, one unit of fine arts, and six units of elective courses. At least 21 units of credit shall be required for graduation, but education systems may require a higher number of credits to graduate.

K.A.R. 91-31-36

This regulation requires each education system to select an outside visitation team. The outside visitation team will receive training as determined by the Kansas State Board of Education. One meeting shall take place between the outside visitation team and the education systems' leadership team at least once each year.

K.A.R. 91-31-37

This regulation explains the process by which an education system's governing body may appeal any accreditation status recommendation made by the accreditation review council prior to any final

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determination to be made by the Kansas State Board of Education.

K.A.R. 91-31-38

The three classifications of education systems participating in the Kansas Educational Systems Accreditation process are accredited, conditionally accredited, and not accredited. An education system which is conditionally accredited must develop and implement an approved corrective action plan. Upon successful completion of that corrective action plan, the conditionally accredited education system will receive full accreditation from the Kansas State Board of Education.

Any public education system deemed to be not accredited by the Kansas State Board of Education will be assigned a state technical assistance team to guide the system in achieving an upgraded accreditation rating. State technical assistance teams are appointed by the Commissioner of Education and provide guidance to the non-accredited education system until it attains an accreditation rating of at least conditionally accredited. Any public education system which fails to achieve an accreditation rating of at least conditionally accredited after one full year may be sanctioned by the Kansas State Board of Education.

K.A.R. 91-31-39

The Kansas State Board of Education revokes this regulation because it is unnecessary and repetitive of other regulations. A regulation is not needed in order for the Kansas State Board of Education to issue a letter of accreditation or a press release announcing a school's accreditation status.

K.A.R. 91-31-40

A public education system may be sanctioned by the Kansas State Board of Education if it fails to maintain an accreditation rating of at least conditionally accredited. The possible sanctions include a recommendation that the system's personnel or resources be reassigned or reallocated within the same system, a recommendation that the public education system be assigned a state technical assistance team to provide guidance until it achieves an upgraded accreditation rating, a recommendation to the state legislature that it approve a reduction in state funding for the education system by an amount that will be added to the locally-imposed property tax, a recommendation that the legislature abolish or restructure the public education system, and/or a letter of notification and a press release announcing the public education system's accreditation status.

K.A.R. 91-31-41

As amended, this regulation requires each education system participating in the Kansas State Board of Education's accreditation system to provide on the home page of its official web site a link to the Kansas State Department of Education's report card.

K.A.R. 91-31-42

Any education system may request a waiver from one or more accreditation requirements imposed by

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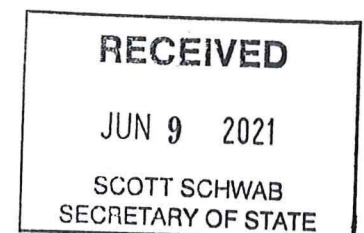
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K.A.R. 91-31-43

Each accredited education system shall develop and implement written policies for annual child abuse and neglect mandated reporter training of all employees. The training will address child abuse and neglect reporting requirements when any school employee has reason to suspect that a student has been harmed as a result of physical, mental, or emotional abuse or neglect or sexual abuse.

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.



91-31-31. Definitions. As used in this article of the department's regulations, each of the following terms shall have the meaning specified in this regulation:

(a) ~~"Accredited" means the status assigned to a school that meets the minimum performance and quality criteria established by the state board.~~

(b) ~~"Accredited on improvement" means the status assigned to a school that, for two consecutive years, is described by any of the following:~~

(1) ~~The school fails to meet one or more of the performance criteria applicable to the school.~~

(2) ~~The school has a prescribed percentage of students in one or more student subgroups that fails to meet one or more of the performance criteria applicable to the school.~~

(3) ~~The school fails to meet three or more of the quality criteria applicable to the school.~~

(c) ~~"Conditionally accredited" means the status assigned to a school that, for three consecutive years, is described by either of the following:~~

(1) ~~The school has a prescribed percentage of all students assessed that scores below the proficient level on the state assessments.~~

(2) ~~The school fails to meet four or more of the quality criteria applicable to the school.~~

(d) ~~"Curriculum standards" means statements, adopted by the state board, of what students should know and be able to do in specific content areas.~~

(e) ~~"External technical assistance team" means a group of persons selected by a school for the purpose of advising school staff on issues of school improvement, curricula and instruction, student performance, and other accreditation matters.~~

(f) ~~"Local board of education" means the board of education of any unified school district or the governing body of any nonpublic school.~~

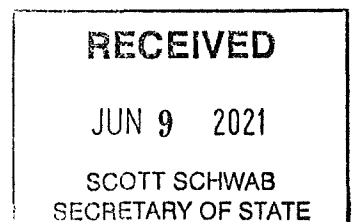
(a) "Accreditation" means the process of documenting that an education system meets requirements established by the state board.

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(b) "Accreditation cycle" means the period of time from the beginning of the needs assessment to the point at which the state board grants an accreditation rating to an education system.

(c) "Accreditation rating" means the status granted by the state board upon recommendation of the accreditation review council.

