

SENATE BILL No. 134

By Committee on Education

1-30

1 AN ACT concerning education; relating to employment files of teachers
2 employed by a school district; authorizing school districts to request
3 and receive an applicant teacher's employment files from another
4 school district if such teacher was previously employed by such other
5 school district; establishing which school district is responsible for and
6 the custodian of teacher employment files under the Kansas open
7 records act; amending K.S.A. 2024 Supp. 45-220 and repealing the
8 existing section.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 New Section 1. (a) (1) A hiring school district shall require each
12 teacher who applies for a teaching position in such school district and is or
13 has been employed as a teacher by another school district to execute a
14 written waiver that:

15 (A) Explicitly authorizes each school district to disclose the applicant
16 teacher's files to the hiring school district if such school district has:

- 17 (i) Employed the applicant teacher as a teacher;
- 18 (ii) received an application from the applicant for a position as a
19 teacher; or
- 20 (iii) conducted an employment background investigation on the
21 applicant teacher; and

22 (B) releases the hiring school district from any liability related to the
23 use and disclosure of the applicant teacher's files in accordance with
24 subparagraph (A).

25 (2) An applicant teacher who refuses to execute the written waiver
26 shall not be considered for employment by the hiring school district.

27 (3) When submitting a request for an applicant teacher's files to
28 another school district, the hiring school district shall include the signed,
29 written waiver with each such request.

30 (b) Except as provided in subsection (c), a school district that receives
31 a request for an applicant teacher's files that includes the written waiver
32 required in subsection (a) shall disclose such applicant teacher's files to the
33 hiring school district not more than 21 days after receipt of such request.
34 Such school district may disclose the applicant teacher's files by either:

- 35 (1) Providing paper or electronic copies to the hiring school district;
- 36 or

1 (2) allowing the hiring school district representatives to review the
2 files at the school district's office.

3 (c) (1) A school district shall not disclose an applicant teacher's files
4 pursuant to subsection (b) if such school district is prohibited from
5 providing the applicant teacher's files pursuant to a binding nondisclosure
6 agreement to which such school district is a party, and such agreement was
7 executed before July 1, 2025.

8 (2) A school district shall disclose the applicant teacher's files
9 pursuant to subsection (b) if such files are subject to a binding
10 nondisclosure agreement to which such school district is a party, and such
11 agreement was executed on or after July 1, 2025, except that the disclosure
12 shall be limited to the files necessary to determine the qualifications and
13 fitness of the applicant teacher in the performance of such applicant
14 teacher's duties as a teacher.

15 (3) A school district may redact personally identifiable information of
16 individuals other than the applicant teacher in the files disclosed to the
17 hiring school district.

18 (d) A school district shall be immune from civil suits relating to
19 disclosure or lack thereof if the school district acted in good faith in
20 complying with this section or participated in an official oral interview
21 with a hiring school district representative regarding the applicant teacher.

22 (e) (1) Except as provided in this subsection or as necessary for a
23 school district's internal hiring process, files obtained pursuant to this
24 section shall not be disclosed by a hiring school district.

25 (2) Files obtained pursuant to this section shall constitute, for the
26 purposes of the Kansas open records act, K.S.A. 45-215 et seq., and
27 amendments thereto, a record of the school district that made, maintained
28 or kept such files. Such files shall not be subject to request for inspection
29 and copying under the Kansas open records act directed toward the hiring
30 school district obtaining the files. The official custodian of such files, for
31 the purposes of the Kansas open records act, shall be the official custodian
32 of the records of such school district.

33 (3) Except in a civil action involving negligent hiring, the files shall
34 not be subject to discovery, subpoena or other process directed toward the
35 hiring school district that obtained such files.

36 (f) As used in this section:

37 (1) (A) "Files" means:

38 (i) All performance reviews or other files related to job performance,
39 commendations, administrative files, grievances, previous personnel
40 applications, personnel-related claims, disciplinary actions, internal
41 investigation files, suspensions, investigation-related leave, documents
42 concerning termination or other departure from employment and all
43 complaints; and

1 (ii) regardless of whether the applicant teacher was ultimately hired,
2 the employment application, background investigations, evaluations or
3 reports connected to the application process.

4 (B) "Files" does not include documents or data that are not related to
5 job performance, including, but not limited to, medical files, psychological
6 examination reports not directly related to the applicant's suitability for
7 employment or certification as a teacher, schedules, pay and benefit
8 information or similar administrative data or information.

9 (2) "Hiring school district" means a school district processing an
10 application for employment as a teacher in such school district, regardless
11 of whether the applicant is ultimately hired.

12 (3) "School district" means a school district organized and operating
13 under the laws of this state.

