

Kansas Association of School Boards

2020

A Guide to Boardsmanship in Kansas



Serving Educational Leaders,
Inspiring Student Success

Kansas Association of School Boards

Topeka, Kansas

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Section A: Introduction

The Kansas Association of School Boards (KASB) had its beginning in the Board of Education Department of the Kansas State Teachers Association (KSTA). Although some references to meetings of boards of education can be found prior to 1918, the Board of Education Department of the Kansas State Teachers Association was formally created in that year with W. P. Lambertson of Fairview as president.

For more about KASB’s History, please see <https://kasb.org/about-us/kasb100years/>

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Section B - School Governance

Kansas school boards are part of our system of government. School boards share the responsibility for school governance with other elected officials of the state and national government and with the people as electors. All of their power and authority is derived from the Kansas Constitution, from laws passed by the Kansas Legislature and rules and regulations adopted by the Kansas State Board of Education and other agencies. It is important to note that school boards are also directed by the federal government, but to a lesser extent.

State Supervision of Public Education

The importance of education is recognized in the Kansas Constitution. Article 6 makes specific provision for a system of public schools and requires the Legislature make “suitable provision” for funding public schools.

The constitution establishes an elected State Board charged with the “general supervision” of most of the state’s educational interests and an appointed Kansas Board of Regents that has responsibility for the state university system and other educational duties not assigned to the State Board. Article 6 also requires that public schools are “managed, developed and operated by locally elected boards.”

Local school boards are constitutional offices, but the number and composition of local boards, as well as their powers and authority, are determined by the Kansas Legislature.

Kansas State Board of Education

The general supervision of the public schools is the responsibility of the State Board. The constitution requires 10 members sit on the State Board, each elected from a district composed of four contiguous state senate districts. Any change in the number of State Board members or state senators would require a constitutional amendment.

State Board members serve four-year terms, which are staggered so five seats are on the ballot every two years. Under current law, candidates for the State Board run with a party affiliation. Democrat and Republican candidates are chosen in primary elections.

The current language of Article 6 of the Kansas Constitution was adopted by the voters in 1966. In 1973, the Kansas Supreme Court ruled that Article 6 confers “self-executing powers” upon the State Board. This means the State Board can adopt educational policies, rules and regulations without action or concurrence by the Legislature.

The State Board is the only state entity that has this authority, and it has been called “the fourth branch of state government,” because it exists outside the system of checks and

balances that traditionally governs the relationship between the Legislature and state agencies. On three occasions, the Legislature has submitted to the voters constitutional amendments that would remove these “self-executing powers,” but these proposals have been defeated.

The limits of these “self-executing powers” have not been tested in court. One practical limitation is the State Board does not have the power to levy taxes or appropriate revenue. The Legislature has the “power of the purse.”

The state constitution requires the State Board to appoint a commissioner of education who serves at the board’s pleasure. The commissioner’s relationship to the State Board is roughly similar to the local superintendent’s relationship to the local school board. The commissioner is the chief administrative officer of the Kansas State Department of Education (KSDE) and carries out the policy directives and regulations adopted by the State Board.

Commissioner of Education’s responsibilities include:

- Advocating for results-based school instruction for student achievement for all Kansas children and youth;
- Establishing a system of school accreditation for both public and private schools;
- Establishing requirements for teacher education programs, certifying or licensing teachers, administrators and other school personnel, and disciplining educators who violate professional standards by revoking professional licenses;
- Making state budget recommendations for and administering funding provided by the Legislature under the school finance system;
- Establishing curriculum standards and student assessments, approving certain programs for special funding, such as in-service or staff development and high school vocational education, and ensuring compliance with special education requirements;
- Approving school building construction plans and bond issues within certain limitations; and
- Administering most federal education programs, including food service and a wide variety of targeted programs.

In addition to general supervision of school districts, the State Board also acts as the board of education for the Kansas State School for the Blind in Kansas City and the Kansas State School for the Deaf in Olathe. These institutions are sometimes referred to as “special purpose schools.”

Kansas Board of Regents

Under the Kansas Constitution, the Board of Regents has governing authority over institutions assigned to it by the Legislature. Currently, the Board of Regents is the governing board for the seven state universities and their branch campuses, 19 community colleges and seven technical schools.

The Board of Regents has nine members, appointed by the Governor, with confirmation by the Kansas Senate. Under state law, the terms of members are overlapping. There must be at least one regent from each congressional district and no more than two members residing in the same county at the time of their appointment. The regents appoint a “president” as chief executive officer.

Unified School Districts

The basic administrative unit of public education in Kansas is the local school district. From the beginning of statehood, Kansas public schools have been governed by local school boards. At one time, there were literally thousands of school boards. Some were responsible for several schools within a city. Others were responsible for county or rural elementary and secondary schools, including the “one-room schoolhouses” that have vanished from the Kansas landscape.

In 1963, the School District Unification Act required all territory in the state of Kansas be divided into unified school districts. These districts were called “unified,” not because many smaller districts were consolidated into a larger one, but because they were required to offer a unified program from kindergarten through the twelfth grade. For a district to be recognized under the Unification Act, it had to meet two of three standards: an enrollment of at least 400 students, a minimum assessed valuation, or 200 square miles of territory. However, districts do not have to continue to meet those standards.

School District Diversity

Understanding public education in Kansas requires understanding the diversity of the 286 Kansas school districts. Four districts enroll fewer than 100 students this year; the largest enrolls just over 50,000. The assessed valuation of property per pupil ranges from less than \$19,000 to almost a half-million dollars per pupil. The smallest district contains just 8.5 square miles; the largest is nearly 100 times larger (992 square miles). Half the districts in the state have two students per square mile or less; one district has 376 students per square mile. Almost one-third of the districts have only two attendance centers, an elementary school and high school, sometimes in the same building. The largest district operates nearly 100 school buildings.

Districts have long been divided into enrollment groups for school finance purposes. This year, the seven largest school districts, those with at least 10,000 students, enrolled 35.9 percent of the students in the state. The 56 districts with enrollments between 1,500 and 10,000 enrolled 40.6 percent of students. The other 223 districts in the state enrolled the remaining 23.4 percent of the students.

Consolidation and Cooperation

For the 2014-15 school year, the state is divided into 286 districts. State law allows school districts to merge or to exchange territory. Residents of a district may also petition that it be

dissolved by the State Board and its territory reassigned. No provision is made to allow a district to be split into smaller districts.

Districts are also allowed to form interlocal cooperatives and establish service centers to provide programs and services. One of the most common areas for cooperation is special education. Nearly 47 interlocals, cooperatives and service centers are now in operation in Kansas. Districts also are allowed to share employees, including superintendents, and to share facilities and programs.

Local School Boards

With the exception of Ft. Leavenworth USD 207, which is located on a U.S. military base, every school district has a seven-member board of education elected by district voters. The school board decides how to allocate the budget, make employment decisions regarding the superintendent and all other employees, and approves the curriculum, programs and policies of the district. But the school board's powers are also limited by an array of federal and state laws and regulations.

School districts, like other local units of government (cities, counties, townships, etc.), are political subdivisions of the state and sometimes referred to as "municipalities." In some cases, school districts are treated like other municipalities; in other cases, state statutes treat school districts very differently.

For many years, school boards had only those powers specifically enumerated in state law. However, in 2003, the Legislature granted school boards expanded local control powers that allow boards to transact all school district business and adopt policies the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools. This authority is similar to the "home rule" power granted to cities and counties.

School Board Elections

School board elections are held the first Tuesday in November of odd-numbered years. These elections are nonpartisan. Each district operates under one-of-four alternative methods of election; board members can be elected entirely at-large, from member districts that divide the school district's population in half, from member districts that divide the population into thirds, or from six individual member districts. All these methods have at least one at-large member.

In addition, three alternative voting plans are available that determine who votes for which candidate at the primary and general elections. Method of election or the voting plan, once adopted, can only be changed by a vote of the people. Regardless of which method is used, member districts must be nearly equal in population.

School Site Councils

School site councils are responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions.

Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

Other State Involvement in Education

As noted, school boards are subject to state laws and regulations. Therefore, school board members must be familiar with the overall structure of state government in Kansas.

The power to adopt state laws, called “statutes,” is vested by the state constitution in the Legislature, composed of a Senate and a House of Representatives. Members of the House serve two-year terms and are elected in even-numbered years. Members of the Senate serve four-year terms and are elected in the same years as the U.S. President. (Senators may also be elected in other even-numbered years to fill vacancies.) State law provides for 125 house members and 40 senators.

Both the House and Senate are divided into committees. The committees that have the most impact on school districts are the education, appropriations, and ways and means committees. “How a bill becomes law” can be a complicated process, but a bill ultimately must pass both the House and Senate in identical form. It is then presented to the Governor, who may sign it, allow it to become law without a signature, or veto it. If a bill is vetoed, it can still become law if the veto is overridden by a two-third’s vote of both the House and Senate.

Because the KSDE is under the control of the State Board, the Governor has less direct control over education policy than his counterparts in other states. However, one of the Governor’s key roles is to propose an annual budget for the state, which is the starting point for legislative development of appropriations for education and other state activities. The Governor and Lieutenant Governor are elected as a team for four-year terms in even-numbered years when state senators are not up for election.

The Secretary of State, Attorney General, Insurance Commissioner and State Treasurer are elected at the same time as the Governor. Each of these offices may have a limited impact on school boards. For example, the Secretary of State is the chief election officer in the state and works with county election officials to supervise school board elections.

The Attorney General issues opinions on legal matters and assists in enforcement of the Kansas Open Meetings Act. The Insurance Commissioner sets insurance rates, which help determine school district insurance costs. The Treasurer helps create a municipal investment pool where school boards and other local units of government can invest idle funds.

Finally, school boards must comply with a range of policies and regulations adopted by various state departments and agencies. These include health and safety matters, employment and human relations issues, and other areas. In many cases, school districts are affected, not because of their specific education function, but in the same manner as other public or private organizations, employers or businesses.

The Federal Role in School Governance

Education is not mentioned in the U.S. Constitution as a function of the federal government. However, the federal government has long maintained a limited role. The role was expanded by federal court action to desegregate schools beginning in the 1950s, by the passage of the Elementary and Secondary Education Act (ESEA) that funded programs for disadvantaged children in the 1960s, and by the passage of the special education legislation in the 1970s.

Federal programs are approved by the U.S. Congress with the President's acceptance or over the President's veto. Most federal education programs are administered through the U.S. Department of Education. The head of the department is a secretary of education who serves on the president's cabinet. The secretary appoints regional representatives.

Kansas shares a region with Nebraska, Iowa and Missouri. A notable exception to the role of the Department of Education is the school lunch program, which is located in the U.S. Department of Agriculture and provides millions of dollars in subsidies for meal programs serving poor children in Kansas.