(d) "Accreditation review council" means the body of education professionals charged with providing a recommendation of accreditation rating to the state board at the end of each accreditation cycle.

(e) "Accreditation year" means the final year, or step, of an education system's accreditation cycle.

(f) "Accredited" means the status assigned to an education system that meets the following conditions established by the state board:

(1) The education system is in good standing.

(2) The education system provides conclusive evidence of improvement in student performance.

(3) The education system provides conclusive evidence of a process of continuous improvement.

(g) "Area for improvement" means the specific issue to be corrected, as determined by the accreditation review council, that an education system shall complete in order to improve the education system's accreditation rating.

(h) "Chief administrative officer" means the person hired by a governing body to lead the work of achieving the education system's mission and to oversee all aspects of the operation of the education system.

(i) "Commissioner" means commissioner of education.

(j) "Conclusive evidence" means data that is sufficient to the accreditation review council to justify its recommendation of accredited to the state board.

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(k) "Conditionally accredited" means the status assigned to any of the following:

(1) A new education system seeking accreditation;

(2) an education system seeking accreditation after one or more years of not seeking accreditation; or

(3) an education system about which both of the following are true:

(A) The education system is in good standing; and

(B) the education system provides neither conclusive evidence of growth in student performance nor conclusive evidence of a process of continuous improvement.

(l) "Corrective action plan" means the set of actions developed by an education system in response to areas for improvement identified by the accreditation review council.

(m) "Credit" means formal acknowledgment by an education system's governing body for criteria-based accomplishment. In Kansas K-12 education, this term is usually expressed as a number of units of credit.

(n) "Curriculum standards" means statements adopted by the state board specifying what students should know and be able to demonstrate in specific content areas.

(o) "Education system" means a Kansas unified school district, the Kansas state school for the blind, the Kansas school for the deaf, an organized body of non-public schools, or an independent private school.

(p) "Education system leadership team" means the group of education system employees that leads the education system's work toward an accreditation rating during an accreditation cycle.

(q) "Education system site council" means the group of people from outside of the education system from whom the education system leadership team receives input related to the education system's work toward an accreditation rating during an accreditation cycle.

(r) "Final analysis" means the process of reviewing education system-level data at the end of an accreditation cycle.

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(s) "Foundational structures" means programs, models, or practices prerequisite to receiving an accreditation rating of "accredited" from the state board.

(t) "Framework" means a defined set of practices that together encompass the work that education systems do to prepare successful Kansas high school graduates.

(u) "Goal area" means one area of performance selected by an education system for specific focus during its accreditation cycle.

(v) "Governing body" means either of the following:

(1) The board of education of any public education system; or

(2) the decision-making authority of any private education system.

(w) "Independent private school" means a non-public school that, for accreditation purposes, is not affiliated with other non-public schools.

(x) "In good standing" means in compliance with, or working with the state board to achieve compliance with, all applicable federal and state statutes and regulations.

(y) "Kansas assessment program" means the evaluation that the state board conducts in order to measure student learning within the Kansas curriculum standards.

(z) "Kansas education systems accreditation" and "KESA" mean the Kansas model for the accreditation of education systems that offer any grades kindergarten through grade 12.

(aa) "Needs assessment" means a systematic process of scoring state board-approved rubrics and examining current data supporting KESA results for the purpose of determining needs or gaps between current conditions and desired conditions.

(g) (bb) "Not accredited" means the status assigned to a school that, for five consecutive years, is described by either of the following: an education system that is described by either of the following:

(1) The school has a prescribed percentage of all students assessed that scores below the proficient level on the state assessments.

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~~(2) The school fails to meet four or more of the quality criteria applicable to the school.~~

~~(1) Is not in good standing; or~~

~~(2) fails to provide conclusive evidence of either improvement in student performance or a process of continuous improvement.~~

~~(h) (cc) "On-site visit" means a visit at a school~~ an education system by either the school's ~~external technical assistance~~ education system's outside visitation team or a its state technical assistance team.

~~(dd) "Outside visitation team" means a group of trained education professionals selected by an education system to collaborate with the education system in a coaching or mentoring role, supporting the education system for the duration of an accreditation cycle.~~

~~(ee) "Outside visitation team chair" means the member of the outside visitation team who has been specifically trained and appointed to act as the leader of the group for the duration of an accreditation cycle.~~

~~(ff) "Private education system" means either of the following:~~

~~(1) An organized body of non-public schools; or~~

~~(2) an independent private school.~~

~~(gg) "Public education system" means any of the following:~~

~~(1) A Kansas unified school district;~~

~~(2) the Kansas state school for the blind; or~~

~~(3) the Kansas school for the deaf.~~

~~(hh) "Qualified admissions" means the set of criteria allowing a high school graduate guaranteed admission into Kansas public universities.~~

~~(i) (ii) "School" means an organizational unit that, for the purposes of school improvement, constitutes provides educational services in a logical sequence of elements that may be structured as grade levels, developmental levels, or instructional levels.~~

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(jj) "School leadership team" means the group of employees of a school leading that school's work toward an accreditation rating during an accreditation cycle.

