

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Vice Chairman John Vratil at 1:35 p.m. on February 20, 2008, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Carol Toland, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Matt Todd, Revisor of Statutes Office
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator Marci Francisco
Representative Pat Colloton
Kim Morrissey, physical education teacher
Tom Krebs, Kansas Association of School Boards
Mark Desetti, Kansas National Education Association

SB 528 – School districts; healthy weight education programs

Senator Marci Francisco testified in support of **SB 528**. She noted that, as a member of the Legislative Education Planning Committee, she heard testimony regarding the growing incidence and corresponding concern with childhood obesity. She urged the Committee to support the bill because it would establish a program for incentives for schools to develop and evaluate local programs to help middle school students maintain a healthy weight. (Attachment 1)

Representative Pat Colloton testified in support of **SB 528**. She explained that the bill provides a grant program for middle school fitness and healthy weight education to be administered by the Department of Education and provided to local school districts for the professional development of teachers and the purchase of materials relating to fitness education. She noted that the bill would be especially helpful for small school districts that currently do not receive federal funds for fitness and healthy weight education. (Attachment 2) In answer to questions concerning the cost for the program, she explained that \$500,000.00 was requested for a grant program to be developed and administered by the wellness section of the Department of Education.

Kim Morrissey testified in support of **SB 528** as a parent and as an elementary physical education teacher in Wichita. She noted that the Center for Disease Control reported that overweight adolescents have a 70 percent chance of becoming overweight adults, thus increasing their risk for chronic disease, disability, and death. She informed the Committee that, when students in the elementary and middle schools in Wichita were tested for fitness, the elementary students scored significantly higher than the middle school students. She urged the Committee to support the bill because it would offer all Kansas school districts an opportunity to provide programs that would have an impact on adolescents not only with regard to weight management but also with regard to academic success. (Attachment 3) In response to questions from the Committee regarding funding for school fitness programs, she said Wichita public schools had received a three-year grant totaling \$1.3 million.

Tom Krebs, Kansas Association of School Boards, testified in support of **SB 528**. He explained that KASB supports the bill because it works well within the parameters that KASB members have developed. The language is permissive, not mandatory. Additionally, the block grant approach is a complementary financial route in that the districts that envision improved health programs can develop a budget that supports the program. In his opinion, this kind of incentive will motivate districts to work hard to develop plans that are effective and fit the community the district serves. (Attachment 4)

Mark Desetti, Kansas National Education Association, testified in support of **SB 528**. He commented that the bill was not a solution to the obesity problem, because schools cannot solve the problem alone. He observed that obesity is related to the mushrooming of the fast food industry, the vast array of sedentary options that lure children out of the yard and into a chair, and reduced physical education classes due to more emphasis on academics. KNEA supports the bill because it is not a mandate to squeeze one more class into

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:35 p.m. on February 20, 2008, in Room 123-S of the Capitol.

the schedule. Instead, the bill encourages schools to develop programs that address these issues in ways that work for the individual school. (Attachment 5) With regard to funding for the fitness grant program, Mr. Desetti commented that a grant program allows some places to take advantage of the grant, create programs, and learn things that can then be replicated at a lower cost in other places.

Senator Schodorf called attention to written testimony in support of **SB 528** submitted by Linda DeCoursey, Senior Advocacy Director – Kansas, American Heart Association. (Attachment 6)

Senator Schodorf opened a discussion on a previously heard bill – **SB 492** concerning DUI offenses relating to the issuance or non-renewal of teachers' licences.

Theresa Kiernan, Revisor of Statutes Office, distributed copies "Reports of Standing Committees" which showed proposed amendments to **SB 492** as suggested by Senator Vratil at the hearing on the bill. The first amendment would strike lines 14 through 43 in Section 1 on page one and insert a specific list of convictions which would prevent the Board of Education from issuing or renewing a teacher's licence. Another amendment would insert the following language in subsection (b) on page 1, line 27, after "who": "has been convicted of, or has entered into a criminal diversion agreement after having been charged with:". Lines 28 through 43 on page one and lines 1 through 8 on page 2 following the inserted language would be stricken, and current law concerning a five-year ban would be inserted. (Attachment 7)

Senator Vratil clarified that the bill would eliminate from the list of banned offenses first and second DUI misdemeanor offenses. The bill moves the third, fourth, and subsequent DUI offenses over to the list shown on the second page of the handout where one can get a teacher's license five years after the offense. He noted that the bill was redrafted to list the crimes that will result in a lifetime ban from a teaching licence and to list what crimes will result in a five-year ban. In summary, he said that subsection (a) lists the offenses resulting in the lifetime ban, and subsection (b) lists the offenses resulting in the five-year ban.

