

72-5430a. Prohibited practices, determination of existence; procedure; hearing. (a) Any controversy concerning prohibited practices may be submitted to the secretary. Proceedings against the party alleged to have committed a prohibited practice shall be commenced within six months of the date of the alleged practice by service upon it by the secretary of a written notice, together with a copy of the charges. The accused party shall have 20 days within which to serve a written answer to the charges, unless the secretary determines an emergency exists and requires the accused party to serve a written answer to the charges within 24 hours of receipt. Hearings on prohibited practices shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If the board determines an emergency exists, the board shall follow the procedures contained in K.S.A. 77-536, and amendments thereto. A strike or lockout shall be construed to be an emergency.

(b) The secretary shall either dismiss the complaint or determine that a prohibited practice has been or is being committed, and shall enter a final order granting or denying in whole or in part the relief sought. Any action of the secretary pursuant to this subsection is subject to review and enforcement in accordance with the Kansas judicial review act. Venue of the action for review is the judicial district where the principal offices of the pertinent board of education are located.

The action for review shall be by trial de novo with or without a jury in accordance with the provisions of K.S.A. 60-238, and amendments thereto, and the court may, in its discretion, permit any party or the secretary to submit additional evidence on any issue. The action for review shall be heard and determined by the court as expeditiously as possible.

(c) If there is an alleged violation of either subsection (b)(8) or (c)(5) of K.S.A. 72-5430, and amendments thereto, the aggrieved party or the secretary is authorized to seek relief in district court.

History: L. 1980, ch. 220, § 13; L. 1986, ch. 318, § 130; L. 1988, ch. 356, § 279; L. 2010, ch. 17, § 178; July 1.