(kk) "School site council" means the group of people not employed by the school with whom the school leadership team consults.

(j) ~~"School improvement plan" means a multiyear plan for five years or less that is developed by a school and that states specific actions for achieving continuous improvement in student performance.~~

(k) ~~"Standards of excellence" means the expectations for academic achievement that the state board has set for Kansas schools.~~

(l) ~~"State assessments" means the assessments that the state board administers in order to measure student learning within the Kansas curriculum standards for mathematics, reading, science, history and government, and writing.~~

(m) (ll) "State board" means the Kansas state board of education.

(mm) "State board-approved rubrics" means the methods used by an education system during the needs assessment to evaluate the education system's current condition.

(n) (nn) "State technical assistance team" means a group of persons appointed by the state department of education commissioner to assist schools in meeting the performance and quality criteria established by the state board. "not accredited" public education systems in achieving an upgraded status.

(oo) "Successful Kansas high school graduate" means a high school graduate who has the academic preparation, cognitive preparation, technical skills, employability skills, and civic engagement to be successful in postsecondary education, in the attainment of an industry-recognized certification, or in the workforce, without the need for remediation.

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~~(e) "Student subgroup" means those students within a school who, for monitoring purposes, are classified by a common factor, including economic disadvantage, race, ethnicity, disability, and limited English proficiency.~~

~~(p) (pp) "Unit of credit" means a measure of credit that may be awarded to a student for satisfactory completion of a particular course or subject. the number or amount, expressed in fractions or decimals, of credit assigned to a specific achievement. A full unit of credit is credit that is awarded for satisfactory the successful demonstration of competency and knowledge of a content area. completion of a course or subject that is offered for and generally requires 120 clock hours to complete. Credit may be awarded in increments based upon the amount of time a course or subject is offered and generally requires to complete. Individual students may be awarded credit upon demonstrated knowledge of the content of a course or subject, regardless of the amount of time spent by the student in the course or subject.~~

~~This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 2020 Supp. 72-5170; effective July 1, 2005; amended P-_____.)~~

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~~91-31-32. Performance and quality criteria Kansas education systems accreditation. (a) Each school shall be assigned its accreditation status based upon the extent to which the school has met the performance and quality criteria established by the state board in this regulation.~~

~~(b) The performance criteria shall be as follows:~~

~~(1) Except as provided in subsection (d), having met the percentage prescribed by the state board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board;~~

~~(2) having 95% or more of all students and 95% or more of each student subgroup take the state assessments;~~

~~(3) having an attendance rate equal to or greater than that prescribed by the state board; and~~

~~(4) for high schools, having a graduation rate equal to or greater than that prescribed by the state board.~~

~~(c) The quality criteria shall consist of the following quality measures, which shall be required to be in place at each school:~~

~~(1) A school improvement plan that includes a results-based staff development plan;~~

~~(2) an external technical assistance team;~~

~~(3) locally determined assessments that are aligned with the state standards;~~

~~(4) formal training for teachers regarding the state assessments and curriculum standards;~~

~~(5) 100% of the teachers assigned to teach in those areas assessed by the state or described as core academic subjects by the United States department of education, and 95% or more of all other faculty, fully certified for the positions they hold;~~

~~(6) policies that meet the requirements of S.B.R. 91-31-34;~~

~~(7) local graduation requirements that include at least those requirements imposed by the state board;~~

~~(8) curricula that allow each student to meet the regent's qualified admissions requirements and the state scholarship program;~~

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~~(9) programs and services to support student learning and growth at both the elementary and secondary levels, including the following:~~

~~(A) Computer literacy;~~

~~(B) counseling services;~~

~~(C) fine arts;~~

~~(D) language arts;~~

~~(E) library services;~~

~~(F) mathematics;~~

~~(G) physical education, which shall include instruction in health and human sexuality;~~

~~(H) science;~~

~~(I) services for students with special learning needs; and~~

~~(J) history, government, and celebrate freedom week. Each local board of education shall include the following in its history and government curriculum:~~

~~(i) Within one of the grades seven through 12, a course of instruction in Kansas history and government. The course of instruction shall be offered for at least nine consecutive weeks. The local board of education shall waive this requirement for any student who transfers into the district at a grade level above that in which the course is taught; and~~

~~(ii) for grades kindergarten through eight, instruction concerning the original intent, meaning, and importance of the declaration of independence and the United States constitution, including the bill of rights, in their historical contexts, pursuant to K.S.A. 2015 Supp. 72-1130 and amendments thereto. The study of the declaration of independence shall include the study of the relationship of the ideas expressed in that document to subsequent American history;~~

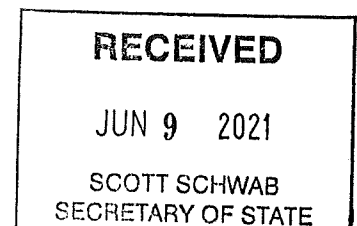
~~(10) programs and services to support student learning and growth at the secondary level, including the following:~~