14 Sec. 2. K.S.A. 2024 Supp. 45-220 is hereby amended to read as
15 follows: 45-220. (a) Each public agency shall adopt procedures to be
16 followed in requesting access to and obtaining copies of public records,
17 which procedures shall provide full access to public records, protect public
18 records from damage and disorganization, prevent excessive disruption of
19 the agency's essential functions, provide assistance and information upon
20 request and ensure efficient and timely action in response to applications
21 for inspection of public records.

22 (b) A public agency may require a written request for inspection of
23 public records but shall not otherwise require a request to be made in any
24 particular form. Except as otherwise provided by subsection (c), a public
25 agency shall not require that a request contain more information than the
26 requester's name and address and the information necessary to ascertain
27 the records to which the requester desires access and the requester's right
28 of access to the records. A public agency may require proof of identity of
29 any person requesting access to a public record. No request shall be
30 returned, delayed or denied because of any technicality unless it is
31 impossible to determine the records to which the requester desires access.

32 (c) If access to public records of an agency or the purpose for which
33 the records may be used is limited pursuant to K.S.A. 45-221 or 45-230,
34 and amendments thereto, the agency may require a person requesting the
35 records or information therein to provide written certification that:

36 (1) The requester has a right of access to the records and the basis of
37 that right; or

38 (2) the requester does not intend to, and will not:

39 (A) Use any list of names or addresses contained in or derived from
40 the records or information for the purpose of selling or offering for sale
41 any property or service to any person listed or to any person who resides at
42 any address listed; or

43 (B) sell, give or otherwise make available to any person any list of

1 names or addresses contained in or derived from the records or
2 information for the purpose of allowing that person to sell or offer for sale
3 any property or service to any person listed or to any person who resides at
4 any address listed.

5 (d) A public agency shall establish, for business days when it does not
6 maintain regular office hours, reasonable hours when persons may inspect
7 and obtain copies of the agency's records. The public agency may require
8 that any person desiring to inspect or obtain copies of the agency's records
9 during such hours so notify the agency, but such notice shall not be
10 required to be in writing and shall not be required to be given more than 24
11 hours prior to the hours established for inspection and obtaining copies.

12 (e) Each official custodian of public records shall designate such
13 persons as necessary to carry out the duties of custodian under this act and
14 shall ensure that a custodian is available during regular business hours of
15 the public agency to carry out such duties.

16 (f) Each public agency shall provide, upon request of any person, the
17 following information:

18 (1) The principal office of the agency, its regular office hours and any
19 additional hours established by the agency pursuant to subsection (c).

20 (2) The title and address of the official custodian of the agency's
21 records and of any other custodian who is ordinarily available to act on
22 requests made at the location where the information is displayed.

23 (3) The fees, if any, charged for access to or copies of the agency's
24 records.

25 (4) The procedures to be followed in requesting access to and
26 obtaining copies of the agency's records, including procedures for giving
27 notice of a desire to inspect or obtain copies of records during hours
28 established by the agency pursuant to subsection (c).

29 (g) (1) Except for requests of summary data compiled from
30 information submitted by multiple criminal justice agencies or as
31 otherwise provided by law, requests for records submitted to the central
32 repository or any other repositories supporting the criminal justice
33 information system that are maintained by the Kansas bureau of
34 investigation pursuant to K.S.A. 22-4704 and 22-4705, and amendments
35 thereto, shall be directed to the criminal justice agency from which the
36 records originated.

37 (2) As used in this subsection, the terms "central repository,"
38 "criminal justice agency" and "criminal justice information system" have
39 the same meanings as defined in K.S.A. 22-4701, and amendments thereto.

40 (h) Except for requests of summary data compiled from information
41 submitted by multiple law enforcement agencies or as otherwise provided
42 by law, requests for records submitted to the Kansas asset seizure and
43 forfeiture repository that are maintained by the Kansas bureau of

1 investigation pursuant to K.S.A. 2024 Supp. 60-4127, and amendments
2 thereto, shall be directed to the law enforcement agency from which the
3 records originated.

4 (i) Requests for records defined as "files" pursuant to K.S.A. 75-
5 4379, and amendments thereto, submitted to a state or local law
6 enforcement agency or governmental agency shall be directed to the state
7 or local law enforcement agency or governmental agency that made,
8 maintained or kept such files, as required by K.S.A. 75-4379, and
9 amendments thereto.

10 (j) Requests for records that contain captured license plate data or that
11 pertain to the location of an automated license plate recognition system
12 submitted to a state or local law enforcement agency or governmental
13 agency shall be directed to the state or local law enforcement agency or
14 governmental agency that owns, leases or contracts for the automated
15 license plate recognition system.

16 (k) *Requests for records defined as "files" pursuant to section 1, and*
17 *amendments thereto, submitted to a school district shall be directed to the*
18 *school district that made, maintained or kept such files, as required by*
19 *section 1, and amendments thereto.*

20 Sec. 3. K.S.A. 2024 Supp. 45-220 is hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.