Additionally, specific education programs may be affected by federal regulations concerning health, safety, environmental and employee matters.

Section C – School Improvement

The federal government maintains a limited role in public education. The role was expanded by federal court action to desegregate schools beginning in the 1950s, by the passage of the Elementary and Secondary Education Act (ESEA) that funded programs for disadvantaged children in the 1960s, and by the passage of the special education legislation in the 1970s.

In 2015 there was a reauthorization of the Elementary Secondary Education Act (ESEA) that was originally adopted in 1965. The original focus of ESEA in 1965 was to increase educational opportunities for all students. The focus was to provide federal assistance to school districts serving low-income students, assistance for the education of students with disabilities and provide resources for state educational agencies to improve the quality of elementary and secondary education.

The spirit of the original act is still present in the most recent reauthorization ESSA, with the focus of ESSA being in the following areas:

- Continue efforts to provide equitable educational opportunities for disadvantaged and disabled students
- Raise academic standards to better prepare students for college and careers
- Improve communication and access to information for educators, families, students and communities related to progress in achieving the higher academic standards
- Increase access to preschool programming
- Support and grow innovation by educational leaders
- Accountability and focused improvement support for chronically underperforming schools

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Additionally, specific education programs may be affected by federal regulations concerning health, safety, environmental and employee matters.

Accrediting Kansas schools has been under the jurisdiction of the state of Kansas since ratification of the constitution in 1859, and specifically under the jurisdiction of the State Board since 1966. The accreditation criteria have changed and refined over the years. Kansas currently uses a district wide accreditation process called Kansas Educational Systems Accreditation (KESA) to accredit schools and monitor achievement. KESA was started as an accreditation process in August of 2017. This was a shift

from the previous model that had been in place since 1992, that system was known as Quality Performance Accreditation (QPA).

College and Career Ready Expectations for All Students

The principle of college and career readiness can be accomplished within school districts by implementing the Kansas College and Career Readiness standards. The Kansas College and Career Readiness standards were adopted by the State Board in October 2010. These standards are similar to the Common Core Standards being implemented in a majority of the states across the nation.

The Common Core Standards were developed through collaboration between higher education, individuals from the field, and representatives from state educational agencies from around the nation.

“The standards are designed to be robust and relevant to the real world, reflecting the knowledge and skills that our young people need for success in college and careers. With American students fully prepared for the future, our communities will be best positioned to compete successfully in the global economy.” *Common Core State Standards Initiative*

State Assessments

The ESSA requires the same grade level assessments in both math and reading every year in grades 3-8 and at grade 10 in high school. Science is given every year in grades 4, 7 and grade 11 in high school. The history/government is given every year in grades 6, 8 and grade 11 in high school. Writing assessments are given every year as a multi-disciplinary performance assessment requiring students to write on prompts from varied subject areas in grades 3-8.

Support for Effective Instruction and Leadership

The state has adopted criteria for evaluation that districts must align its evaluation system to by 2014-15. These criteria place an emphasis on conducting evaluation for the purpose of improving instruction and leadership within schools.

The evaluation system that a district utilizes must be based on recognized standards, such as the Interstate Teacher and Assessment Support Consortium (INTASC) standards for teachers, and the Interstate School Leaders Licensure Consortium (ISLLC) standards for building level leaders. The evaluation process must also contain a professional growth structure that supports and provides guidance for professionals to improve their professional abilities.

Another key requirement is that the evaluation system must utilize multiple valid measures and consider student growth as part of the evaluation. Districts must define how student growth is included in the evaluation of teachers and building leaders.

School Improvement Basics: Understanding the Kansas Education Systems Accreditation (KESA)

Beginning with the 2017-18 school year, the State Board adopted a systems approach to accreditation, Kansas Education Systems Accreditation (KESA). This replaces the previous model, Quality Performance Accreditation- in place since 1992- that accredited the individual buildings within the school district.

KESA is designed around the principle that there must be alignment in key parts of the system, to ensure all students are successful. Another core principle of KESA is that improvement is continuous and is only achieved by establishing building level goals, that connect to two district level focus areas adopted by the board of education.

Striving for alignment throughout the system and progress on building level goals connected to district level focus areas drive the improvements that occur within the district over a five-year accreditation cycle. Over the five-year accreditation cycle the district is visited a minimum of three times by an outside visitation team that provides feedback and an objective viewpoint regarding improvement efforts. At the end of five-year cycle the school district submits a report to the Accreditation Review Council (ARC).

The ARC then submits a formal recommendation to the State Board to accredit the school district provided accrediting criteria have been met. The accrediting criteria that a district must meet are aligned to the State Board vision, “Kansas leads the world in the success of each student,” and the definition of a successful high school graduate as adopted by the State Board.

The State Board has identified five outcomes that will be used to measure progress towards achieving the vision that Kansas leads the world in the success of each student:

- Kindergarten readiness
- High school graduation rates
- Individual Plans of Study based on career interests
- Postsecondary attendance/completion
- Social/emotional growth measured locally

The State Board has defined a successful Kansas high school graduate as one 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.

As school boards govern the system, the following principles are applicable regardless of the accountability system used. To begin the process of improvement, schools must, at a minimum, do the following:

- Use clearly defined outcomes for all students.
- Define and develop curriculum content, structure, and articulation (how the curriculum fits together).
- Establish and/or define criterion-referenced measures of student and program successes.

- Organize classroom instruction based on the performance capabilities and learning needs of students.
- Adjust instructional time and learning opportunities to help all students successfully reach outcome goals.
- Formally acknowledge and document student learning and success whenever they occur.
- Modify the instructional program on the basis of documented student learning results and available data on instructional effectiveness.

To support these improvement efforts, schools need to carry out some common-sense steps to make sure everyone agrees on what needs to be done. As they discuss improvement issues with the staff, boards should see the following features are in place:

- A written curriculum approved by the local board aligned to the adopted curriculum by the State Board.
- A curriculum written as a set of measurable objectives.
- Assessments (tests) to measure how well each student is mastering the curriculum.
- Evidence of student mastery is reported to the local board, the State Board, district parents and patrons.
- Weaknesses are identified, honestly discussed and improvement plans are developed by the staff for each school year.
- Improvement plans are discussed with, and approved by, the board and shared with parents and patrons.

The final steps to the school improvement cycle include evaluation, reporting and monitoring. This requires accurate record keeping and the ability to use technology to manage information.

Student evaluation is important to determine gains in student learning. An essential way schools can monitor student progress is by analyzing results of the required state assessments. Monitoring learning may need to go beyond the state assessments, however, and locally designed performance assessments and criterion-referenced tests will be needed.

The Board's Role in School Improvement

How can the board tell if school improvement is happening in all buildings and if there are organized plans to handle the problems each school will have? Since the board should not be involved in daily school operations, it must rely on other methods to answer these questions.

Three effective tools to accomplish this are:

- Written reports showing student achievement data, within the context of districtwide goals, and state defined outcomes.

- Presentations that answer questions and explain programs.
- Evaluations of the superintendent and of the success of the system.

Reports: The State Board controls schools mainly through regulations that have the force of law. KESA regulations still control whether local schools will be Accredited, Conditionally Accredited or Not Accredited. While most of the KESA regulations deal with definitions of terms and how schools will be evaluated and supervised, there are three areas that will be of concern to board members. To find out what is happening in these critical areas, the board should ask for staff reports that address the following questions:

- Is each school demonstrating continuous performance improvements for all student groups on the performance indicators over the five-year accreditation cycle?
- Is each school and the district meeting the success indicators defined within district plans and priorities?
- What local measures have been developed to complement and enhance scores districtwide improvement efforts? How does local data compare with state data? Do local measures tell something state assessment data does not? What special areas are being measured in each of the schools to show evidence of improvement?

Presentations: Presentations by staff and discussions of specific topics or problems in the schools are a second way to get answers to school improvement questions. Staff should provide the board with materials to study in advance. Once presentations have been made, the board should ask questions to clarify important points.

The board should expect and demand an adequate amount of information and specific answers to questions. Answers that “pass the buck” for a decline in scores or performance should not be accepted. It is imperative to identify areas of concern and direct staff to develop appropriate interventions. The board must be patient but persistent.

Evaluations: If reports and presentations satisfy the board’s concerns about teaching and learning in all district schools, this satisfaction should be noted in the superintendent’s latest evaluation. If the board is not satisfied with the results of school improvement, this should also be noted on the evaluation so the superintendent can place more emphasis on school improvement issues. In many districts there will be positive comments about some schools and areas of concerns about others.

Until all the schools have reached a high level of performance for nearly all students, there is work for everyone to do. The board can also direct staff to evaluate the overall effectiveness of the district’s educational program by surveying graduates.

There are other issues involved in school improvement, such as district level improvement/strategic plans, building level school-improvement plans and strategies, staff development issues, working with site councils, building public support, disclosure requirements to the local public and the Kansas State Department of Education and many others. The tools explained here will provide most of the information boards need to supervise school improvement. Boards should seek further information and guidance from the superintendent.

As Kansas continues efforts to implement a performance-based system for evaluating and accrediting schools, each school board has the responsibility to guarantee students' access to safe, educationally sound facilities, adequate equipment and supplies, and a competent instructional and supervisory staff. These features need to be in place, but the real debate about school quality should focus on how to measure and evaluate the most important result of an educational system—demonstrated learning by all students.

The Key Work of School Boards

“The Key Work of School Boards,” revised in 2015 by the National School Boards Association, continues to outline a process for improving student achievement. The five areas identified are critical as boards move from a more traditional oversight role to one where the board actively pursues conditions in the district that will help all students experience success.

The five areas identified are the core skills that effective boards need, to ensure that all students achieve at high levels. Together these skills form a framework for effective school governance. The five areas are not stand-alone benchmarks that can be checked off as each is addressed. They are five parts of the system, with each part linked to the other four in both direct and subtle ways. The five key areas are:

Vision: Effective school boards establish a clear vision with high expectations for quality teaching and learning that supports strong student outcomes.

Accountability: High academic standards, transparency, and accountability undergird a world-class education.

Policy: Policy is how a board sustainably exercises power to serve students. Through policy, school boards establish a set of cohesive guidelines to transform vision into reality.

Community Leadership: Through public advocacy and community engagement, school boards share their concerns and actions with the public.

Board/Superintendent Relationships: Both the school board and the superintendent have essential leadership roles that are interconnected but different.

Section D - Elections

School elections are held to allow the voters of the district to decide questions of fundamental importance. The election of school board members is the first fundamental decision voters must make. Voters also may be asked to decide other questions, such as approving bond issues, capital outlay levies and additional operating expenditures.