~~(A) Business;~~

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~~(B) family and consumer science;~~

~~(C) foreign language; and~~

~~(D) industrial and technical education;~~

~~(11) local policies ensuring compliance with other accreditation regulations and state education laws;~~

and

~~(12) programs for all school staff regarding suicide awareness and prevention. Each local board of education shall include the following in its suicide awareness and prevention programs:~~

~~(A) At least one hour of training each calendar year based on programs approved by the state board of education. The training requirement may be met through independent self review of suicide prevention training material; and~~

~~(B) a building crisis plan developed for each school building. The building crisis plan shall include the following:~~

~~(i) Steps for recognizing suicide ideation;~~

~~(ii) appropriate methods of intervention; and~~

~~(iii) a crisis recovery plan.~~

~~(d) If the grade configuration of a school does not include any of the grades included in the state assessment program, the school shall use an assessment that is aligned with the state standards.~~

(a) The Kansas accreditation model shall be the Kansas education systems accreditation model.

(b) An education system's accreditation status may be changed by the state board at any time in accordance with K.A.R. 91-31-37 or K.A.R. 91-31-40, or both.

(c) Each school that held an accreditation rating from the state board on June 30, 2017 shall retain that accreditation rating subject to subsection (b) and demonstrated engagement in the Kansas education systems accreditation process, until that accreditation rating is superseded by the first accreditation rating granted under Kansas education systems accreditation.

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(d) Each public education system shall participate in the Kansas education systems accreditation process.

(e) Except as authorized by K.A.R. 91-31-42, each private education system that voluntarily participates in the Kansas education systems accreditation process shall be subject to all requirements of the Kansas education systems accreditation process.

(f) Before an education system shall be considered for an accreditation rating above "not accredited," the education system shall be in good standing.

(g) Each education system seeking accreditation shall meet the following requirements:

(1) Participate in the Kansas assessment program as directed by the state board;

(2) have in place a method of data collection approved by the state board for collecting kindergarten-entry data;

(3) have in place a state board-approved individual plan of study program for each student. The program shall begin for all students by grade eight and continue through high school graduation;

(4) have in place a method of assessing all students' social-emotional growth;

(5) provide evidence that the foundational structures for each accreditation cycle are in place;

(6) offer curricula that allow students to meet the requirements of the state scholarship program;

(7) offer subjects and areas of instruction approved by the state board that provide each student with the opportunity to achieve at least the capacities listed in K.S.A. 72-3218, and amendments thereto; and

(8) document the existence, membership, training, and meetings of school site councils, education system site councils, and education system leadership teams.

(h) Each education system shall be granted its accreditation rating following completion of the accreditation cycle. A new accreditation cycle shall begin after the state board grants the new accreditation rating, with the length of the accreditation cycle determined by the state board.

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(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 2015

~~Supp. 72-1130~~ 72-3218; effective July 1, 2005; amended Jan. 10, 2014; amended Dec. 9, 2016; amended

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91-31-33. Data submission. Each ~~school~~ education system participating in the Kansas education systems accreditation shall provide to the state department of education information concerning each of the following, upon request:

- ~~(a) Qualifications of the school's teachers;~~
- ~~(b) student attendance;~~
- ~~(c) the number of high school students who graduate; and~~
- ~~(d) any other data requested by the state board.~~

~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005; amended P-_____.)

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91-31-34. ~~Local board of education~~ Governing body requirements. (a) General. Each ~~local board of education~~ governing body shall ensure that ~~each school~~ its education system meets the requirements of this regulation.

(b) Staff.

(1) Except as otherwise provided in this subsection, in filling positions for which a license or certificate is issued by the state board, each ~~school district~~ education system shall employ persons who hold licenses or certificates with specific endorsements for the positions held.

(2) If a teacher holding an appropriate license or certificate is not available, the ~~school district~~ education system shall use a substitute teacher holding a valid Kansas teacher or administrator license or certificate at any level or in any field or subject. ~~A school district~~ An education system shall not allow any person holding a Kansas teaching license or certificate to substitute teach for more than ~~125~~ 140 days in the same assignment.

(3) If a substitute teacher holding a valid Kansas teacher or administrator license or certificate is not available, the ~~school district~~ education system shall use a substitute teacher holding a valid Kansas substitute teaching license or certificate. ~~A school district~~ An education system shall not allow a person holding a substitute teaching license or certificate to teach for more than 90 days in the same assignment.

(4) If a substitute teacher holding a valid Kansas substitute teaching license ~~or certificate~~ is not available, the ~~school district~~ education system shall use a person who holds a baccalaureate degree and an emergency substitute teaching license or certificate. ~~A school district~~ An education system shall not allow a person who holds a baccalaureate degree and an emergency substitute teaching license or certificate to teach for more than ~~30~~ 45 days in the same assignment.

