

Kansas Administrative Regulations

State Department of Education

Article 22.—Professional Practices Commission

91-22-5a. Complaints.

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

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

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

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

(c) A complaint that does not state a good faith or prima facie case shall be tabled by the commission. The complainant shall be notified in writing of the action and shall be permitted to withdraw or amend the complaint. If the complainant decides to file an amended complaint, that complaint shall be filed within 10 days after service of the notice of action by the commission.

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

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

(f) Any complainant who is found by the commission to have been maliciously motivated in filing a complaint or to have acted fraudulently may be disciplined by the state board by public censure or by the suspension, cancellation, or revocation of the complainant's license.

(Authorized by article 6, section 2 of the Kansas Constitution; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-2314; effective May 1, 1979; amended May 19, 2000; amended April 12, 2024.)

***** Authenticated Kansas Administrative Regulation *****