Senator Allen moved to amend to **SB 492** as proposed, seconded by Senator Vratil. The motion carried.

Senator Allen moved to recommend **SB 492** favorably for passage as amended, seconded by Senator Lee. The motion carried.

The meeting was adjourned at 2:25 p.m.

The next meeting is scheduled for February 21, 2008.

SENATE EDUCATION COMMITTEE
GUEST LIST

DATE: February 20, 2008

| NAME | REPRESENTING |
|-------------------|-------------------------|
| Pengyan Cusimano | KHPA |
| Jane Montanaro | at KNASW |
| Jaime Turner | KNASW |
| marci francisco | Senator... |
| Joyce Ray | KNASW |
| Mark Desetti | KNEA |
| Pamela Torgerson | KNEA |
| Charissa Castillo | Washburn University |
| Krystal Rhodes | University of Kansas |
| Elizabeth Lindner | KU |
| Stianne Wike | KS Action for Children |
| Hany George | Olathe District Schools |
| Austin Hayden | Hein Law Firm |
| Effie Swanson | Sen. D. Schmidt |
| Stuart Little | Shawnee Mission SIZ |
| Tara Hacker | KHPA |
| Katie Fritchbaugh | Keamey & Associates |
| Val DeFever | SQE |
| Mary Kirkbride | KNEA |

SENATE EDUCATION COMMITTEE
GUEST LIST

DATE: February 20, 2008

| NAME | REPRESENTING |
|--------------------|-------------------------|
| Dave Kirkbride | KNEA |
| Debra Helberg | KNBA |
| Charles Corley | KNEA |
| Melanie Warddy | University of Kansas |
| Molly Manger | University of Kansas |
| Katie Shapiro | University of Kansas |
| Kathryn Jayne | University of Kansas |
| Candace Ayars | Kansas Health Institute |
| John Rule | Kansas Health Institute |
| Jodi Mackey | Ks Dept of Education |
| Pam Lawrence | University of Kansas |
| Antwan Winkfield | University of Kansas |
| Amy Johnson | University of Kansas |
| Natalie Rand | University of Kansas |
| KIM MORRISSEY | KASPERD |
| Alison Knuedler | Student |
| Elizabeth Knuedler | Student |
| Tom KREBS | KASB |
| | |

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

MARCI FRANCISCO
SENATOR, 2ND DISTRICT

DURING SESSION
STATE CAPITOL — 422S
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COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER
AGRICULTURE
NATURAL RESOURCES
MEMBER
UTILITIES
FEDERAL AND STATE AFFAIRS
MEMBER, JOINT COMMITTEE
ARTS AND CULTURAL RESOURCES
LEGISLATIVE EDUCATIONAL PLANNING

20 February 2008

Chairperson Schodorf and Honorable Members of the Senate Education Committee:

Thank you for the opportunity to appear in front of you in support of SB 528.

As a member of the Legislative Education Planning Committee, I, along with many of you, heard testimony regarding the growing incidence and corresponding concern with childhood obesity. There are a variety of issues asking for our attention. I hope our concern with the increasing incidence of obesity among our children is one do we choose to address.

I believe that the most important thing we could do as a legislature would be to increase state support for our school lunch program. Along with that, I do support the opportunity provided in this bill to establish a program for incentives for our schools to develop and evaluate local programs to help our middle school students arrive at and maintain a healthy weight.

Thank you for your consideration.

marci francisco
Senator Marci Francisco

*Senate Education Committee
2-20-08
Attachment 1*

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL, ROOM 310-S
TOPEKA, KANSAS 66612
(785) 296-7631
colloton@house.state.ks.us

COMMITTEE ASSIGNMENTS
EDUCATION
VETERANS, MILITARY AND HOMELAND SECURITY
JUDICIARY



2513 W. 118TH STREET
LEAWOOD, KANSAS 66211
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PAT COLLOTON
28TH DISTRICT

Senate Education Committee
SB 528
February 19, 2008

Dear Chairman Schodorf and Committee Members:

SB528 (formerly HB 2607) was recommended for your consideration by the LEPC (Legislative Education Planning Committee). The bill addresses the specific problem of the increasing obesity in our middle school students. The bill provides a grant program for middle school fitness and healthy weight education to be administered by the Department of Education and provided to local school districts for the professional development of teachers and the purchase of materials relating to fitness education.