(5)(A) If a person holding a baccalaureate degree and an emergency substitute teaching license ~~or certificate~~ is not available, the ~~school district~~ education system shall use a person who has been licensed or certified by the state board as an emergency substitute teacher. ~~A school district~~ An education system

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shall not allow any person who does not hold a baccalaureate degree to teach for more than ~~45~~ 25 days in the same assignment or more than ~~60~~ 75 days in a semester.

(B) If a ~~local board of education~~ governing body documents that there is an insufficient supply of substitute teachers, the ~~board~~ governing body may appeal to the commissioner of ~~education~~ for authority to allow individuals holding an emergency substitute teaching license or certificate to continue to teach for an additional length of time ~~that shall not exceed a total of 93 days in a school year.~~

(6) ~~If the state board of education has declared a time of emergency, any person holding a five year substitute teaching license or certificate or an emergency substitute teaching license or certificate with a baccalaureate degree may teach for the duration of the time of emergency in a position made vacant by reason of the emergency.~~

(7) ~~Each school~~ education system shall report the name of each licensed or certified staff member on the personnel report or the supplemental personnel report required by the state board. Each licensed or certified personnel staff change that occurs between September 15 and the end of the school year shall be reported on a form prescribed by the state board within 30 days after the staff change.

(c) Minimum enrollment. Each ~~elementary school~~ education system shall have an enrollment of 10 or more students on September 20 to remain eligible for accreditation.

(d) ~~Student Credit.~~ Each ~~school~~ education system, through the ~~local board of education governing body,~~ shall have a written policy specifying that the credit of any pupil transferring from an accredited school or education system shall be accepted.

(e) Records retention. Each ~~school~~ education system shall permanently retain ~~records relating to each student's records relating to~~ academic performance, attendance, and activities.

(f) Interscholastic athletics.

(1) A ~~local board of education governing body~~ shall not allow any student below the sixth-grade level to participate in interscholastic athletics.

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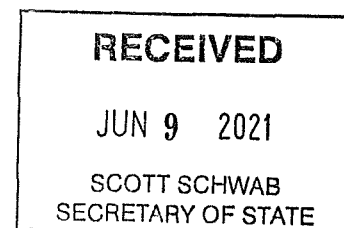
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(2) A ~~local board of education governing body~~ may allow any student at the sixth-grade level or higher to participate in interscholastic athletics.

(3) If a ~~local board of education governing body~~ allows students at the sixth-grade level to participate in interscholastic athletics, the ~~local board of education governing body~~ shall comply with the guidelines for interscholastic athletics adopted by the state board.

(4) A ~~Any local board of education governing body~~ may join the Kansas state high school activities association and participate under its rules. A ~~Each local board of education governing body~~ that does not join that association shall comply with the guidelines for interscholastic athletics adopted by the state board.

(g) Athletic practice.

(1) Any elementary or middle school that includes any of the grades six through nine may conduct athletic practice during the school day only at times when one or more elective academic courses or a study period is offered to students.

(2) ~~A high school shall not conduct athletic practice during the school day, and athletic practice shall not be counted for credit or as a part of the school term.~~ The time used for high school athletic practice that is conducted during the school day shall not count toward the statutorily required number of hours or days of instruction.

(3) ~~A school shall neither offer credit for athletic practice nor count athletic practice as a physical education course.~~

~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005; amended P-
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91-31-35. Graduation requirements. (a) Each ~~local board of education~~ governing body shall adopt a written policy specifying that pupils are eligible for graduation only ~~upon~~ after completion of at least the following graduation requirements as established by the state board:

(1) Four units of English language arts, which shall include reading, writing, literature, communication, and grammar. The ~~building administrator~~ chief administrative officer may waive up to one unit of this requirement if the ~~administrator~~ chief administrative officer determines that a pupil ~~can~~ profit will benefit more by taking another subject;

(2) three units of history and government, which shall include world history; United States history; United States government, including the Constitution of the United States; concepts of economics and geography; and, except as otherwise provided in ~~S.B.R.~~ K.A.R. 91-31-32, a course of instruction in Kansas history and government;

(3) three units of science, which shall include physical, biological, and earth and space science concepts and which shall include at least one unit as a laboratory course;

(4) three units of mathematics, including algebraic and geometric concepts;

(5) one unit of physical education, which shall include health and which may include safety, first aid, or physiology. This requirement shall be waived if the school district is provided with either of the following:

(A) A statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(B) a statement, signed by a lawful custodian of the pupil, indicating that the requirement is contrary to the religious teachings of the pupil;

(6) one unit of fine arts, which may include art, music, dance, theatre, forensics, and other similar studies selected by ~~a local board of education~~ the governing body; and

(7) six units of elective courses.

(b) ~~A minimum of~~ At least 21 units of credit shall be required for graduation.

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(c) Any ~~local board of education governing body~~ may increase the number of units of credit required for graduation. Any additional requirements of the ~~local board of education governing body~~ that increase the number of units of credit required for graduation shall apply to those students who will enter the ninth grade in the school year following the effective date of the additional requirement.

(d) Unless more stringent requirements are specified by existing local policy, the graduation requirements ~~established by~~ specified in this regulation shall apply to those students who enter the ninth grade in the school year following the effective date of this regulation and to each subsequent class of students.