School board elections are held the first Tuesday in November of odd-numbered years. These elections are nonpartisan. Except for Ft. Leavenworth USD 207, school boards consist of seven members, each of whose term is four years.

Elections are held in November of odd-numbered years, and alternately three or four of the board member positions are on the ballot at each election unless a vacancy exists in a position that would not otherwise be scheduled for voting that year. This system was devised to create overlapping terms for the board members, allowing for continuity of experience and leadership on the board. A board member's term runs from the second Monday in January following the election until the second Monday in January four years later.

Election Methods

Board member positions of each school district are organized under one of the four following election methods set forth in K.S.A. 72-1089:

- **At-Large:** All seven members may reside anywhere in the school district.
- **Two-District:** The school district is divided into two member districts. Three members of the board must reside in each district. The seventh member is elected at-large and may reside anywhere in the school district.
- **Three-District:** The school district is divided into three member districts. Two members of the board must reside in each district. The seventh member is elected at-large and may reside anywhere in the school district.
- **Six-District:** The school district is divided into six member districts. One member of the board must reside in each district. The seventh member is elected at-large and may reside anywhere in the school district.

If a method other than the at-large method is used, the U.S. Constitution requires substantially equal population in each district under the "one-person, one-vote" principle. State law now requires the board to make changes to the boundaries if the population of a member district is more than 5 percent above or below the mean population of member districts in the school district. K.S.A. 72-1077. The board of education may make changes in district boundaries any time except during the 90-day period preceding a regular school board election. Normally, boundaries should be redrawn every 10 years following the U.S. Census.

The election method or voting plan or both in any school district may be made. A board cannot take any action to change the method of election or voting plan between the first Wednesday in November of each even-numbered year and ending on the first Tuesday in June of each odd-numbered year. K.S.A. 72-1088.

School District Voting Plans

All districts must operate under one of the three voting plans set forth in *K.S.A. 72-1083*.

Plan A: All electors in the school district vote on all positions in both the primary and general election. This is the only plan that can be used with the at-large election method. It may also be used with a district method.

Plan B: In the primary election, electors vote only on positions in the member district they reside in and on the at-large position. In the general election, electors vote on all positions.

Plan C: In both the primary and general election, electors vote only on positions in the member district they reside in and on the at-large position.

As with election methods, the voting plan of a school district can be changed by a vote of the electorate. A change may be proposed either by the school board or by an initiative from the voters. An election and approval by the voters are required. Once again, a board cannot take any action to change the method of election or voting plan between the first Wednesday in November of each even-numbered year through the first Tuesday in June of each odd-numbered year in which there is a board election. *K.S.A. 72-1088*.

Primary Elections

The primary election occurs on the first Tuesday in August when the general election is held. *K.S.A. 25-2006*. The primary election serves to reduce the number of candidates at the general election to two times the number of members to be elected. A primary election must be held:

In a district using the at-large method if there are more than three times as many candidates as there are board members to be elected;

In any member district in which there are more than three candidates for a member position;

In the school district if there are more than three candidates for the at-large position. *K.S.A. 25-2021*.

General Election

The general school election is held the Tuesday following the first Monday in November of each odd-numbered year, usually in conjunction with other local elections. *K.S.A. 25-2006; 25-2010*. It is nonpartisan. Whenever a question is to be submitted to the voters of a school district in addition to the election of board members, a separate ballot must be used. The clerk of the board must certify a list of all board positions to be voted on, any boundary changes of member districts and the voting plan to be used by June 10 of odd-numbered years to the county election officer. The election officer must publish notice of the election. In all but the five largest counties, the election officer is the county clerk. *K.S.A. 25-2018*.

Candidate Filing

A school board candidate must file by noon, June 1 prior to such primary election. A candidate may not withdraw from candidacy after the filing deadline. *K.S.A. 25-2007(c)*.

In a school district using the at-large method, any elector may become a candidate in either of two ways: by filing directly with the election officer a petition for candidacy signed by at least 50 electors residing in the school district, or by filing a declaration of intent and paying a filing fee of twenty dollars. *K.S.A. 25-2020(b)*.

In a school district using the district method, any elector may petition or file the declaration of intent to be a candidate from the member district in which the elector resides. A petition must contain signatures of either 50 or more voters residing in the member district or 10 percent of the resident electors, whichever is less. Candidates for the at-large position may file by filing a declaration of intent and paying a filing fee of twenty dollars or by submitting a petition signed by at least 50 voters residing in the school district. *K.S.A. 25-2020(a)*.

Campaign Finance Reports

Candidates for the school board in districts with student enrollment of 35,000 or more fall under the State Campaign Finance Act. *K.S.A. 25-901*. This currently applies only to Wichita USD 259. Candidates for all other school boards fall under the Local Campaign Finance Act. *K.S.A. 25-904*. This is a state law governing board elections, not a local policy that can be changed by a local board.

If a candidate for school board intends to expend or has expended on his or her behalf a total amount of less than \$1000 and received less than \$1000 in contributions, the candidate must file an affidavit with the county election officer expressing that intention. Unless the candidate receives or expends more than \$1000 per election or receives a contribution of more than \$50 from an individual, no further reporting is required. The affidavit must be filed at least nine days prior to the primary election. If a candidate does not file this affidavit, or if the candidate's actual contributions and expenditures exceed \$1000 for either the primary or general election, the candidate must file, under oath, an itemized statement of all contributions received, expenditures made or obligations incurred by the candidate. If a candidate receives a contribution in excess of \$50 from any individual, the candidate must file an itemized statement that includes the name and address of the contributor and the date and amount of the contribution. An itemized statement of expenditures and obligations incurred is also required.

If no expenditures are made or obligations incurred, the candidate must file a statement to that effect. All reports must be filed with the county election officer within 30 days after each election. If a candidate has not filed the statement within 10 more days, the violation constitutes a misdemeanor, subject to a fine of \$1,000 or less. Also, if the candidate is convicted, he or she is required to vacate the office and is disqualified from holding any public office for two years.

Oath of Office

All board members, whether elected or appointed, must have an oath of office on file with the county election officer before they assume their duties. In most cases the election officer is the county clerk. Elected board members must file their oath within 10 days of certification of the election. Appointed board members must file the oath before they take their seat on the board. In either case, board

members who do not have an oath on file could have their votes declared invalid if the oath is not filed. *K.S.A. 25-2023.*

The statutory form of the oath or affirmation is as follows: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of member of the board of education. So help me God." *K.S.A. 54-106.*

Vacancies on the Board

The board of education has the power of appointment to fill any vacancy on the board resulting, for example, from resignation, death, removal from office or establishment of residence outside the district. An appointee generally serves for the unexpired term of the vacated position. An appointee to a vacancy occurring before May 1 of the second year of the term leaving an expired term of more than two years shall serve until the second Monday in January following the general election.

When a vacancy occurs, the board is directed by law to publish a notice one time in a newspaper of general circulation in the school district, stating the board will fill the vacancy by appointment not sooner than 15 days after the publication. The statute does not specify any time limit for the board to act. Kansas law does not address the time frame in which the board has to fill a vacancy. If the membership of the board falls below four, the clerk of the board must certify that fact to the Governor, who must make appointments to raise the membership to four. Within six months thereafter, the board must fill the remaining vacancies. *K.S.A. 25-2022b.*

Conflict of Interest

Every candidate in school board elections and every appointee must file a written report disclosing all of his or her "substantial interests." These are defined as ownership by the candidate or spouse, or both, within the preceding 12 months of an interest exceeding \$5,000 or 5 percent of any business; or the receipt by them of a salary or other direct or indirect compensation of \$2,000 or more; or goods and services worth \$500 or more in the preceding year from any business; or as the holding of a position as officer, director, associate, partner or proprietor of any business for-profit or not-for-profit. A substantial interest is also created if a client of a business who pays fees or commissions to the business that exceed \$2,000 and if paid to the candidate or spouse, or both, in the preceding year. *K.S.A. 75-4301a.*

School board members (and employees) are prohibited from participating in the making of a contract between the board and any person or business by which they are employed or in which they have a substantial interest. The statute excludes from the term "participating," if a board member abstains "from any action in regard to the contract." The prohibition does not extend to contracts let after bidding pursuant to published notice or contracts for property or services for which the price or rate is fixed by law.

For conflict of interest purposes, the term "business" is not defined to include governmental entities or political subdivisions, including school districts. Additionally, *K.S.A. 72-1137* states "No member of a board of education shall receive compensation from the school district for any work or duties performed by him." Therefore, employees of the school district are prohibited from serving on the local board of education.

Compensation

School board members cannot receive compensation for any work or duties they perform for the district in their official capacity. Board members can, however, be reimbursed for expenses they incur because of their board service.

Recall of Board Members

School board members are subject to recall for a felony conviction, misconduct in office or failure to perform duties prescribed by law. *K.S.A. 25-4302*. The county or district attorney is charged with determining the sufficiency of the grounds stated in a recall petition. A recall election must be held if a petition is filed, signed by a number of registered electors of the election district equal to at least 40 percent of the number of voters in the last general school election and is validated by the county attorney. *K.S.A. 25-4320*.

A recall petition cannot be filed during the first 120 days of a board member's term or during the last 180 days of the term. Only one recall election may be held for any one board member in a single term of office. No recall election may involve more than three board members. *K.S.A. 25-4323*.

Ouster

A board member may be ousted from office pursuant to *K.S.A. 60-1205*. The grounds for ouster are willful misconduct in office, willful neglect to perform a duty prescribed by law, demonstrated mental impairment such that the person lacks capacity to manage the office held, or the commission of any act constituting a crime involving moral turpitude. The county attorney or attorney general can start proceedings to oust a board member with or without a written complaint. In an ouster proceeding, there is no election. A petition is filed in the district court by the county attorney or district attorney. The board member has a right to a full hearing before the court on the application for ouster. The court makes the final determination.

Other Election Issues

General Obligation Bonds: The board of education may submit to the electors the questions of issuing general obligation bonds to raise money to purchase or improve a building site, to acquire, construct, equip, furnish, repair, remodel or add to any building used by the district or to purchase school buses. *K.S.A. 72-5457; 72-53,117*.

Capital Outlay: The board of education may adopt a resolution to levy an annual tax for a period of five years or less for capital outlay funds. The levy must be submitted to the voters for approval if a petition, signed by at least 10 percent of the qualified electors of the district, is filed in opposition. In this case, the board specifies a general or special election at which the question is submitted to the voters. The capital outlay tax levy must be for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishings and equipping of buildings necessary for school district purposes, the acquisition of building sites, undertaking and maintaining asbestos control projects, the acquisition of school buses and other equipment, the acquisition of computer software, performance uniforms, housing and boarding of students, architectural expenses, and acquisition of other fixed assets. *K.S.A. 72-53,113*.

