

Kansas Administrative Regulations

State Department of Education

Article 16.—Vocational Education

91-16-5. Hearing.

The state board, or hearing officer, shall conduct the hearing of appellant's appeal according to the provisions of the notice of hearing and this regulation. Two or more appeals involving the same local board and similar sets of facts and circumstances may be consolidated for hearing purposes. Immediately prior to the commencement of the hearing the members of the state board, or hearing officer, may examine the separate instruments, defenses, replies, or statements, if any, of the appellant, the local board denying appellant's application, or other interested parties, which set forth the reasons why the application of the appellant should, or should not, be approved. Upon commencement of the hearing, the appellant shall be permitted to make an opening statement and present any witnesses, documents, or other evidence he or she might have, and in general, present his or her case. Thereafter, the representative of the local board denying appellant's application may make an opening statement and present any witnesses, or documents, or other evidence, he or she might have, and, in general, present the local board's case. Thereafter, any other interested party or parties, upon receiving recognition by the state board, or hearing officer, may present any evidence and statements they have that are relevant to the appeal. The appellant, the representative of the local board denying appellant's application, and other parties of interest, in their turn may examine any witnesses and documents in evidence. Members of the state board, or hearing officer, may from time to time during the hearing also question any of the parties and witnesses used in the hearing, and examine any documents that may be offered. All documents, instruments, and other tangible evidence shall have been on file with the state board prior to the hearing as provided by K.A.R. 91-16-1 and K.A.R. 91-16-3. The hearing shall be of an informal and nonadversary nature with no oath-taking required. If the facts warrant, the hearing may be continued one (1) time only to a specific date and time at which the hearing of the

appeal shall be completed. Each interested party shall be allowed a period of time of not to exceed one (1) hour in which to present his or her side of the case, unless the state board, or hearing officer, in the interest of justice grants lesser or additional time.

(Authorized by K.S.A. 72-4418; effective, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended, E-71-17, April 5, 1971; amended Jan. 1, 1972; amended May 1, 1979; amended May 1, 1980.)

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