~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution, K.S.A. 72-3235, and K.S.A. 2020 Supp. 72-5170; effective July 1, 2005; amended P-_____.)

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91-31-36. Technical assistance Outside visitation teams. (a) Each school education system shall select an external technical assistance outside visitation team, which shall be approved by the local board of education education system's governing body. Each team shall be comprised of two or more people who are not affiliated with the school. The school shall determine the number of on-site visits to be made by this team. The outside visitation team's composition and number of members shall be determined by the education system leadership team according to guidelines established by the state board.

(b) ~~If a school is accredited on improvement or conditionally accredited, the school shall be assigned a state technical assistance team to assist the school in meeting the performance and quality criteria established by the state board. The state technical assistance team shall determine the number of on-site visits that the team needs to make to the school. This team shall remain assigned to the school until the school either attains accredited status or is not accredited.~~ Each member of an outside visitation team shall receive specific training determined by the state board. Each person serving as an outside visitation team chair shall attend additional, specific training to be determined by the state board.

(c) One meeting between the outside visitation team and the education system leadership team shall occur during each year of the accreditation cycle.

~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005; amended P-
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91-31-37. Accreditation recommendation and appeal. (a) ~~A written recommendation regarding the accreditation status to be assigned to each school shall be prepared annually by the state department of education. Upon completion of the accreditation process during or before the education system's originally scheduled accreditation year, a recommendation from the accreditation review council regarding the accreditation rating to be assigned to the education system shall be communicated to the education system.~~ Each recommendation shall include a statement of the reasons for the recommendation.

(b) ~~The state department of education's recommendation shall be submitted to the local board of education of the school district in which the school is located.~~

(c) ~~If the local board of education disagrees with the recommendation, the local board~~ The education system's governing body may file an appeal with the commissioner of education within 15 days after receipt of the recommendation. ~~Except in regard to a recommendation for accredited on improvement, The local board of education~~ education system's governing body may raise any issue and present any additional information that is relevant to its appeal. ~~If the recommendation is for accredited on improvement, an appeal may be filed only if the local board of education believes that a statistical or clerical error has been made in regard to the recommendation.~~

(d)(1) (c) If the ~~local board of education~~ governing body files an appeal, a consultation shall be ordered by the commissioner and shall be conducted by an appeal team appointed by the commissioner.

(2) ~~The appeal team shall consult with one or more staff members who made the recommendation and one or more representatives of the local board of education.~~

(3) (1) If there is agreement on the recommendation following the appeal, the appeal team shall forward the accreditation recommendation to the commissioner for submission to the state board.

(4) (2) If there is not agreement on a recommendation following the appeal, the appeal team shall request the commissioner to appoint a hearing officer to conduct a hearing and forward an accreditation recommendation to the state board.

(e) (d) Each recommendation for an accreditation status rating shall be acted upon by the state board.

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~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing
Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005; amended P-
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91-31-38. Accreditation status rating. (a) Each school education system shall be classified as one of the following:

- (1) Accredited;
- (2) ~~accredited on improvement;~~
- (3) conditionally accredited; or
- (4) (3) not accredited.

(b) ~~Each school that has accredited status from the state board on June 30, 2005 shall retain its accreditation status until that status is replaced with a status specified in subsection (a) of this regulation.~~

(c) Each school unaccredited education system that seeks initial accreditation by the state board shall be designated as a candidate school and shall be granted accredited receive an accreditation status rating until the school's status can be of "conditionally accredited" until the education system's accreditation rating is determined using the criteria prescribed in S.B.R. K.A.R. 91-31-32.

(d) ~~If a school is accredited on improvement or conditionally accredited, the school shall develop and implement a corrective action plan approved by the state technical assistance team assigned to the school and shall implement any corrective action required by the state board.~~

(e) ~~Each school that is accredited on improvement and that fails to meet one or more of the performance criteria in regard to all students assessed or four or more of the quality criteria shall be classified as conditionally accredited.~~

(f) ~~Any school that is accredited on improvement or conditionally accredited may attain the status of accredited or accredited on improvement, respectively, by meeting, for two consecutive years, the criteria for that accreditation status.~~

(g) ~~Each school that is conditionally accredited and that, for a fifth consecutive year, fails to meet one or more of the performance criteria or four or more of the quality criteria shall be classified as not accredited.~~

(h) ~~If a school is not accredited, sanctions shall be applied.~~

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(c) If an education system receives an accreditation rating of "conditionally accredited," the accreditation review council shall notify the education system of specific areas for improvement and any other corrective action that shall be addressed.

(1) To change the education system's accreditation rating to "accredited," the education system shall develop and implement a corrective action plan approved by the accreditation review council.

(2) Upon satisfaction of the requirements of the corrective action plan and any other required corrective actions, the education system's accreditation rating may be upgraded to "accredited."

(3) If the requirements of the corrective action plan and any other required corrective actions are not met by the deadline established by the accreditation review council, the education system's accreditation rating may be downgraded to "not accredited."