Under the federal PEP (Physical Education Program) grants several large school districts have been receiving federal funds for fitness and healthy weight education. Several other large school districts have undertaken these programs as well. The bill establishes a grant program that would allow other school districts in the state and particularly the small school districts to get the training for their staff and the basic equipment that is used in fitness and healthy weight training.

The Director of Health for Kansas, Dr. Howard Rodenberg, provided the following testimony when this bill was heard last fall.

“Childhood and adult obesity represent major health problems in Kansas. Obesity represents the second leading cause of preventable death in our state, claiming the lives of over 3,700 Kansans each year. Obesity is associated with diabetes, heart disease, strokes, blindness, loss of limbs, sleep apnea, and other clinical conditions. People who are obese may have lower productivity at work, incur increased health care costs, and suffer from a lower overall quality of life.

Obesity in Kansas is not a static problem, but one that shows every sign of having a larger impact upon the health of the state. As we talk today, over 61% of adults in the state are overweight or obese; 24% are in the obese category (Kansas BRFSS, 2005). In real terms, this equates to over 1.6 million Kansans that are overweight; nearly 650,000 of them are obese.

*Senate Education Committee
12-20-08
Attachment 2*

The deaths and disability from this group of individuals will only serve to increase the effect obesity has on the health of Kansas in the immediate future. But what is of even greater concern, and is appropriately the focus of this committee, is childhood obesity. Rates of obese children have tripled in the past two decades, and today over a quarter of all Kansas high schoolers (over 50,000) are overweight or obese (Kansas YRBS, 2005). In younger children in grades K-5, rates of overweight and obesity top 50% (KCHAMP 2005). Similar trends are observed in the Kansas WIC population, where 12.5% of children under 5 years old were found to be overweight or obese (>85th percentile).

Co-morbidities such as high triglycerides, elevated cholesterol, and high blood pressure are already seen in overweight youth, and pediatricians across the state and the nation are seeing children with “adult” chronic illnesses such as cardiovascular disease and Type II diabetes. Moreover, obesity is not a “phase;” obesity persists into adulthood for 70% of obese adolescents. The end result is that as smoking rates decline, obesity will become the top cause of preventable death in Kansas, and the generation after us may be the first in modern times to have a shorter life expectancy than their parents.

Childhood obesity has effects other than those related to clinical disease. There is a clear association between obesity and low self-esteem, especially in adolescents. Studies have shown that children express negative attitudes toward their obese peers as early as kindergarten, and that they prefer a playmate who is bound to a wheelchair or disabled by a major physical handicap to one who is obese. Furthermore, adolescents with low self-esteem are likely to report increased levels of loneliness, sadness, and nervousness and are more likely to smoke and drink alcohol.

Other impacts of childhood obesity are obvious when comparing fitness levels and weight status of students against their academic performance. Research indicates that aerobic endurance, a result of being more physically active, is positively associated with academic test scores – particularly in math (Buzby, Guthrie, & Kantor, 2003). The California State Department of Education found that in all grade levels, higher achievement was associated with higher fitness levels (December, 2002). Additionally, studies have shown that overweight kindergartners had significantly lower math and reading test scores at the beginning of the year than do their non-overweight peers, and that these lower scores continued into first grade (National Institute Health Care Management Foundation, 2004).

The costs of obesity in Kansas are immense. Currently, the estimated cost of medical expenditures attributable to obesity in Kansas is over \$650 million each year. (Finkelstein E.A., et al. 2004). \$143 million was paid out by Medicaid and \$138 million was paid out by Medicare (1998) on obesity related medical expenditures. If this trend continues, by 2020 one in every four dollars spent on health care will go to pay for obesity-related treatment. Total US health care costs are expected to reach \$3.87 trillion by 2015; unless current trends change, nearly \$1 trillion dollars will be spent nationally every year to treat obesity related disease. Kansas would prove no exception.”

This is bill provides one option for schools to include fitness and healthy weight education in their schools. We should adopt SB 528 for the health of the children of Kansas.

