KANSAS STATE BOARD OF EDUCATION

Notice of Public Hearing on Proposed Administrative Regulation

June 12, 2014

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m., or as soon thereafter as possible, on Tuesday, September 16, 2014, in the Board Room of the Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas, to consider the adoption of a proposed rule and regulation of the Kansas State Board of Education on a permanent basis.

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

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

A summary of the proposed regulation and its economic impact follows.

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

K.A.R. 91-1-214

This regulation requires all applicants for renewal of a teaching license to submit a set of fingerprints. Since 2002, all applicants for a new license or renewal of an expired license have been required to submit fingerprints for background information from both the Kansas Bureau of Investigation and the Federal Bureau of Investigation. The amended regulation will require, in addition to all applicants for a new license or renewal of an expired license, all applicants to submit fingerprints to renew their license if they have not previous submitted fingerprints to the Kansas State Board of Education. Adoption of this amendment will only economically impact

currently licensed teachers when they apply for renewal of a currently valid license. Those teachers will pay a $50 fingerprinting fee payable to the Kansas State Department of Education when they submit their fingerprints for a criminal history check. Adoption of this regulation will have minimal economic impact on school districts, if any, because it is anticipated that teachers will pay their own licensure fees.

91-1-214. Criminal history records check. (a) Each person ~~making initial application for a Kansas certificate or license or for renewal of an expired certificate or license~~ submitting any of the following shall also submit, at the time of the application, a complete set of legible fingerprints of the person taken by a qualified law enforcement agency or properly trained school personnel:

(1) An initial application for a Kansas certificate or license;

(2) an application for renewal of an expired Kansas certificate or license; or

(3) an application for renewal of a valid Kansas certificate or license, if the person has never submitted fingerprints as part of any previous application for a Kansas certificate or license issued by the state board.

Fingerprints submitted pursuant to this regulation shall be released by the Kansas state department of education to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation. A list of those applicants who are required to submit fingerprints at the time of license or certificate renewal shall be maintained by the Kansas state department of education.

(b) Each applicant shall pay the appropriate fee for the criminal history records check, to be determined on an annual basis.

(c) In addition to any other requirements established by regulation for the issuance of any certificate or license specified in subsection (a), the submittal of fingerprints shall be a prerequisite to the issuance of any certificate or license by the state board. ~~Any~~ A

person ~~making~~ submitting an application who does not comply with ~~the provisions of~~ this regulation shall not be issued a certificate or license. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 13, 2002; amended P- _____.)

KANSAS STATE BOARD OF EDUCATION
ECONOMIC IMPACT STATEMENT
K.A.R. 91-1-214

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 91-1-214 is an amended regulation that requires all applicants for renewal of a teaching license to submit a set of fingerprints. Since 2002, all applicants for a new license or renewal of an expired license have been required to submit fingerprints for background information from both the Kansas Bureau of Investigation (K.B.I.) and the Federal Bureau of Investigation (F.B.I.). The amended regulation will require, in addition to all applicants for a new license or renewal of an expired license, all applicants to submit fingerprints to renew their license if they have not previous submitted fingerprints to the Kansas State Board of Education (Board).

II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

The proposed regulation is not required by either state or federal law.

III. Anticipated Economic Impact upon the Kansas State Board of Education.

The amendment to K.A.R. 91-1-214 is expected to increase the number of criminal history records to be reviewed by Kansas State Department of Education (KSDE) staff. KSDE anticipates reviewing 33,000 additional criminal history records over the next five years. Costs to the Board include the staff time spent in reviewing these records. The additional criminal history reviews can be handled with existing staff.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The amendment to K.A.R. 91-1-214 is expected to only impact approximately 33,000 currently licensed teachers. That is the number of licensees for which KSDE does not have fingerprints. Those licenses would be up for renewal within the next five years. The Board would remit approximately $1,650,000 (33,000 license renewals x $50 KBI fee) from the agency's Service Clearing Fund to the KBI over the next five years. The expenditures would be generated from a corresponding fee assessed to applicants. Each applicant required to submit fingerprints would pay the $50 fee.

V. Anticipated Economic Impact upon School Districts, Following Consultation with the Kansas Association of School Boards.

Adoption of this regulation is anticipated to have no economic impact upon school districts.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board does not believe there are less costly or less intrusive means for achieving the stated purpose of amending K.A.R. 91-1-214. The Board has considered requiring fingerprinting every time a licensee applies for a new license even if the Board already has them on file with the K.B.I. That was rejected as being too costly for both the licensees and the Board because there is no reason to collect fingerprints once they are on file with the K.B.I. The Board has been relying on reports from local school districts, local law enforcement agencies, and the media for information about licensee criminal conduct. However, none of those less costly methods provided information about the licensee's criminal history.