Mail Ballot Elections: School boards may request the county operate a question submitted election by mailing out ballots to all registered voters in the district with a time frame established for those persons to return their ballots. Normally, it is anticipated that mail ballots will increase participation in the election. This method increases and decreases in popularity depending on whether it is perceived to result in a greater or lesser likelihood that the question will be approved. There is usually an additional cost to the district in operating an election this way. *K.S.A. 25-1122.*

Advisory Elections: School boards normally hold question submitted elections to accomplish a purpose; the outcome may be a decision binding on the district or may authorize the board to take an action. The cost of a question submitted election normally argues against using this process as an “opinion poll” of the voters, without either of these outcomes. No specific statute authorizes elections of a purely advisory nature but they are possible in Kansas through “home rule” authority.

Section E: Legal Powers

Specific Powers

The board of education's powers are specifically set forth in Chapter 72 of the Kansas Statutes Annotated. These powers are generally classified into the following three broad categories: executive, sub-legislative and quasi-judicial.

Executive

The executive power of Kansas school districts lies solely with the board of education. Most action that binds or obligates the school district must be approved by the board of education. If the action involves the exercise of discretion, this discretionary authority may not be delegated to any employee of the school district but must be exercised directly and exclusively by the board of education. The board may delegate functions. For example, the board may vote to award a bid to a particular bidder and then authorize the superintendent of schools to take actions to carry out or give legal effect to the board's decision.

Sub-Legislative

Boards of education do not enjoy full legislative power; rather, their legislative power is limited to those areas the Legislature has granted them authority. The adoption of policies is an example of a board's legislative power. Once adopted, board policy has the force and effect of law and the board must obey and follow its own board policy.

Quasi-Judicial

The term "quasi" means "as if, partly," and so the authority of boards of education, in some instances, is classified as quasi-judicial. For example, under the student suspension statute, the student may appeal the findings of a hearing officer to the board of education. When the board of education hears this appeal, it acts in a quasi-judicial capacity. In such a proceeding, the board is expected to hear the evidence submitted and act impartially and objectively in disposing of the appeal.

Similarly, the final disposition of a grievance submitted by an employee may rest with the board of education. If so, the board is expected to act in the same manner as the judge of a court in weighing the evidence and reaching a decision on the appeal. In quasi-judicial proceedings, boards of education are granted absolute immunity from liability. They may conduct such hearings and decide the issues submitted without fear of litigation by the parties involved seeking damages for witnesses' statements or board member questions during the hearing process.

Implied Powers

Some statutes give boards explicit power to take specific action. Sometimes, however, the power is implied. For instance, courts in Kansas have concluded a board's power to fire an employee can "be reasonably implied from its authority to appoint other officers and employees to serve at the pleasure of the board." The Kansas Supreme Court has interpreted these "implied powers" narrowly, particularly where school boards want to take actions that involve the levying of taxes, the creation of debt or the creation of contract obligations.

In 2003, state law was changed to give districts "home-rule authority." It provides that the board may transact all school district business and adopt policies the board deems appropriate to perform its constitutional duty to maintain, develop and operate local schools, but such authority does not relieve boards of compliance with state statutes and does not allow school districts to assume any responsibilities required to be performed by other units of government. Each year the board should renew its home rule authority by passing the appropriate resolution.

Board Authority and Duties

Boards of education exercise powers and duties dramatically different from the rights of an individual citizen. While a private citizen can take any action that is not specifically prohibited by law or that does not interfere with the rights of others, a board of education may take only those actions that are necessary to perform its constitutional duty to maintain, develop and operate schools.

Some statutes are very general, and others are specific. Some outline what a board shall do (mandatory duties), while others describe what a board may do (discretionary duties).

In the area of board operations, statutes require that a board:

- Meet at least once a month,
- Establish a calendar of meetings, and
- Elect a president and vice president at the first meeting in July of each year.

Besides the operational responsibilities mentioned above, Kansas statutes provide specific authority for boards of education to:

- Establish a system of free public education,
- Manage the finances of the school district,
- Operate the buildings,
- Petition for disorganization of the school district, and
- Handle certain personnel matters.

The following is a more detailed explanation of the authority granted to boards of education. This information is not all-inclusive. Rather, it provides an overview of legal requirements for boards of education as well as areas where the law provides boards with discretionary authority.

Finances

The board of education is responsible for the financial management of the school district and has statutory authority to:

- Fix the compensation of school personnel;
- Issue temporary notes.
- Establish petty cash funds;
- Invest funds;
- Provide, by resolution, for deductions for specified purposes from the compensation paid to its employees;
- Purchase certain types of insurance coverage;
- Reimburse board members for their necessary expenses incurred in the performance of their official duties;
- Make a capital outlay levy and issue bonds against future collections of such levy;
- Issue general obligation bonds;
- Levy ad valorem taxes.

In addition to the areas listed above, the board is required to:

- Purchase tax-sheltered annuities upon the request of employees;
- Provide workers compensation insurance;
- Certify the annual budget and tax levy to the county clerk;
- Use sealed bids for construction, reconstruction, remodeling or for the purchase of materials, goods or wares in excess of \$20,000.

School boards also have statutory authority to destroy certain financial records subject to specific limitations, to pay dues to the Kansas Association of School Boards, and to provide legal counsel at district expense for any member of the board or any employee. *See also the Kansas Tort Claims Act.*

District Buildings and Property

K.S.A. 72-3216 gives the board of education authority to hold title to all school buildings and school properties. Under this statute, the board may also open any or all school buildings for community purposes and may adopt rules and regulations governing use of school buildings. The board may acquire and hold land outside the boundaries of the school district and close or change the use of school buildings, with certain limitations.

The board may enter into written contracts for the use of real or personal property and enter into lease-purchase agreements. The board may dispose of school district property in any manner it deems to be in the best interests of the district. See also *K.S.A. 72-1131*.

Personnel Matters

Staff

K.S.A. 72-1132, et seq., gives school boards specific authority to appoint a superintendent, principal, clerk, treasurer and other employees of the school district and to fix their compensation. Other statutes address board responsibility and authority regarding staff evaluations, nonrenewal and termination.

Superintendent: Each school board is required to employ a superintendent who shall “have charge and control of the public schools of the school district, subject to the orders, rules and regulations of the board of education.” *K.S.A. 72-1134b(c)*. *K.S.A. 72-1134b(a)* provides the board of education shall appoint a superintendent for a term of not more than three years.

The power of the superintendent of schools is derived from the “orders, rules and regulations” of the board of education. Therefore, while textbooks commonly refer to the superintendent of schools as the “executive officer of the board,” the superintendent of schools in Kansas is not an “officer,” as that term is used in a legal sense, and the administrative duties that may be delegated to the superintendent are not “executive” in character.

Appointment of Other Personnel: In addition to appointing the superintendent, *K.S.A. 72-1134b(a)* allows the board of education to appoint assistant, deputy or associate superintendents, supervisors, and principals for terms of not more than three years.

The board is also required to appoint a clerk and a treasurer. *K.S.A. 72-6146* allows the board to employ school security officers and designate any one or more school security officers as a campus police officer.

Furthermore, the board may appoint other officers and employees to serve at the pleasure of the board. A board of education can create any new position in the school district. The board may also employ competent teachers for adult basic educational programs.

Personnel Evaluation: The board is responsible for evaluating the superintendent. The board should confine its evaluation to only the superintendent. The responsibility for evaluating other staff is delegated, by statute, to the appropriate administrator. *K.S.A. 72-2411* allows teacher evaluation documents to be released to the board as a whole. The board, as a whole, may review and discuss teacher evaluations in executive session.

K.S.A. 72-2409, requires each school board to adopt a written policy and evaluation procedures for all certified employees. The policy must:

- Include evaluation procedures applicable to all certified employees,
- Require evaluation documents to be in writing, and
- Require evaluation documents and responses to be maintained in a personnel file for at least three years.
- Require employees be evaluated by certain dates in the school year.

Though evaluations must be completed by specified dates each year, the statutes only set the minimum requirements for evaluations. Board policy can allow for more frequent evaluation. However, since teacher evaluation procedures are mandatorily negotiable, the board cannot unilaterally change evaluation procedures for teachers.

Nonrenewal and Termination: The board must give written notice of intent to non-renew teachers on or before the third Friday in May. Legislation passed in 2014 no longer requires written reasons for the nonrenewal of teachers but school boards should always be informed of the reasons in case there is a post nonrenewal legal challenge. The negotiated agreement should always be consulted before any teacher nonrenewal or termination is considered. The board also has the authority to nonrenew administrators' contracts on or before the third Friday in May. *K.S.A. 72-2251.*

Negotiations: Boards are required to comply with the Professional Negotiations Act in recognizing professional employees' organizations and entering into professional negotiations with the teachers' union once a bargaining unit is recognized.

Establishing a System of Free Public Education

The board of education is responsible for establishing a system of free public education for all residents. The board has been granted authority to address issues related to the educational programs, discipline, supplemental programs, admission and fees, special education, records and privacy, safety and health and transportation.

In order to establish a system of free public education for all residents, the Legislature has mandated board actions in certain areas of the educational program, including the requirements to:

- Offer an instructional program that is results-driven and provides for continuous improvement of student achievement;
- Offer certain elementary school subjects, including "reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the State of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the State Board may determine;"
- Offer high school subjects including "a course of instruction concerning the government and institutions of the United States, and particularly of the Constitution of the United States;"
- Maintain, offer and teach kindergarten, grades one through 12 and at least 30 units of instruction for pupils enrolled in grades nine through 12;

- Cause an annual report on the academic achievement testing program to be made and the presentation of such report at a regular board meeting;
- Cause all schools to participate in school accreditation and to evaluate progress;
- Establish site councils to provide advice and counsel to the board in evaluating state, school district and site performance goals and objectives;
- Establish and maintain an in-service education program that meets standards and criteria set by the State Board for certificated personnel of the school district.

Further, the board has the legal authority to:

- Purchase workbooks and materials supplemental to textbooks, specialized clothing and towels for use in physical education, shop and science courses, musical instruments for use in band or orchestra, and materials or supplies consumed in specific courses and to assess and collect fees therefore;
- Enter into interlocal agreements for education services;
- Enter into agreements with post-secondary institutions allowing for concurrent enrollment of students in grades 9 through 12 in classes at such institutions.

Suspension and Expulsion

K.S.A. 72-6114, et seq., authorizes the board of education of any school district to suspend or expel, or by regulation authorize any person to suspend or expel any pupil for certain offenses.

Attendance

Kansas compulsory attendance laws require each board to adopt rules for determining what constitutes a valid excuse for absence from school and determining what constitutes a significant part of a school day. In addition, the board must designate one or more employees to determine the validity of excuses from school and to report children who are not attending school as required by law.