Respectfully submitted,

Pat Colloton

Pat Colloton

Senate Educational Committee

February 20, 2008

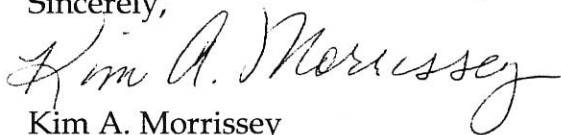
Dear Committee,

Obesity has rapidly become one of our nation's biggest health problems. The Center for Disease Control reports that overweight adolescents have a 70 percent chance of becoming overweight adults, thus increasing their risk for chronic disease, disability and death. Unless we do something soon, many of our children won't live to see old age. I have come to encourage you to support Senate Bill #528. The bill offers school districts an opportunity to provide programs that can impact our adolescents. As a parent, grandparent and teacher, I feel that this it is imperative that we address this issue immediately. My own grandchildren who are part of the future, their lives will be affected by our actions.

Fitness testing of elementary and middle school students in Wichita Public schools proves how important it is to provide appropriate health education to our students. The district's data suggests that our elementary students scored significantly higher than the middle school students. Over 75 percent of the elementary students tested, scored in the Healthy Fitness Zone (HFZ). One example of the seriousness of this epidemic was the scores for the Pacer test. The Pacer test measures cardiovascular fitness. Eighty percent of the elementary students scored in the HFZ whereas less than 50 percent of the middle school students reached the HFZ goal.

Recent information published in Education Week magazine provides additional support that not only does increased physical activity help with weight management but studies show that there is significant academic success as well. Support of this bill would establish an opportunity for a school district to provide resources for professional development, educational tools and the purchase of equipment that will address the benefits of achieving and maintaining a healthy lifestyle.

Sincerely,



Kim A. Morrissey
Legislative Liaison KAHPERD
Physical Education Teacher

Senate Education Committee
2-20-08
Attachment 3

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony before the
Senate Education Committee

on
SB 528

by

Tom Krebs, Governmental Relations Specialist
Kansas Association of School Boards

February 20, 2008

Madam Chair, Members of the Committee:

Thank you for this opportunity to appear on behalf of **SB 528**. Our members are acutely aware good health is an essential building block for academic success. We believe this bill addresses the issue of improving student health in a manner that is consistent with several of our expressed policy positions.

From a broad perspective, KASB believes whenever costs are incurred by local school districts that can be attributed to actions of any agency acting under state authority, those costs should be reimbursed to the school district by the State of Kansas. New curriculum and program requirements should not be imposed unless the change has received an independent cost study and additional funding is provided by the state or the change endorsed by KASB. From a more narrow perspective, our members believe student wellness and nutrition policies should be determined locally in compliance with federal regulations under the national student meals program. KASB supports state assistance in promoting student health rather than additional state regulations.

This bill works well within the parameters our members have developed. First, all of the language is permissive, not mandatory. That allows districts to match their community values with the health initiatives they choose to pursue. The block grant approach is a complementary financial route in that the districts that envision improved health programs, work to turn them into ones that can be implemented, and can develop a budget that supports the program would have the opportunity to generate a funding stream. That kind of incentive will motivate districts to work hard to develop plans that are effective and fit the community the district serves.

Thank you for your consideration.

*Senate Education Committee
2-20-08
Attachment 4*



Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti, Testimony
Senate Education Committee
February 20, 2008

Senate Bill 528

Madame Chair, members of the committee, thank you for the opportunity to come before you to share our thoughts on **Senate Bill 528**.

There have been a number of bills to address the so-called "obesity epidemic" over the past few years. Some of them represented significant unfunded mandates while others were in need of amendments to clarify some of the requirements. We have come before the education committees in opposition to some, neutral on others.

Today we come in support of **SB 528**.

This bill is not the solution to the obesity problem. I hope you will remember that, while schools have a role to play, schools alone cannot solve this problem. The problem comes in many forms. It is the change from a standard 10-ounce pop in the 1960's to a 44-ounce cup today. It is the mushrooming of the fast food industry. There are at least six fast food outlets within easy reach of my daughter's high school. It is the loss of the family dinner in favor of more restaurant dining. It is the vast array of sedentary options – video games, DVD's, internet surfing – that lure our children out of the yard and into a chair.

Some will also say it is the loss of PE in our schools. Certainly PE has been reduced. But it has been reduced as policy makers have told schools to put more emphasis on academics and increased academic graduation requirements. There can be only so many requirements shoehorned into the high school program.

SB 528 represents the first significant step in defining the role of the schools. It tackles the issues of body image, body weight, and body mass at the age when they become the most problematic – the middle school.