(d) If a public education system receives an accreditation rating of "not accredited," that education system shall be assigned a state technical assistance team to guide it in achieving an upgraded accreditation rating. The state technical assistance team shall be appointed by the commissioner and take the place of the outside visitation team. The state technical assistance team shall provide guidance to the education system in achieving appropriate corrective action. The state technical assistance team shall remain assigned to the education system until it attains an accreditation rating of at least "conditionally accredited" through action of the state board.

(e) If a public education system retains the accreditation rating of "not accredited" after state technical assistance has been in place for one year, sanctions may be applied as determined by the state board under K.A.R. 91-31-40.

(f) An accreditation rating of "not accredited" for a private education system shall remain in effect until that education system demonstrates satisfactory achievement of all corrective actions required for an upgraded accreditation rating and until the state board grants the upgraded accreditation rating.

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~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing
Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005; amended P-
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91-31-39. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005; revoked P-_____.)

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91-31-40. Sanctions. ~~(a) One or more of the following~~ Sanctions may be applied by the state board to a ~~school that is conditionally accredited or not accredited~~ public education system in response to any of the following circumstances:

- (1) The public education system's accreditation rating of "not accredited";
 - (2) the public education system's failure to move from "not accredited" to "conditionally accredited" after state technical assistance has been in place for one year; or
 - (3) failure to remain in good standing.
- (b) One or more of the following sanctions may be applied in response to any of the circumstances specified in subsection (a):
- ~~(a) (1) An order~~ A recommendation that district public education system personnel or resources be reassigned or reallocated within the ~~district by the local board of education;~~ public education system by the governing body;
 - ~~(b) (2) an order~~ a recommendation that the local board of education hire one or more designated persons to assist the school in making the changes necessary to improve student performance; public education system be assigned a state technical assistance team to assist the education system until it achieves an upgraded accreditation rating;
 - ~~(c) (3) a recommendation to the legislature that it approve a reduction in state funding to the local school district~~ public education system by an amount that will be added to the local property tax imposed by the ~~local board of education~~ governing body;
 - ~~(d) (4) a recommendation that the legislature abolish or restructure the local district;~~ public education system; or
 - ~~(e) (5) a letter of notification and a press release announcing the~~ public education system's accreditation rating status of the school and specifying each reason for that accreditation rating; or
 - ~~(f) other action, as deemed appropriate by the state board.~~

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~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing
Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005; amended P-
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91-31-41. Public disclosure. ~~At least once each year, each school shall notify the local board of education, parents, and community of the school's accreditation status and the progress that the school has made in school improvement. Within 60 days after being notified by the state board of the final determination of the school's accreditation status, each school shall disclose the accreditation results, including any performance or quality criteria that are not met, to the local board of education, parents, and community. The school shall make all notices and disclosures available in the primary languages of the community.~~ Each education system participating in KESA shall at all times provide, on the home page of the education system's official web site, a link to the KSDE report card.

~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution, K.S.A. 2020 Supp. 72-1181, and K.S.A. 2020 Supp. 72-5170; effective July 1, 2005; amended P-_____.)

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91-31-42. Waiver. (a) Any ~~school~~ education system may request a waiver from one or more accreditation requirements imposed by the state board. Each request for a waiver shall meet the following requirements:

(1) The ~~school~~ education system shall ~~make~~ submit the request, in writing, to the commissioner of ~~education~~.

(2) The chief administrative officer of the ~~school~~ education system shall sign the request. If the request is made by a public ~~school~~, education system, both the superintendent and the president of the ~~local school board governing body~~ shall sign the request.

(3) In the request, the ~~school~~ education system shall state ~~the~~ each specific requirement ~~or~~ requirements for which the ~~school~~ education system is requesting a waiver and shall indicate how the granting of the waiver would enhance improvement ~~at~~ in the ~~school~~ education system.

(b) Within 30 days after the receipt of a request for a waiver, a recommendation shall be made by the commissioner ~~of education~~ to the state board either to either grant or to deny the request. The commissioner may consider information in addition to that which is provided in the request.

(c) The request and the recommendation from the commissioner ~~of education~~ shall be considered by the state board, and the final decision on whether to grant or deny the request shall be made by the state board.

~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 2019 Supp. 72-5170; effective July 1, 2005; amended P-_____.)

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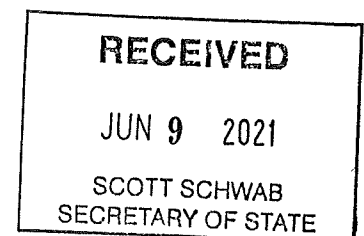
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91-31-43. Child abuse and neglect mandated reporter training. Each accredited education system shall develop and implement written policies for annual child abuse and neglect mandated reporter training of all employees. The training shall address child abuse and neglect reporting requirements when any individual has reason to suspect that a student attending the accredited education system has been harmed as a result of physical, mental, or emotional abuse or neglect or sexual abuse. Each accredited education system shall maintain documentation that each employee has met the annual training requirement. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 2019 Supp. 72-5170; effective P-_____.)