Supplemental Programs

The law allows boards to establish programs to supplement the basic educational program of the district. The board may:

- Enter into agreements with other school districts to provide elementary guidance programs;
- Establish alternative schools;
- Establish mandatory extended school day and summer school programs;
- Establish, conduct, maintain and administer adult basic education programs and to make a levy therefore;
- Conduct driver training courses.

Admission and Fees

A school board has the authority to admit nonresident students and to charge, or not charge tuition, as the board may determine, and to ascertain whether or not students meet the age limitations for enrollment. The board must adopt a policy related to the identification of students and, whenever a child enrolls in the district for the first time, require proof of identity of the child.

The board is required to waive fees for indigent students and to pay tuition for certain vocational students. Fees may be charged for participation in activities, or the use of facilities, materials and equipment, which participation or use is not mandatory but optional to pupils.

A textbook rental fund may be established by the board. The board may also issue no-fund warrants to establish a textbook rental plan. Free textbooks may be provided for student use.

Special Education

Each board must “provide special education services for all exceptional children who are residents of the school district.” This includes both children with disabilities and those who are gifted.

Records and Privacy

School boards must adopt policies to protect the right of privacy of any student, or student and his or her family, regarding personally identifiable records, files and data directly related to such student or pupils. School boards must also follow the provisions of the Kansas Open Records Act and the Kansas Student Data Privacy Act.

Safety and Health

For the purpose of creating safer and more secure schools and to provide a safe and orderly environment conducive to learning, the law requires each board adopt a policy requiring an immediate report to law enforcement and other employees of any behavior covered by the Kansas School Safety and Security Act in accordance with a memorandum of understanding developed by the school district and local law enforcement authorities. Boards may also control traffic and parking on school grounds.

Regarding health, the board is required to:

- Enforce the student immunization and health assessment laws,
- Provide free dental inspections,
- Provide basic hearing screening, and
- Require certification of health from all persons who come in regular contact with students.

Transportation

Generally, transportation must be provided if the residence of the student is more than two and one-half miles from the school building the student attends. The board may have rules governing student conduct while being transported to school. A student's transportation privilege may be revoked or suspended for violation of these rules.

The board may allow school buses to be used for purposes other than pupil transportation but only if the board has a policy authorizing such use. Such use is permissible only when school buses are not being used for regularly required school purposes.

All school buses must conform to uniform safety requirements.

Prohibited Activities

School boards are specifically prohibited from engaging in the following activities:

- A school board member may not receive compensation from the school district for any work or duties performed by that person;
- The board may not appoint a member of the board as superintendent;
- The board may not appoint the superintendent to serve as clerk of the board, or as treasurer, nor may the same person serve as both clerk and treasurer;
- The board may not issue an order for payment of the salary of any certificated employee who does not hold a certificate that is valid in the state of Kansas for the particular kind of work to be performed;
- The board may not enter into any contract as lessor of any school bus;
- The board shall not permit the inculcation of sectarian or religious doctrines;
- The board may not sell any property except through the procedure specified by law;
- The board may not take certain actions classified as "a prohibited practice" under the Professional Negotiations statutes.

The complexity and ever-changing nature of school law suggests local boards should belong to the KASB Legal Assistance Fund and/or employ a board attorney with considerable experience in school law.

Section G: Policy

Policy Authority

The board's authority to adopt policy is not an inherent power but one derived from powers granted by the Legislature. *K.S.A. 72- 1138(e)*. The law provides the board may transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop, and operate local public schools.

This authority is generally referred to as a board's "Home Rule" authority. Such authority does not relieve boards of compliance with state statutes, therefore, a board cannot use Home Rule to circumvent or lessen legal requirements. Although the board's power to adopt policy is extensive, this power is not without limits. Without specific statutory authority to act in an area, or when using "Home Rule" powers would be inappropriate, board attempts to regulate through policy might be beyond the board's authority and therefore void.

The Importance of School Board Policies

Policy development is one of a school board's most important roles. School board policy establishes broad principles and goals to guide the educational program in each community, including board expectations for the instructional program and student achievement.

Written policy ensures continuity, directs the superintendent, informs the public, saves time, and defines the school board's position in managing and operating the school district. In addition, federal and state statutes and regulations require school boards to adopt policies in many areas.

The written policies of a board of education provide both the conceptual and practical framework for administering the school. By adopting and enacting written policies, supplemented with clearly defined rules and regulations, the board of education can significantly influence the quantity and quality of the total educational program of the school district.

Developing and adopting policies is the sole prerogative of the board. A wise board, however, will use the staff and others in the school community to review and discuss draft policies. At times, community and student involvement is also appropriate when developing policy. The administrative staff must develop rules, regulations, and handbooks to implement many board policies. The board must adopt these documents by formal action if they are to have the force and effect of law.

Up-to-date, legal and easy-to-read policies are important for many reasons, including:

- Written policies show everyone the board is running a business-like operation. Written policies inform everyone about how the board intends to operate. Ambiguity, confusion, and trouble are more likely to result when policies are not in writing.

- Written policies give credence to board actions. People tend to respect what is in writing, even though they may not agree with everything in the board's policy manual.
- Written policies establish a legal record. This is especially important for policies required by law.
- Written policies provide for equal treatment.
- Written policies foster stability and continuity. Board and staff members come and go, but the policy manual (kept updated) endures and helps assure smooth transitions when organizational or staff changes occur.
- Written policies give the public a means to evaluate board performance. Publicly pronounced policy statements prove the board is willing to be held accountable for its decisions.
- Written policies contribute to the board's efficiency. Many routine decisions can be incorporated into written policies, thereby freeing up board meeting time for more important matters.
- Written policies help clarify board-superintendent relations and functions. When the board establishes policy guidelines, the superintendent can get on with his or her daily work.
- Written policies can help disarm critics. The accusations of local critics seldom prevail in districts with clear-cut, written policies that reflect thorough research, sound judgment and careful planning.

Policies are District Law

This point – that policies are the district's law – cannot be overemphasized. Kansas courts have adopted the idea of "the law of the district." This doctrine holds board policies, rules, and regulations become law in the particular district, if properly adopted and if the subject matter is something on which the board has the power to act. This means employees, students, and the public are bound by the enactments; it also means the board itself is bound by its adopted policies, regulations, and handbooks.

Before a board acts on any matter, the board should research its own policies to be sure it is acting within the framework established by current policy. If the board fails to follow procedures established in its own policies or to recognize rights granted through policies, rules, and regulations, it may end up on the losing side of an embarrassing, expensive, and time-consuming lawsuit.

Policies and District Handbooks

While any written documentation that establishes rules or expectations can be considered board policy, most boards use two distinct types of documents: policies and handbooks.

Board policies are principles adopted by the board to chart a course of action. They tell what the board wants and, in some cases, why the action must be taken. Properly written policies are broad enough to give administrators general direction and discretion on issues day after day and are narrow enough to provide clear guidance.

Handbooks contain more detailed rules for staff and students. Since the policy book must cover a wide variety of topics, it should contain only details necessary to ensure policies are understood. This tends to

make policies easier to use and can keep them current longer. One way to accomplish this is to put detailed rules and regulations in handbooks for faculty, other staff, students, and parents.

If handbooks are referenced in policy and approved by the board each year, they take on the legal weight of policy. Written evidence that each handbook was received by each student and each staff member is also vital. Board minutes must account for each document adopted by the board to help support policy.

Challenges to Policy

Board policies are usually challenged in one of four ways. Critics will tend to allege one of the following:

Vagueness and Breadth: This is a common pitfall for board policies because boards have been encouraged to develop broad, general policies.

However, if too broad, the policy may fail due to vagueness, i.e., the board policy does not create any standard that can reasonably be followed. This line between broad applicability and the creation of a standard of behavior that is explained in enough detail to be reasonably achieved is a serious matter the board should not take lightly

Constitutionality: The federal courts have greatly expanded the application of the U.S. Constitution, in particular the Bill of Rights, to create rights for students and school employees. The federal courts have also expanded the liability of school districts and of individual school board members through the extension of the Civil Rights Act of 1871 (42 U.S.C.A. §1983).

As a board develops written policies, it is advised to consult legal counsel when it is determined new policies may, in some way, impinge upon various constitutionally guaranteed rights, such as: freedom of religion, freedom of speech, freedom of association, or freedom of the press. Such policies may create the setting for invasion of employees or students' personal privacy.

Arbitrary and Capricious: Since an individual challenging board policies on this basis has a very difficult burden of proof, board policies are seldom set aside for this reason. Generally, the board need only show some rational purpose for the policy unless the policy attempts to regulate a fundamental right or creates unjust classification.

Ultra Vires and Void: Board policies can be found to be outside the board's authority (*ultra vires*) and declared void.

Developing Policy

There are a few important rules of policy-making the board must consider before any policy is adopted. Following the guidelines below will increase the chances board policies will be concise and enforceable statements of what the board wants.

Before the board can decide whether it wants or needs a policy in a given area, the following questions should be answered:

- Would the absence of the policy be a detriment to the district?

- Would adopting a policy solve the short, medium, and long-range problems of the district?
- Would it be better for the board to react to a situation and solve the problem as it arises, hoping the problem will never again arise in the district?
- Will the policy support, enhance, or distract from efforts to increase student achievement?

Defining Terms

One of the principal obstacles to developing a good written policy manual is the failure to provide adequate definitions of terms. The board should exercise great care, particularly when developing rules and regulations, to define terms when a precise meaning is intended.

Delegation

The board must decide, at some point in time, the scope of authority to be held by any one individual. Failure to do so usually results in a poorly run district and poor educational outcomes for students. Decisions should be made at the lowest administrative level possible to ensure proper review by upper level management, including the board. A large turnover in building administration often can be traced to under-delegation of authority and lack of trust. Other manifestations of discontent, such as lack of initiative, indecisiveness, lack of energetic leadership, and procrastination, may also be the result of under-delegation.