The bill is not a mandate to squeeze one more class into the schedule. Instead it encourages schools to develop programs to address these issues in ways that work for the individual school.

Finally, I would suggest that there is much more to addressing obesity than PE or healthy weight education programs or collecting and reporting student body mass index information. Government, schools, business, and parents all have responsibilities in this battle. How the government handles health care issues, how businesses promote healthy lifestyle choices, how the hospitality industry prepares and serves food, and how parents feed their children are all part of the solution.

Until we are all committed to solving the issue, we will not have a major impact on the problem.



Learn and Livesm

Midwest Affiliate

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin and two counties in Kentucky

February 20, 2008

TO: The Honorable Jean Schodorf and Members of the Senate Committee on Education
FROM: Linda J. De Coursey, Advocacy Director - Kansas
RE: SB 528 - relating to school districts; and to healthy weight education programs

Senator Schodorf and members of the committee:

I am writing on behalf of the American Heart Association. We have been drawing attention to obesity prevention legislation at both the national and state level stating that... Kansas Congressional delegation... Kansas Legislators we have a problem!

More than 9.2 million children and adolescents (ages 6-19) are considered overweight or obese. Overweight adolescents have a 70% chance of being overweight adults. Factors that are linked to an increased risk of being overweight or obese include physical inactivity, poor nutrition and time spent watching television. Each of these behaviors can be addressed with specific measures that acknowledge the obstacles to good health and work to overcome them.

Disquieting trends in American society, such as increased "screen time" and decreased reliance on being physically active indicate that schools quite possibly would be the societal leaders in address this enormous public health challenge. A number of studies have demonstrated that increased physical activity is linked to better school performance. We realize that good health and nutrition habits start at home, but because of the amount of time in a school environment, it is imperative those messages be reinforced.

We do agree that SB 528 does support some of the AHA goals in establishing healthy behavior in students through this education program. It is important to create environments that support healthy eating and increased physical activity in schools and communities, and at home, and we believe this bill would be a step in the right direction.

We urge the committee to recommend SB 528 favorably for passage.

Sincerely,

Linda J. De Coursey (handwritten signature)

Linda J. De Coursey
Senior Advocacy Director - Kansas

Heart Disease and Stroke. You're the Cure.

5375 SW 7th St. ~ Topeka, KS 66606 785-228-3437 785-272-3435 linda.decoursey@heart.org

Senate Education Committee
2-20-08 Attachment 6 (handwritten notes)

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Education recommends SB 492 be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 43 and inserting new material to read as follows:

"Section 1. K.S.A. 2007 Supp. 72-1397 is hereby amended to read as follows: 72-1397. (a) The state board of education shall not knowingly issue a license to or renew the license of any person who has been convicted of ~~any offense or attempt to commit any offense specified in subsection (c) of K.S.A. 21-4619 and amendments thereto~~;

(1) Rape, as defined in K.S.A. 21-3502, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, and amendments thereto;

(4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, and amendments thereto;

(9) aggravated incest, as defined in K.S.A. 21-3603, and amendments thereto;

(10) endangering a child, as defined in K.S.A. 21-3608, and amendments thereto;

(11) abuse of a child, as defined in K.S.A. 21-3609, and

Senate Education Committee
2-20-08
Attachment 7

amendments thereto;

(12) capital murder, as defined in K.S.A. 21-3439, and amendments thereto;

(13) murder in the first degree, as defined in K.S.A. 21-3401, and amendments thereto;

(14) murder in the second degree, as defined in K.S.A. 21-3402, and amendments thereto;

(15) voluntary manslaughter, as defined in K.S.A. 21-3403, and amendments thereto;

(16) involuntary manslaughter, as defined in K.S.A. 21-3404, and amendments thereto;

(17) involuntary manslaughter while driving under the influence of alcohol or drugs, as defined in K.S.A. 21-3442, and amendments thereto;

(18) sexual battery, as defined in K.S.A. 21-3517, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(19) aggravated sexual battery, as defined in K.S.A. 21-3518, and amendments thereto;

(20) attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;

(21) conspiracy under K.S.A. 21-3302, and amendments thereto, to commit any act specified in this subsection;

(22) an act in another state or by the federal government that is comparable to any act described in this subsection; or

(23) an offense in effect at any time prior to the effective date of this act that is comparable to an offense as provided in this subsection.