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Proposed

Kansas State Department of Education
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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

K.A.R. Numbers 91-31-31 – 91-31-42

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt along with the following to the Division of the Budget.

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

Kansas Statute 72-6439(a) charges the Kansas State Board of Education with the accreditation of schools in Kansas, a process that provides official recognition of schools having met a defined set of standards. The proposed regulations move the accreditation process from a school-by-school approach to an accreditation process focused at the system level. Educational system means a unified school district, a private system of schools, or a private school not affiliated with any system for the purpose of state accreditation.

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

There is no federal requirement regarding the accreditation of schools by states. Every state accredits schools based on their own specific rules and regulations.

III. Agency analysis specifically addressing following:

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

The proposed regulations will not have no impact on business activities or 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 and regulation and on the state economy as a whole;

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The proposed regulations will have no economic effect or impact on compliance costs for any specific businesses, sectors, public utility ratepayers, individuals, and 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 and regulation;

There are no businesses directly affected by the proposed regulations.

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

The benefits of the proposed regulations is that individual schools will no longer achieve accreditation independently from the other schools within its system. The current accreditation regulations are based on a model called Quality Performance Accreditation (QPA), which relies on a combination of the individual school's performance on state assessments and its ability to meet 11 Quality Assurances. This system was developed in 1992, and modified in 2005. This system no longer aligns with Kansas State Board of Education goals. With the proposed regulations, schools within an educational system will be accredited as a unit of schools, thereby aligning their improvement process across the system and working toward the same goals and vision. With the systems alignment of improvement goals and process, there will be no additional costs placed upon schools.

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 costs or impacts on business and economic development with the proposed regulations.

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

\$0.00

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0.00

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

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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 proposed regulations to the cost of implementing the current accreditation regulations and found no changes in cost.

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Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES ☐ NO ☒

- 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 proposed regulations neither increases or decreases the revenues of cities, counties or school districts, nor does it impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability. Since the inception of the proposed regulations, the Kansas Association of School Boards has had a representative on an accreditation advisory council who provided no indication of revenue increases or decreases.

- 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 worked with the Quality Performance Accreditation Advisory Council (now called Accreditation Advisory Council) informing them of the revised accreditation process proposal and obtaining their feedback on the proposed Kansas Educational System Accreditation. The council is comprised of educators, business representative, parent, and other stakeholder representatives affected by the proposed regulations. Proposed regulations were also presented at various meetings across the state.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not Applicable.

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

K.A.R. Numbers 91-31-43

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation would adopt along with the following to the Division of the Budget.

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

Kansas Statute 72-6439(a) charges the Kansas State Board of Education with the accreditation of schools in Kansas, a process that provides official recognition of schools having met a defined set of standards. The proposed regulation will add child abuse and neglect training as an activity schools will be required to provide to their staff.

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

There is no federal requirement regarding the accreditation of schools by states. Every state accredits schools based on their own specific rules and regulations.

III. Agency analysis specifically addressing following:

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

The proposed regulation will not have no impact on business activities or 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 and regulation and on the state economy as a whole;

The proposed regulation will have no economic effect or impact on compliance costs for any specific businesses, sectors, public utility ratepayers, individuals, and local governments, or on the state economy as a whole.

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AUG 3 2020 **Businesses that would be directly affected by the proposed rule and regulation;**

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There are no businesses directly affected by the proposed regulation.

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

Currently, employees of a school are mandated by state law to report suspected child abuse and neglect. Failure to comply with that mandate may result in criminal charges filed against a school employee, and a licensed teacher or administration may face allegations of professional misconduct if they do not comply with the law. The purpose of the required training is to ensure all accredited schools in the State of Kansas will provide quality, consistent training to staff in an effort to protect children.

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 costs or impacts on business and economic development with the proposed regulation.

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

\$0.00

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0.00

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

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 proposed regulation to the cost of implementing the current accreditation regulations and found no changes in cost.

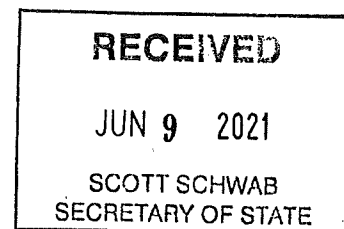
Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

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- 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 proposed regulation neither increases or decreases the revenues of cities, counties or school districts, nor does it impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability. Since the inception of the proposed regulations, the Kansas Association of School Boards has had a representative on an accreditation advisory council who provided no indication of revenue increases or decreases.

- 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 worked with the Quality Performance Accreditation Advisory Council (now called Accreditation Advisory Council) informing them of the revised accreditation process proposal and obtaining their feedback on the proposed Kansas Educational System Accreditation. The council is comprised of educators, business representative, parent, and other stakeholder representatives affected by the proposed regulations. Proposed regulations were also presented at various meetings across the state.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not Applicable.

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JUN 9 2021

SCOTT SCHWAB
SECRETARY OF STATE