Language

Drafting policy language locally is a time-consuming and detailed task. The board should:

- Make sure the language is clear “on its face” and does not require oral explanation.
- Be open to (and welcome) criticism by others of a first draft.
- Use several short sentences rather than one longer, more complex sentence.
- Avoid mysterious legal terms. The people normally working with policy are not lawyers.
- Compare any new language to the rest of the policy to avoid inconsistencies.
- Avoid directly quoting or paraphrasing the law unless it is required.
- Do not repeat language from negotiated agreements in policy. Keep policy and negotiated language in separate binders so they are two distinct documents.
- Avoid the use of restrictive language. Use language that keeps the board’s options open. Do not use or retain language-reducing management rights, options, and flexibility if not required by law or the negotiated agreement.
- Be specific. Avoid ambiguous language. “Should” does not mean “shall.” The former carries with it no authoritative directive, while the latter requires a particular action in each and every circumstance. Words, such as “adequately,” “reasonably,” “fair,” “good taste,” “competent,” and “well-trained,” are subject to interpretation and thus not clear in and of themselves.
- Be careful about the use of words, such as “all,” “without limitation,” and “every.”
- Avoid being overbroad.
- Avoid use of lists, e.g., “The following constitutes valid reasons. . .” or “These behaviors are prohibited.” While lists may seem useful at first, when challenged, they can become problematic. If use of a list is preferred, consider adding language providing flexibility for

broader interpretations in the future, such as, “Prohibited behaviors shall include, but may not be limited to, the following.”

- Delete unnecessary language or philosophical statements. Have as many policies as necessary, but keep each one as short and to the point as possible.
- Do not try to create a perfect world using policy. As a general rule, do not make guarantees that you are not legally obligated to take on or that you do not have sufficient staff, time, resources, or legal authority to enforce. Making unreasonable assurances, although generally done with great intentions, may open the district up for liability.

Legal Review

Legal counsel should evaluate any policy before it is adopted, because the policy may contain illegal material or could possibly violate the constitutional or statutory rights of an individual.

Policy Adoption

Once policies have been developed and discussed, they are placed on the agenda for adoption. After that, the board should ensure the following tasks have been completed.

Assemble and publish all policies in a separate, coded policy manual, clearly distinct from all other documents, such as the negotiated agreement.

Establish a procedure that guarantees paper or electronic access to the policy book and all policy updates, deletions, and revisions is given to each board member and each appropriate staff member. At a minimum, this will mean a copy should be accessible in each building as well as in the district office. Some districts post only one electronic copy of the current policy on their website or using web-based solutions. The clerk, however, should maintain one paper policy book for reference in the district office and should keep old policy in an historical file for future reference.

- Establish a procedure to ensure all appropriate staff are informed annually about all pertinent policies, procedures, and updates.
- Adopt all student, teacher, or administrative handbooks and incorporate them into the manual by reference. Ensure students, staff, parents, and others expected to abide by or to support the rules are informed of their responsibilities.
- Adopt all administrative rules implementing policy to give them the same force and effect as policy. In adopting this procedure, the rules also become the “law of the district” with the same weight as policy.
- Adopt policies and rules pertaining to areas that may occur only infrequently. That is to say, it is better to be prepared in the event of an emergency than to react to a situation after the fact. This procedure eliminates most “crisis” situations.
- Review minutes after each board meeting for policy material, and, if required, draft language and accompanying rationale to present to the board for consideration at the next regular or special board meeting.
- Pass a motion to rescind all of the year’s policy work at the end of the school year. This may be accomplished by passing a resolution/motion during the last board meeting in June or the first board meeting in July. It rescinds “lost” or “hidden” policy/rule statements left in the minutes and long forgotten by everyone. Once this is done, the board should pass another motion to adopt the policies that have been formalized in the board’s policy manual for the coming year.

- Place a draft policy on the board’s agenda for discussion and study at one board meeting (first reading) with the board action taking place at another meeting (second reading). This system works fine in most cases. However, the board should, by policy, reserve the right to waive the procedure outlined above when it sees fit to do so. Do not adopt policies that restrict the board’s ability to adopt new policy or change existing policies, handbooks, or other documents.

If all the procedures noted above are faithfully followed, the only binding policy will be that which is found in the board’s officially adopted, written policy manual. Using these guidelines and adopting an annual cycle for reviewing and adopting policy will enhance board effectiveness and reduce conflict and confusion.

Items to Avoid When Adopting Policy

Unless required by law, it is recommended the board not incorporate matters governed by state law or state administrative regulations in the policy manual.

Review and Monitor

Times, circumstances, staff, the community, and boards change; therefore, the board should periodically review individual policies/rules or entire sections of policies/rules. A periodic review, at least on an annual basis, helps keep the manual up to date. The board should require staff to monitor policies/handbooks and require them to regularly report their opinions to the board. A full review and revision should be conducted every five years or so to ensure all policies are current and legal.

Suggested Coding System for Policy Manuals

KASB recommends policy coding or tracking by letter rather than number. This system represents 13 groups into which policy titles belong. Each section should be prefaced with a table of contents.

The policy sections currently recommended by KASB are:

- School District Organization,
- School Board Operations,
- School Administration,
- Fiscal Management,
- School Business Management,
- Facilities Expansion Programs,
- Personnel,
- Negotiations,
- Instructional Program,
- Students,
- General Public Relations,
- Interorganizational Relations, and
- Relations with Other Education Agencies.

Board Minutes and Policy

Board minutes are required by law and are a valuable resource to document past board actions. If minutes are not properly written, and, if they do not accurately reflect board actions, they can be used against the board. This is particularly true if minutes do not account for all policy changes and if board actions documented in the minutes can be construed as policy statements. To avoid accidentally setting precedent or creating rights for individuals or groups, the board must act annually to rescind all policy statements found in minutes and to readopt the policy book as the only rules pertinent to administer the district for the coming year.

The need for written policies and a system for keeping them up to date and responsive to changing conditions have never been greater. Today, school boards face the conflicting demands of employees, students, community groups, federal and state legislatures, courts at various levels, the State Board, and local taxpayers.

School boards must cope with:

- Increasing pressure to produce and document increasing levels of student achievement,
- Increasing demands for accountability and school reform,
- Changing behavior patterns that can be difficult to accept but legal,
- Profound changes in social patterns and community power structures,
- Growing awareness of individual rights and due process requirements,
- New educational technologies and computer capabilities, and
- An explosion of the available amount of knowledge via web-based searches.

School boards are expected to act as managers of change and diversity and to be guardians of the best of our nation's democratic traditions. These roles often bring conflict into the board room and throughout the district. Good policies cannot eliminate these conflicts and stresses, but they can act to reduce the stress for the board and the administration.

Section H: Board Superintendent Relations

A school board and its superintendent form a leadership team. The success of the team depends on the willingness of the board and superintendent to develop a partnership committed to vision that is clearly communicated into a plan of action for the district. Effective working relationships are most likely to occur when all parties know and agree to accepted ways of working together.

Communication

The superintendent and the board must maintain open lines of communication. It is the duty of the superintendent to keep board members fully informed as to what is going on in the district. It is the duty of the members of the school board to keep the superintendent informed on public opinion and information they glean from their daily contacts.

The board and superintendent need to agree the board has a responsibility and a right to be informed of what is happening in the district. Furthermore, it must be decided how much information the board expects the superintendent to provide, how the information will be provided, the way it will be provided, as well as the time frame in which it should be provided.

In addition, the board and superintendent should agree on how board members and the board as a whole will request information from the superintendent. A general guideline here is to be sure little time is devoted to preparing information for a single board member. Information should be provided to all board members. At a minimum, the board should expect regular reports regarding the educational programs of the district and student performance.

Board members should avoid bypassing the superintendent to get information from other staff members. While a member may, on occasion, discuss issues with other staff members, it is important each member understand these discussions should be limited to information-gathering. Drawing conclusions, promising change and/or making any type of commitment on behalf of the board is inappropriate and will lead to potential conflicts.

How important is communication between the superintendent and the board of education? The answer is that communication is an essential ingredient of good relationships.

Communication is a Process - Not an Event

To maintain a healthy relationship between the board and the superintendent, there must be open, direct and two-way communication. To ensure quality communications, the following questions must be answered:

- What methods will be used to communicate?
- How much about the issues do individual board members and the board as a whole want to know?

When do board members want to hear it?

Board members have a right to be informed about school matters. The superintendent may not know every detail but can obtain the information desired. Whether board members want to know about the student who got suspended - within minutes, at the next BOE meeting, or not at all - should be a decision that's agreed upon with the superintendent.

How will board members communicate with the superintendent and ask for information?

A KU doctoral study of how a superintendent spends his/her time indicated that 82 percent of the time is spent talking with people. This doesn't leave much time during the regular day for study, reading, reflection, or research. This is to acknowledge that superintendents are busy but must always find time to effectively communicate with BOE members.

What is the procedure for board members communicating with administrators other than the superintendent?

Bypassing the superintendent in the communication link can have pitfalls. Some pitfalls that could be present are: the superintendent may not be aware of these contacts, a BOE member may be going to a subordinate for information only the superintendent can provide, BOE member may go to the wrong staff member, a BOE member may go to a subordinate who may knowingly or unknowingly undermine the superintendent, or a subordinate could give a partial or biased view that could confuse.

What is a good rule of thumb regarding board member communication between teachers and classified staff?

Staff will sometimes seek out BOE members to bypass the superintendent in order to further a personal agenda. Other times, staff communication with the BOE is just a natural exchange of "school-related information."

What is an acceptable procedure for board members to communicate with patrons?

Trust is the key to effective communication, and like successful communication, it must be worked at to be accomplished. How can the building blocks of trust, confidence, open communication and respect that are the center of a good working relationship between the superintendent and the board of education be put into place?

Additional Communication Questions to Consider

- How is the superintendent kept in the communication loop when board members communicate with staff and patrons?
- How will the board president communicate with the superintendent?
- Are there times that only the superintendent and the board president will know of an issue?
- What are the circumstances and methods that are agreeable regarding conversations between individual board members and the superintendent?
- Is there ever a time when the superintendent should withhold communications/information from the BOE? The answer is "no" as long as the Family Educational Rights and Privacy Act (FERPA), evaluation and other privacy laws and guidelines are followed.

- Board members' need for information will vary. How should individual communication situation be addressed?

Trust and the Board-Superintendent Relationship

It has been said that being a superintendent can be a lonely job. This is probably because of the dynamics of the relationships the superintendent is engaged in on a daily basis. For example, the superintendent and the board president must consult with each other regularly to ensure smooth operations at board meetings.

However, this relationship may sometimes give the appearance only the president and superintendent have input, and the two are running everything. Being friends with an individual board member on a social level may create difficulties, because the entire board makes decisions regarding the superintendent's job performance and continuing employment.

The key to fostering a good working relationship with the superintendent is to develop trust. This means developing a way of communicating that ensures concerns are addressed openly. The following suggestions may help the board develop a positive working relationship with the superintendent.

Board members should:

- Know their responsibilities and refrain from interfering with the superintendent's responsibilities
- Be prepared and devote the time needed to do a thorough review of information before acting.
- Be careful not to jump to conclusions. Be open-minded.
- Respect the superintendent's preparation and training. After all, the board hired the superintendent to perform the job because of the credentials provided during the selection process.
- Develop and follow clear procedures for handling complaints. Do not become a "complaint department."
- Refrain from making promises outside board meetings or committing the board to certain actions.
- Discuss disagreements in private.
- Abstain from springing surprises on the superintendent or other board members, especially during board meetings.
- Be realistic.