(b) Except as provided in subsection (c), the state board of education shall not knowingly issue a license to or renew the license of any person who has been convicted of, or has entered into a criminal diversion agreement after having been charged with:

~~(1) Has been convicted of a felony under the uniform controlled-substances act; (2) has been convicted of a felony~~

described--in--any--section--of--article--34--of--chapter--21--of--the
 Kansas--Statutes--Annotated--or--an--act--described--in--K.S.A.--21-3412
 or--K.S.A.--21-3412a,--and--amendments--thereto,--if--the--victim--is--a
 minor--or--student,--(3)--has--been--convicted--of--a--felony--described--in
 any--section--of--article--35--of--chapter--21--of--the--Kansas--Statutes
 Annotated,--other--than--an--act--specified--in--subsection--(c)--of
 K.S.A.--21-4619--and--amendments--thereto,--or--has--been--convicted--of
 an--act--described--in--K.S.A.--21-3517--and--amendments--thereto,--if--the
 victim--is--a--minor--or--student,--(4)--has--been--convicted--of--any--act
 described--in--any--section--of--article--36--of--chapter--21--of--the
 Kansas--Statutes--Annotated,--other--than--an--act--specified--in
 subsection--(c)--of--K.S.A.--21-4619--and--amendments--thereto,--(5)--has
 been--convicted--of--a--felony--described--in--article--37--of--chapter--21
 of--the--Kansas--Statutes--Annotated,--(6)--has--been--convicted--of--an
 attempt--under--K.S.A.--21-3301,--and--amendments--thereto,--to--commit
 any--act--specified--in--this--subsection,--(7)--has--been--convicted--of
 any--act--which--is--described--in--K.S.A.--21-4301,--21-4301a--or
 21-4301c,--and--amendments--thereto,--(8)--has--been--convicted--in
 another--state--or--by--the--federal--government--of--an--act--similar--to
 any--act--described--in--this--subsection,--or--(9)--has--entered--into--a
 criminal--diversion--agreement--after--having--been--charged--with--any
 offense--described--in--this--subsection.

(1) A felony under the uniform controlled substances act;

(2) a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a), or a battery, as described in K.S.A. 21-3412, and amendments thereto, or domestic battery, as described in K.S.A. 21-3412a, and amendments thereto, if the victim is a minor or student;

(3) a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a), or sexual battery, as described in K.S.A. 21-3517, and amendments thereto, if the victim is a minor or student;

(4) any act described in any section of article 36 of

chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a);

(5) a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated;

(6) promoting obscenity, as described in K.S.A. 21-4301, and amendments thereto, promoting obscenity to minors, as described in K.S.A. 21-4301a, and amendments thereto, or promoting to minors obscenity harmful to minors, as described in K.S.A. 21-4301c, and amendments thereto;

(7) driving under the influence of alcohol or drugs in violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, when the violation is punishable as a felony;

(8) attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;

(9) conspiracy under K.S.A. 21-3302, and amendments thereto, to commit any act specified in this subsection; or

(10) an act in another state or by the federal government that is comparable to any act described in this subsection.

(c) The state board of education may issue a license to or renew the license of a person who has been convicted of committing an offense or act described in subsection (b) or who has entered into a criminal diversion agreement after having been charged with an offense or act described in subsection (b) if the state board determines, following a hearing, that the person has been rehabilitated for a period of at least five years from the date of conviction of the offense or commission of the act or, in the case of a person who has entered into a criminal diversion agreement, that the person has satisfied the terms and conditions of the agreement. The state board of education may consider factors including, but not limited to, the following in determining whether to grant a certificate:

(1) The nature and seriousness of the offense or act;

(2) the conduct of the person subsequent to commission of the offense or act;

(3) the time elapsed since the commission of the offense or

act;

(4) the age of the person at the time of the offense or act;

(5) whether the offense or act was an isolated or recurring incident; and

(6) discharge from probation, pardon or expungement.

(d) Before any license is denied by the state board of education for any of the offenses or acts specified in subsections (a) and (b), the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(e) The county or district attorney shall file a report with the state board of education indicating the name, address and social security number of any person who has been determined to have committed any offense or act specified in subsection (a) or (b) or to have entered into a criminal diversion agreement after having been charged with any offense or act specified in subsection (b). Such report shall be filed within 30 days of the date of the determination that the person has committed any such act or entered into any such diversion agreement.

(f) The state board of education shall not be liable for civil damages to any person refused issuance or renewal of a license by reason of the state board's compliance, in good faith, with the provisions of this section.";

And the bill be passed as amended.

Chairperson