Responsibilities of the Board and the Superintendent

The superintendent is responsible to the board, and the board is responsible to the public for the educational outcomes of the school system. The superintendent should be held responsible for the quality of the instruction and student mastery of the curriculum to the extent that facilities, materials and personnel have been provided by the board.

The board should accept public responsibility for the character of the educational output of the school system insofar as it reflects the philosophy and objectives that have been approved and promulgated by the board. It is critical, however, for the superintendent and the board to work as a team to assure that

student achievement is the focus of the district and continuous improvement becomes the model for school improvement. Teamwork is the key to high performing districts.

The following are specific areas of responsibility related to the educational program, public relations, personnel, students, physical plant and finances:

Educational Program

The board determines broad policies regarding the curriculum and textbook adoption, provides instructional materials and equipment (including technology), evaluates reports related to the instructional program, and directs evaluation and improvement of the educational program.

The superintendent recommends policies regarding the curriculum and develops and administers educational programming.

Public Relations

The board determines policies relating to the program to inform and educate the community about the needs and accomplishments of the schools, fosters community participation in developing a shared vision for the schools, works for proper and adequate state legislation and financial support for schools, and represents the schools at various community functions.

The superintendent recommends policies relating to public relations, organizes and directs a program for keeping the community adequately informed of school developments and accomplishments, interprets the program and activities of the schools before civic groups. He also works with groups interested in the welfare and progress of the schools, makes an annual report on the school program to the board and the community, and uses available services of the media in the execution of a program of information and interpretation.

Personnel

The board determines the general policies of personnel management, including those relating to employment, promotion, dismissal, illness, leaves of absence, in-service training, and retirement, many of which may be subject to negotiations; requires a recommendation from the superintendent before making employment decisions; formulates policies relating to substitute teachers and other substitute employees; and adopts salary schedules and pay scales for all employees.

The superintendent recommends personnel policies for board adoption; recommends candidates for employment, dismissal, promotion, assignment and transfer; executes all personnel policies determined by the board; proposes adequate salary schedules for different classes of employees; assigns substitute teachers and other substitute employees as needed; and administers in-service training programs.

Students

The board determines policies related to students, including discipline, health and safety, instruction, services and admission. The superintendent recommends policies affecting students; administers all schools; directs the instruction, guidance, and discipline of all pupils; develops and directs an adequate system of student records; conducts research to determine achievements and needs of pupils; and reports to the board relative to the effectiveness of student policies.

Physical Plant

The board determines general policies relative to facilities and equipment, including, but not necessarily limited to:

- Providing an adequate physical plant;
- Plans for present and future building need;
- Deciding what construction should be undertaken;
- Selecting and acquiring school sites.
- Employing school architects;
- Approving building plans and awarding contracts for new construction;
- Authorizing all renovation projects;
- Determining maintenance policies;
- Providing for the operation and care of the physical plant;
- Adopting policies relative to the use of school property by outside agencies;
- Recovering damages to school district property.

The superintendent recommends policies relating to district facilities and equipment, including who is responsible to:

- Analyze school plant needs;
- Make reports and specific recommendations to the board;
- Supervise the construction of new facilities;
- Direct and manage the operation and maintenance of all buildings;
- Assign all buildings and maintenance personnel;
- Report on the condition of the physical plant;
- Control the normal use of district property and equipment.

Finances

The board determines the general policies relating to financial and other business matters, and:

- Authorizes the preparation of the annual school budget;
- Approves and adopts the budget in its final form;
- Determines tax levies, etc.

The superintendent recommends policies relating to financial and business operations, and:

- Analyzes and interprets long-range financial needs and proposals;
- Prepares, presents and interprets an annual budget proposal to the board, etc.

Policy

One of the most important responsibilities of all school boards is to adopt policies for the management of the school system. Such policies need to be in written form, organized in a systematic fashion for easy reference and made available to those who are to be governed by them. In this way, board members, employees and the public know what the policies are and they are available for easy reference.

Although the board actually determines policies, the superintendent is responsible for policy recommendations, administration, and implementation.

While it is the responsibility of the board to make policy and the responsibility of the superintendent to carry it out, this process is not always clear. There is no clear-cut line that can be drawn between what is policy-making and what is administration. There is a real need for the board and the superintendent to decide, early in their relationship, what each is to do and lay out processes and procedures, which will lead to proper performance of these duties.

The board and superintendent should schedule policy review sessions on a regular basis throughout the year. This is often done as part of each regular board meeting.

Transaction of Business

A board can transact business only at a legally called regular or special meeting. The superintendent and the board president should prepare a comprehensive tentative agenda for board meetings. The tentative agenda should be distributed to board members prior to the meeting as provided by board policy. The board should have a policy describing the manner in which any board member may request that items be placed on the tentative agenda.

Neither the board nor the superintendent should inject new material into the agenda during a board meeting except under conditions of true emergency. Surprise topics presented at board meetings use precious board time and, without adequate time for research, are not suitable for superintendent recommendation or board action. It is a principle of good relationships that both the board members and the superintendent never surprise one another.

Many boards include an agenda item to allow the public to address the board. Often these presentations are made with the intent of asking the board to take some action. The board should refrain from allowing issues raised in an open forum to be added to the current meeting agenda for board action. Rather, the board president should express the board's appreciation to the presenter(s) for their input and note follow-up will be prepared by the superintendent. This allows the board to consider relevant information before making a decision.

Evaluating the Superintendent

Kansas law requires the evaluation of all certified personnel, including the superintendent of schools. If the superintendent is in the first or second year of employment with the district, evaluations must be completed twice each of those years by the 60th school day of each semester. During the third and fourth years of employment, evaluations must be completed once each year by February 15. Thereafter, the law requires an evaluation only once every three years. However, it is recommended an evaluation be completed at least annually even if the superintendent has been in the district a number of years.

Kansas law does not prescribe a specific form of evaluation. Each board should develop and adopt an evaluation procedure that provides the board with sufficient information to make decisions about the superintendent's performance.

KASB has sample evaluation forms available to help in developing an evaluation tool. A well-developed job description should be the source of the superintendent's evaluation criteria. The evaluation procedure and any changes must be filed with the Kansas State Department of Education.

The evaluation should be conducted with sufficient formality to provide a basis of review should the question arise at a later date about whether the board followed its own procedures.

An opportunity should be provided during the evaluation process for frank and candid interaction between the superintendent and the board. If the board believes the superintendent is not discharging a particular responsibility in an effective manner, it should be discussed with the superintendent at the appropriate time in the evaluation process.

Board member criticisms of the superintendent should not be discussed throughout the community but only with the superintendent.

The following major areas of performance should be considered in the evaluation process:

- Educational leadership,
- Student achievement,
- Financial management,
- Property management,
- Public relations,
- Staff relations/supervision,
- Achievement of personal and professional goals, and
- Relationship with the board and individual board members.

Professional Development

The superintendent and the board need to be involved in programs that are designed to enhance their performance. The board should encourage the superintendent to attend professional meetings related to improving performance in areas of board priority. The superintendent is the instructional leader of the school district. While the superintendent is supported by an efficient leadership team, it is imperative that the superintendent engages in ongoing focused professional development.

Board members should also take advantage of the many opportunities available for learning more about their duties and responsibilities. The key work of school boards is to improve student achievement and to keep current with strategies and techniques to achieve that goal. Both the board and superintendent, as a team, must engage in professional development on a regular basis.

Dismissing the Superintendent

If the board of education should determine the superintendent is not effectively performing duties and responsibilities, and reasonable effort has been made to give the superintendent an opportunity to improve performance, a change in administrative leadership may be necessary. The board should proceed in a manner that creates the least possible disruption in the administration of the school district and in the superintendent's professional career.

Unless the superintendent's performance involves a gross abuse of public trust, the superintendent should be given an opportunity to resign when the evaluation process has been followed and the superintendent has been informed of substandard performance by the board's evaluation. It is important to stress, again, the board should proceed with frankness and honesty in the evaluation procedure. To do so will eliminate many of the problems involved in administrator nonrenewal or dismissal.

If the superintendent is to be dismissed at any time during the term of an existing contract, it is essential certain legal procedures be followed. The advice of a competent attorney should be sought before any board action is taken.

The working relationship between the school board and the superintendent does much to determine the direction and effectiveness of the school system. They must function as a team if the key work of improving student achievement is to occur. As coach John Wooden said in a 1986 Wall Street Journal article, "It is amazing how much can be accomplished if no one cares who gets the credit."

It is inevitable problems will arise that may jeopardize harmonious board-superintendent relationships. When these crises develop, both the board and the superintendent owe it to the students and patrons of the school district to make a reasonable effort to resolve their problems. Failure to do so will usually result in the involvement of the entire community in a conflict from which no one emerges as a winner.

Section I – Superintendent Selection

The most important task the school board does is to select a superintendent to be their partner in leading the district. It is critical that the board works as a team and is willing to commit the necessary time required to find the correct “fit” for the district. It is also important for a board to discuss contract provisions before beginning the search for a new superintendent. Almost 85 percent of the school districts in Kansas have adopted a policy or practice of providing a two- or three-year contract for the superintendent of schools, ordinarily with a provision authorizing annual review and offer of a new contract for a two- or three-year period.

The procedure outlined in the pages that follow, while not applicable in all situations, suggests the blueprint the board of education should follow in selecting a superintendent.

Develop a Process

The board should give careful consideration to its plan of operation before the recruitment and selection process begins. The board may find it advisable to consult with the staff of the Kansas Association of School Boards or other experienced persons to advise the board about procedures that should be used in recruiting a superintendent.

The plan eventually adopted should include:

- A time schedule for opening and closing the search.
- The procedures to be used for receiving and processing applications.
- Experience and background references.
- Educational qualifications.
- A description of the strengths the board wants in the new superintendent.
- The educational degree(s) the board wants the new superintendent to hold.
- The experience the board wants the new superintendent to have.

Internal Candidates

In some districts, boards have policies about internal applications for vacant positions, including the superintendency. If there is a board policy, it should be reviewed. Whether or not there is a policy, the basic options for the board to consider should include but not necessarily be limited to:

- Internal applicants will not be considered.
- Internal applicants will be given first consideration before the board looks outside the district.
- Internal applicants will be considered along with applications originating from outside the school district.

Whatever the board’s approach to this problem, it is wise to decide the matter at the very beginning of the search process. This will reduce or eliminate any confusion about the approach to be taken. Once decided, the procedure should be communicated to the internal candidates.

Make a Public Announcement of the Vacancy

A public announcement will serve as notice for persons desiring to become candidates and will also assure the patrons of the school district the selection process will be conducted in a professional manner.

The method used by most boards in Kansas is the KASB Website, KASB electronic publications and a printed brochure that:

- Announces the vacancy.
- Describes the procedure to be used by the board in filling the vacancy.
- Describes the strengths the board is looking for in the new superintendent.
- Includes items each applicant is required to file to complete the application process.
- Designates a person to whom the application is to be directed.
- Provides general information about the district's budget, buildings, and student population.
- Clarifies candidate training and experience required by the board.
- Clearly states that candidates should not contact individual board members.

Several copies of the announcement should be sent to the universities in the surrounding states that have school administrator preparation programs.

In addition to KASB, the vacancy notice should be listed with the United School Administrators for inclusion in its publication. The wider the circulation of the announcement, the more likely the board is to receive a suitable number of qualified applications for consideration.

If a board chooses to do their own search, the clerk or the board president will usually be designated to receive the applications. Designating one person to serve as the recipient of all application materials will relieve individual board members and staff members from the task of referring applicants to the proper officer. It will also give the prospective candidate notice of the procedures established by the board. If a search firm other than the board is used, the information should be collected by the firm.

Time Schedule

The board should establish and announce the deadline for receiving applications. Should circumstances develop that indicate a need for the board to reopen the process so they may receive additional applications, the board may take action to do so.

The board should also establish and make known the time period for reviewing applications, for interviewing candidates and for making a final decision. Finally, the board should establish the date on or about which it will make its final selection known and the anticipated date the new superintendent will begin the duties of the office.

Educational Qualifications

Over the years, developments in licensing for school administrators have left the board little discretion as to the level of desired educational qualifications. All candidates must have a master's degree with the appropriate hours necessary to qualify for a superintendent's certificate. A majority of school boards do

not specify a degree requirement, although occasionally, it may be noted a doctor's degree in educational administration will be given preference.

Required Experience and Background

The experience requirement is a very important decision and one that should be made with great care. The board must give careful consideration to this decision, if the board requires previous experience as a superintendent of schools some highly qualified potential candidate could be eliminated. To establish this as a hard-and-fast requirement for the position unduly restricts the available supply of candidates and overlooks the real possibilities of candidates with experience as an assistant superintendent, business manager, or as a building-level administrator.

The number of years as a superintendent may not tell the candidate's whole story. A candidate who has had experience at both the elementary and secondary school levels may have a broader understanding than one with a long experience at only one level.

The central office administrative experience of one candidate may be less valuable to the board than experience at the building level of a second candidate. This is particularly true if that building-level experience has included an opportunity to serve on an administrative team where the decision-making process significantly involved all administrators. Careful attention to this requirement will help ensure the selection of a candidate with a broad background in educational administration.

Personal Qualifications

Statements made in recruitment brochures on this matter tend to be excessively optimistic. Personal qualifications could easily be eliminated entirely from the announcement. Personal qualifications may be measured during the interview process.

Local Information

The brochure should give some basic information about the school district, including the enrollment, staff, number of buildings, and location of buildings if in more than one city, assessed valuation, tax levies, bonded indebtedness, total budget, etc.

The cultural, recreational, medical and civic facilities available may be a deciding factor in the candidate's ultimate decision to accept the job. A clear description of the community and its surroundings should be provided. If the school district is not very large, it may be wise to indicate its location with respect to some well-known city or town.

Set Superintendent Employment Conditions

When a person makes a formal application for the position of superintendent, it should be done with the knowledge of his or her present employer. When a board employs a new superintendent, the selection should be based upon the applicant's qualifications to perform the professional duties of the position.

The superintendent should assume the duties of the new position subject to a mutual agreement between the board and the superintendent. The new superintendent should be offered a two- or three-year contract. If his or her services are satisfactory, the contract may annually be renewed for the maximum period.

The news release announcing the appointment of a new superintendent should be made, to the degree possible, at the same time the previous employer announces the resignation. The provisions of the superintendent's contract should not go beyond what was included in the official board action on which it is based.

Secure and Evaluate Credentials

Many school boards limit the written documents reviewed to a letter of application and college credentials. This may be a serious mistake. College credentials rarely include any information except to show the candidate in the most favorable light, and the letter of application may not reveal much except the previous experience and training of the candidate.

Other materials may be more helpful, such as reports prepared on an administrative topic in a school district where the candidate was previously employed, written policies developed by the candidate, board agendas or other documents that give some indication of the candidate's ability to express thoughts in writing. The KASB application includes a writing requirement.

Screening Committee

Boards of education in Kansas have found it helpful to use a professional screening committee to review applicants. The purpose of the screening committee is to recommend candidates for interview, not to make the final selection. The composition of the screening committee depends on the consulting service retained by the board. The KASB process recommends a three person committee for this purpose. The screening committee will often meet with the board to determine the desired superintendent qualifications. Because there is a wide range of expectations on the part of school boards, this step is not a mere formality. Rather, it can be very helpful in producing a match between a candidate and the board.

After the terminal date for receiving the applications, the screening committee should meet in the district to review all applications and identify four to seven candidates for interviews. The screening committee can make telephone calls to clarify information about the candidates, to obtain more complete information than is provided on the credentials and to sort out any apparent conflicts in the information.

The use of a screening committee does not reduce the board's control over the ultimate selection of the superintendent. At all times the board may have access to all of the credentials and other information provided by the candidates. The purpose of the screening process is not to supplant the local board but to enhance the eventual decision by the use of persons with expertise in the superintendent selection process.

Arrange for Personal Interviews

After the screening has reduced the number of applicants to a manageable size, the next step is to arrange for interviewing the candidates. The board often pays the travel expenses and lodging (if needed) of those candidates invited for interviews. Usually, no more than one candidate is interviewed per day. At least three hours should be set aside to conduct a complete and comprehensive interview. Many school boards have found it helpful to plan a portion of the interview around a meal function.

The candidate should be provided with the following information prior to or during the interview:

- Written policies of the board of education.
- Current budget.
- Salary schedule and supporting information.
- Recent financial reports.
- Negotiated agreement in effect.
- Information concerning the community.
- Special laws concerning the school district.
- Teacher and student handbooks.

The board may also want to take the candidate on a tour of the community and schools. This helps candidates make relocation decisions.

A list of interview questions should be prepared in advance. This will help ensure the questioning will proceed in an orderly manner and the same questions are directed to all of the candidates. The KASB model provides sample questions.

Several candidates should be interviewed, even if the first or second candidate interviewed is very impressive, because one or more of the candidates may reject an offer of employment. The board should not discuss the candidates until the last interview has been completed, since discussion of early interviews may bias subsequent interviews.

Make the Final Selection

After the interviews have been concluded, it is necessary to begin the task of identifying a final selection. There is no scientific way to do this. One way to narrow the field is to have each member of the board assign a number from one to five, depending upon the total number of candidates interviewed, rating the candidates according to overall impression. This exercise may help identify one or more of the candidates who did not create a favorable impression during the interview, thus allowing the board to focus on other candidates.

Since selecting the superintendent is a personnel matter as defined in Kansas law, the board may discuss candidates in executive session. There should be sufficient discussion to give each member an opportunity to express an opinion on the candidates. If certain members of the board do not comment at all, it would be appropriate for the board president to encourage them to express themselves fully.

Before a final selection is made, it is also recommended for the board to delegate two of its members to make a visit to the community of the favored candidate. This visit will be expected by most candidates

but should be done discreetly to protect the reputation of any candidates not finally selected. Under some circumstances, the board may need to visit a second district.

One other point that should be mentioned with regard to the entire process is the confidentiality of applications. To the extent possible, candidates will expect board members to regard their applications as confidential. Once the final candidates are identified and the interview has been confirmed, the names will usually be released to the press. Candidates will generally expect to have their references checked if the board is going to seriously consider the applicant.

Boards can expect that the candidate has notified his or her present employer if the candidate reaches the finalist stage and is invited for an interview. As mentioned earlier, the board also should expect all candidates to respect the selection process established by the board and to follow ethical procedures in all contacts with the district.

It is highly advised for the board to sponsor a site visit to the top candidate's current location. The visiting team should contact various groups/individuals, including but not limited to school board members, other school personnel, the news media, the officers of the teachers' association and officers of the parent-teacher association, representative business persons and others to ascertain the stature of the candidate in the community. The visiting team should not be expected the response will be uniform in nature, since each person has a different perspective. But, a picture sometimes emerges that clearly demonstrates the capability of the candidate to serve as an educational leader.

After this step is completed, the board will continue to discuss the candidates until it can achieve a consensus on employing one of them. Sometimes it is impossible to do so, and the board may have to reopen the entire process or, at least, go back to the credentials for a fresh look at candidates rejected in the first screening process.

When an offer has been made and accepted, the board needs to move swiftly to complete the contract. The Kansas Association of School Boards has a sample administrator's contract that may be used as a beginning point for developing a contract suitable for local use. The board's attorney should review the contract, and the board should review the contract to be sure it includes only those elements upon which the board has reached agreement.

All of the elements in the contract should be included in the motion approving the contract unless there are provisions, such as fringe benefits, that are uniformly applicable to all employees that appear elsewhere in board-adopted documents. Because of the Kansas Open Meetings Law, contract provisions are valid only if they are approved in an open meeting, either specifically or by reference to some other document.

[Announce the Board's Decision](#)

As soon as the board has reached its decision and negotiated a written contract with a candidate, it should immediately announce its action. Information regarding the new superintendent should be made available to the news media.

Many districts have found it useful to sponsor a reception to give the school district staff and the public at large an opportunity to become acquainted with the newly appointed superintendent.

Inform All Applicants and Placement Officials

As soon as all of the procedural matters above are completed, the unsuccessful applicants should be notified. This may be done by a memorandum if there is a relatively large number or by individual letters if the number of applicants is manageable. It is recommended the notification to the unsuccessful applicants be mailed on the same day the public announcement is made to avoid premature disclosure of the selection. All of the credentials and information related to the various candidates should be kept on file for an appropriate length of time, usually six months, then should be destroyed or returned to the universities.

Conclusion

Boards of education have a tremendous responsibility in selecting a superintendent of schools. The possible outcomes of wise school board action are twofold.

First, the board of education, in the proper exercise of this responsibility, will have exerted its best efforts toward the successful administration of the school system and thereby fulfilled its obligation to its community.

Second, and perhaps equally important in the long run, the board will have made a contribution to the improvement of the profession of school administration and ultimately to the improvement of the entire educational program of the state of Kansas.

Section J - Budget

Editor's Note: School finance in Kansas is undergoing significant modification. Budget information and the status of pending litigation will be developed as addendums to this publication (March 2018).